PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 3 May 2016

(Extract from book 7)

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HANSARD150

1866–2016

Following a select committee investigation, Victorian Hansard was conceived when the following amended motion was passed by the Legislative Assembly on 23 June 1865:

> That in the opinion of this house, provision should be made to secure a more accurate report of the debates in Parliament, in the form of *Hansard.*

The sessional volume for the first sitting period of the Fifth Parliament, from 12 February to 10 April 1866, contains the following preface dated 11 April:

> As a preface to the first volume of "Parliamentary Debates" (new series), it is not inappropriate to state that prior to the Fifth Parliament of Victoria the newspapers of the day virtually supplied the only records of the debates of the Legislature.
>
> With the commencement of the Fifth Parliament, however, an independent report was furnished by a special staff of reporters, and issued in weekly parts.
>
> This volume contains the complete reports of the proceedings of both Houses during the past session.

In 2016 the Hansard Unit of the Department of Parliamentary Services continues the work begun 150 years ago of providing an accurate and complete report of the proceedings of both houses of the Victorian Parliament.

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The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

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Premier	The Hon. D. M. Andrews, MP
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Minister for Public Transport and Minister for Employment	The Hon. J. Allan, MP
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Minister for Industry, and Minister for Energy and Resources	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
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Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Environment, Climate Change and Water	The Hon. L. M. Neville, MP
Minister for Police and Minister for Corrections	The Hon. W. M. Noonan, MP
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Minister for Planning	The Hon. R. W. Wynne, MP
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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 — #Ms Dunn, Mr Eideh, Mr Elasmar, Mr Finn, Ms Hartland, Mr Leane, Mr Morris and Mr Ondarchie.

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

Standing Committee on Legal and Social Issues — Ms Fitzherbert, #Ms Hartland, 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*): Ms Bath and Mr Dalla-Riva. (*Assembly*): Ms Blandthorn, Mr J. Bull, Mr Dimopoulos, 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

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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Leader of the Opposition:
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Deputy Leader of the Opposition:
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Mr G. BARBER

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Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
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Bourman, Mr Jeffrey	Eastern Victoria	SFP	O'Brien, Mr Daniel David [1]	Eastern Victoria	Nats
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Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

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

PARTY ABBREVIATIONS

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

CONTENTS

TUESDAY, 3 MAY 2016

Tuesday, 3 May 2016

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

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT — Order! On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the first peoples of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in 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.

ROYAL ASSENT

Message read advising royal assent to:

15 April

Local Government (Greater Geelong City Council) Act 2016

19 April

Building Legislation Amendment (Consumer Protection) Act 2016
Judicial Commission of Victoria Act 2016
Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Act 2016
Transport Accident Amendment Act 2016
Victoria Police Amendment (Merit-based Transfer) Act 2016

26 April

Access to Medicinal Cannabis Act 2016
Sex Offenders Registration Amendment Act 2016

3 May

Health Complaints Act 2016.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I take this opportunity to welcome to the Parliament visitors from Japan who are in the gallery this afternoon. They are part of a political exchange. We welcome the delegation led by Mr Keisuke Suzuki. Other members of the delegation include Eiichiro Washio, Kazumi Ota, Takayuki Kobayashi, Daisaku Hiraki and Aya Morozumi. We welcome the political exchange. I have just had a delightful conversation with them, including some tough questions on a number of issues, which members might expect. But it was a full and frank discussion, and we certainly have been delighted to host them. We hope that they benefit a great deal from their visit to Victoria, which underpins the very strong friendship between Victoria and Japan.

QUESTIONS WITHOUT NOTICE

Employment

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Leader of the Government, representing the Treasurer. Noting that in the most recent quarter of the Back to Work statistics two businesses are listed as receiving more than 100 payments, I ask: how many payments, under which category and of what value, were made to each of those companies?

Mr JENNINGS (Special Minister of State) — I would love to answer the question of the Leader of the Opposition in all its detail, but all of its detail is not available to me at this point in time. I will rely on the detail being provided by the Treasurer.

One thing I can say in answer to this question is that I know there has been a lot of commentary that the opposition has sometimes entered into about the job growth that has occurred in Victoria during the first 18 months of the Andrews government and there has been ongoing commentary that in fact full-time jobs have not been created in the state of Victoria over that period of time. I can actually say that on the basis of the information that has been provided to me, based on the ABS statistics, there have been 71 000 full-time jobs created out of the 112 000 jobs created in Victoria during the course of this government. Certainly I can say that the unemployment rate has actually been reduced to 5.7 per cent — reduced by 0.1 per cent from what we inherited when we came to government. Indeed during the course of the last government unemployment rose to 6.9 per cent of the workforce.

So significant achievements have been undertaken during the course of the life of this government, consistent with its commitment to creating job opportunities. The Back to Work scheme is one of the key elements of our proposal to drive significant job growth, and that has been achieved. More than 4000 Victorians have been assisted into work through the Back to Work scheme on the basis of the most recent reports that have come to the Treasurer. So whilst the opposition may scoff at those 4000 direct beneficiaries of the scheme, I think it would be best to bear in mind the important job growth that has occurred

across the economy during the life of this government and the important infrastructure program — —

Mr Finn — Significantly less than the last one.

The PRESIDENT — Order!

Mr JENNINGS — I wish I actually understood what Mr Finn's interjection was, because it seemed to invite me to comment that our performance is better than that of the government he was part of. I certainly think that is what Mr Finn's interjection seemed to indicate. In fact the job growth under the government he was part of topped out at about 5500. That is certainly not the trajectory that jobs have been on in the state of Victoria.

In relation to the specifics, as I mentioned in my very first comment in responding to this question, I will have to take some further advice from the Treasurer about the specific details of the funding allocation within the program and not only which employers are the beneficiaries but most importantly which new members of the Victorian workforce have been assisted through the Back to Work scheme.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — I thank the Leader of the Government for taking that question on notice. I ask the Leader of the Government if I can also get, through him, from the Treasurer an explanation, from the documentation provided by the two businesses, as to whether the number of apprentices hired by these two companies in the first quarter of 2016 is comparable to the number hired in the same period in 2015.

The PRESIDENT — Order! I have looked at the questions. As the substantive question does refer to the first quarter, the most recent quarter, I will allow the supplementary question.

Mr JENNINGS (Special Minister of State) — President, I can only speculate as to why you may have baulked at whether you would refer this question to me. You may have been mindful of what the reporting obligations are under the applications of the employers to seek the support of the government to provide this assistance in terms of payroll relief. There is not necessarily a requirement for them to report the previous history of their employment growth to the government. There are certain reporting obligations in relation to whether they have used or abused work schemes in relation to procuring payments. In fact they have a limited ability to derive additional employment growth within Victoria. But I do not know whether statistically this information would be gathered as a matter of course. The Treasurer may or may not be able to furnish the house immediately with that. It may well be a matter for those employers to willingly participate and provide that information.

Questions interrupted.

ABSENCE OF MINISTER

Ms Wooldridge — On a point of order, President, there is a minister missing, and we have not had an explanation or any advice as to who, if he is absent, will be taking his questions. Could we just have an explanation from the government?

The PRESIDENT — Order! Thank you. It was probably remiss of me not to call on the Leader of the Government. In the circumstances I can report that Mr Herbert is ill today, and I have been advised that Mr Dalidakis will take any questions for Mr Herbert.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Production of documents

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Leader of the Government. I refer to the Attorney-General's letter of 29 April regarding the production of documents relating to the City of Port Philip draft planning scheme amendment C107. The government is claiming executive privilege over a document — a diary extract — that it states is a private document and not of a public or official character. On what basis does the government claim executive privilege on what it says is a private document?

Mr JENNINGS (Special Minister of State) — The response that the Attorney-General has provided to the Parliament is on the basis of considered legal advice that the Attorney-General has obtained and that has been furnished within the government to deal with the circumstances by which, in this case, a minister's diary may or may not be able to be scrutinised by the Parliament; on the basis of that advice the Attorney-General has written.

I can understand that other members of this chamber may want to join in with the chorus about this issue. I know that the federal Attorney-General was so well disposed to protect these circumstances that this matter ended up being subject to court proceedings in the federal jurisdiction. It certainly is a matter of principle, and on the basis of the advice that the federal

Attorney-General had relied upon that was his view. In this place the Victorian Attorney-General has been provided with similar advice and sought a similar exemption from the release of that document.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer. Given the government is now widely asserting claims of executive privilege on documents that are sought from it, I ask: what criteria is the government applying when it is making claims of executive privilege?

Mr JENNINGS (Special Minister of State) — There are matters on which I believe the Attorney-General could provide information to the chamber if they are not contained within the letter, but what the Attorney-General relies upon is the advice, similar to the advice that the federal Attorney-General relied upon. Whilst they may be subject to the scrutiny of the chamber in relation to the court system, there is remarkable consistency between the advice that has been obtained by attorneys-general in both jurisdictions.

Infrastructure Victoria

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is again to the Leader of the Government. I refer to evidence given by Infrastructure Victoria CEO Michel Masson, who told the Standing Committee on Economy and Infrastructure that, quote:

> … when we consider infrastructure … we do not focus primarily on building new things.

I ask: is an agenda where new built infrastructure is not the primary focus consistent with the government's expectations of Infrastructure Victoria?

Mr JENNINGS (Special Minister of State) — I am not certain whether what the member has implied in the response of the CEO of Infrastructure Victoria is in fact what was meant at the time when he provided his answer. My understanding, in interpretation of the comment, was that in fact Infrastructure Victoria is not excluded from thinking of things beyond building new infrastructure, new facilities, new transport links, new hospital services, new schools, new civic precincts — it is not limited by those physical issues. It also thinks through the issues of what appropriate technology or what terms of capability may be required to support that, in terms of IT capability, research capability, analytical capability and what might be capability building in terms of engineering expertise within the state; there are a variety — —

Honourable members interjecting.

Mr JENNINGS — If opposition members do not understand this issue, that is their problem. What the CEO of Infrastructure Victoria has actually said is, 'We are interested in creating infrastructure in Victoria and what the needs may be in that physical infrastructure. We are interested in building capability and being able to address the community's needs over time'. And that quite often is human capability — it is research capability, it is analytical capability, it is actually project design capability. Those things in themselves may not be the scope of a road or a bridge or a train system, but they are required to be built as a community in terms of community capability.

They are the vast array of issues, and clearly it is beyond the intellectual capability of certain members of the opposition to understand that you need to build the capability.

Honourable members interjecting.

Mr JENNINGS — If you are determined through your interjections to make it clear that you do not understand the importance of building capability in our human resources and the asset base of the state, then you are sorely deficient and clearly it is a measure of why you are sitting over there.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer, and the minister's answer has some merit. However, it ignores the fact that the chief executive's quote specifically was:

> … when we consider infrastructure … we do not focus primarily on building new things.

So it was very clear that the focus of the chief executive of Infrastructure Victoria is not on principally building new physical infrastructure. All of those issues that the minister spoke about are relevant, but we would expect that in considering infrastructure, new physical infrastructure is absolutely central.

Given Infrastructure Victoria is required to publish its 30-year plan later this year, I ask: how can any plan that does not have new built infrastructure as its focus realistically meet the needs of a state that is growing by 100 000 people a year?

Mr JENNINGS (Special Minister of State) — I think again what we perhaps do not appreciate in the spirit of the calm, considered way in which Mr Rich-Phillips has asked me this question is that was not the fashion of the questioning that the CEO was subjected to in the committee. In fact he was actually quite bullied and intimidated by a barrage of questioning that refused to accept his contribution, refused to accept the goodwill that he was demonstrating by his attendance and in fact was trying to barrage him into giving answers that would subsequently be abused in the way that this question is being abused today. I am used to — —

Mr Finn — No, you're useless.

Mr JENNINGS — Mr Finn, I understand you played a very prominent role in this committee hearing. In fact you may have sought to actually confuse the CEO on these matters. You may have chosen to, but you are not going to sidetrack me.

Melbourne Metro rail project

Mr DAVIS (Southern Metropolitan) — My question is for the Special Minister of State as the minister responsible for Infrastructure Victoria. I refer to the government's budget announcement about the metro project and the independent work that has been undertaken by the City of Stonnington. I congratulate the City of Stonnington on its professional work, which shows a South Yarra railway station that is connected to the Cranbourne and Pakenham rail lines and to the metro, and therefore ask: will the government reconsider its plans and connect the South Yarra station to the metro at a cost of $670 million, as calculated by Stonnington?

Mr JENNINGS (Special Minister of State) — I know that Mr Davis is pinning his political hopes on not only my answer in the first instance, which he probably will be disappointed by, but beyond that his generation of some degree of either false hope or hysteria in relation to elements of the government's major commitment to level crossing removals, to the replacement of the Cranbourne-Pakenham line and to the development of the metro rail system.

Clearly the government relies on its own project management capability and its own financial analytical capability. It understands that if you are committed to rolling out a project, you design it, you actually measure its effectiveness, you measure its business case, you actually work out the engineering capability and you stick to it. In fact that was not a feature of the government that Mr Davis was part of in relation to the Melbourne Metro system where it was made up on the spot — the route was realigned in the lead-up to the budget — and at no point in time — —

Mr Davis — On a point of order, President, the minister is straying into discussion rather than answering what was a very simple question.

The PRESIDENT — Order! The minister has a time allocation which he has far from exhausted, and he is permitted to provide context. The minister, to continue.

Mr JENNINGS — Thank you, President, because in fact I think probably an astute listener would actually understand that the government embarked upon a project — it designed the project; it calculated its cost, its financial implications and its engineering requirements — and is actually sticking to a plan, and that is in stark contrast to what the last government did, because the last government had a project that it changed on a whim. It did not cost it properly, it changed it on a whim, it drew a different line on the map in the two to three days in the lead-up to a budget and it would never have had the analytical and financial capability of delivering on that project. This is the reason this government will not be changing, on the course of a whim and a fancy or somebody else's financial projection, the way in which this project should be undertaken.

In fact the people who enter into this debate are activists, and activists can participate in the debate. They are activists that Mr Davis may be seeking to mobilise in and out of his party here, in and out of his party in the federal jurisdiction. The federal government recognises that any financial support to the Victorian government coming into this project because of the way in which it relates to the asset recycling program should not be encumbered by any restraints, by design or by effect of the implementation of the project. Funnily enough, the federal government at this point in time is showing a degree of financial responsibility and maturity in terms of not making any demands. It is not anticipated that it will make demands, and it is anticipated that the Victorian government will get on and deliver this project as it has been designed.

Supplementary question

Mr DAVIS (Southern Metropolitan) — What a pathetic rant. By way of supplementary, I ask a very simple question: will the minister, as the minister responsible for Infrastructure Victoria, meet with the City of Stonnington experts to hear their case directly?

Mr JENNINGS (Special Minister of State) — My ministerial colleague Minister Jacinta Allan has primary responsibility for this project, and in fact she should be given the opportunity to fully project manage and take responsibility for the implementation of this important government initiative. If other members of the government seek to engage in these conversations, either through representation or in terms of their electoral requirements, then good and well — there is nothing to prevent them from doing that. In terms of the ministerial responsibility, though, for this project it is Minister Allan.

Ararat freight and logistics feasibility study

Mr DRUM (Northern Victoria) — My question is to the Minister for Regional Development. The Ararat freight and logistics feasibility study was announced as an opposition election policy by Labor back in 2014, and $96 000 was allocated in last year's budget for this study. In the following 12 months nothing has happened. When is the minister going to announce the start of this important and urgent study?

Ms PULFORD (Minister for Regional Development) — I thank Mr Drum for his question and for his interest in this matter. In Ararat and indeed in surrounding communities the government is working hard to support the creation of new jobs and the development of new industries, and it is doing this in a number of ways. Prior to the election we did commit to a study into the potential growth of logistics in the Ararat region, and this of course would be a fine complement to similar work, similar projects, in other communities along the same important freight corridor. So the government is working closely with the Rural City of Ararat on this and a number of other projects, including the art gallery and a number of other initiatives.

The Regional Jobs and Infrastructure Fund, as members know, is a $500 million fund that is supporting regional communities, small towns, small communities and large cities to grow jobs and to make their economies stronger. We look forward to continuing to support Ararat in its aspiration to have greater work in freight and logistics as we indeed work with that community to support growth in a number of other industries, including in particular meat processing and some of the benefits that flow from growing tourism in communities not so far from the Grampians National Park.

Mr Drum — On a point of order, President, could I have a moment of clarification? The minister spoke around the project, but the question was very simple: when is the minister going to announce the start of this study? The minister simply spoke around everything, but did not answer that part of the question.

The PRESIDENT — Order! I invite Mr Drum to ask a supplementary question at this stage.

Supplementary question

Mr DRUM (Northern Victoria) — Is it true that the then Leader of the Opposition, now the Premier, Daniel Andrews, announced in relation to this study that it was about time that Ararat had such an important project to expand the city's transport capability and that, if it did that, it had the potential to deliver more jobs for Ararat families? Our concern is that the minister has been holding back on the start of this study because she cannot find the time to attend a media event to launch the study.

The PRESIDENT — Order! There is no question.

Mr DRUM — Is it true that the only reason the minister has not been there to get this study started is that she cannot find time in her diary to be there for an official launch?

The PRESIDENT — Order! The minister is prepared to answer.

Ms PULFORD (Minister for Regional Development) — I am willing to share with you the frequency with which I have been to Ararat in the last little while, if you would like. I was there on Saturday, and I was there a couple of weeks ago with the Premier for the big pool opening. I could probably talk for a while about the frequency with which I visit Ararat, if you would like, President, but perhaps you do not need that.

Child protection

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. Yesterday on 3AW the secretary of the police association, Ron Iddles, said, and I quote:

> Not being disrespectful for DHHS, but people in residential houses are running amok. They have actually lost control and this —

the bail changes —

> only makes it worse because there is no penalty now for those who breach their bail conditions.

To the best of the minister's advice, is Mr Iddles correct and has the Andrews government lost control of children in residential care?

Ms MIKAKOS (Minister for Families and Children) — Firstly, there are a range of issues in the member's question, but I want to come to the issue of the bail changes firstly. As the member would know, listening to the Attorney-General, who has the responsibility for the Bail Act 1977, there is nothing in the amendments that have been passed that prevents a court from remanding a child in custody when that is the appropriate result. The act has not changed the police's ability to arrest or apprehend or take a young person into custody. If a child does breach a condition of bail, police still have the power to arrest them and to bring them before a magistrate to have their bail reconsidered, and bail can be cancelled. In addition, the offence of committing an indictable offence on bail, which was introduced in 2013, will continue to apply to children. So there have been a whole lot of misconceptions that have been put about, fuelled by the opposition, in relation to these particular bail changes.

The other point I want to make in relation to this is that following the previous government's bail changes there was a disproportionate rise in the number of young people remanded in custody compared to those who were sentenced to custody. This means kids committing lower order crimes were being locked up on remand for crimes they were not subsequently sentenced to incarceration for. There was also a significant spike in the number of young people remanded for only one night. Our government received representations from the former and the current president of the Children's Court and consulted widely with other stakeholders, including Victoria Police, on the changes to the Bail Act. Under the previous government's laws young people who had committed minor offences were being locked up with the worst of the worst. Our government is all about community safety. Community safety is not served by mixing young lower order offenders with hardened offenders.

Ms Crozier — On a point of order, President, I note the minister has been explaining her situation in relation to defending the Attorney-General's bail changes, but I really would ask her to come back to the point of my question.

The PRESIDENT — Order! This type of question is never going to get a yes or no answer. It is the sort of question that actually is provocative to the extent that it invites debate by a minister. The minister is within her rights with the answer she is providing. The minister, to continue.

Ms MIKAKOS — Thank you, President. The member did ask about the bail changes, and she does not want to hear the answer. Can I make the point that the previous government recognised the risks involved in putting lower order offenders together with hardened young offenders, and it introduced a trial for the youth diversion program. In fact Ms Crozier was quoted in the *Sunday Age* just a couple of weekends ago expressing her relief that the Daniel Andrews government had not cut it in the budget. So in fact the opposition is supportive of youth diversion where it sees it as being appropriate.

I want to make the point also that opposition members are high on rhetoric when talking about law and order, but the previous government cut 20 full-time youth justice workers out of the system. Ms Wooldridge, who is sitting next to Ms Crozier, was in fact the responsible minister who cut 20 full-time equivalent youth justice workers out of the system. So they are very high on talking about law and order, but when it comes to the reality they cut youth justice workers out of the system.

The other point that I make to Ms Crozier is that she may not be aware that the Australian Institute of Health and Welfare just recently put out a report, and it relates to young people receiving child protection services and under youth justice supervision in 2013–14 — the time those opposite were in government — and it does talk about the correlation of young people in care and youth justice. This is not a new phenomenon. It might be news to Ms Crozier, but we are working effectively with Victoria Police on these issues.

Honourable members — Time!

The PRESIDENT — Order! With members' indulgence, I will decide when it is time. Given the amount of interjection, I was quite happy to have the minister continue. I actually contemplated asking her if she wanted to start her answer from scratch.

Supplementary question

Ms CROZIER (Southern Metropolitan) — I note the minister has not agreed with Mr Iddles regarding children in residential care running amok. Cases of children caught having group sex, being offered drugs and money in return for sex by other children, gang recruitment and drug deals have again surfaced under her watch. If children in residential care are not running amok, since 1 January 2015, can the minister provide the house with the total number of children in residential care charged with crimes as reported to Victoria Police and the Department of Health and Human Services?

An honourable member — That is a straightforward question.

The PRESIDENT — Order! Yes, it is a straightforward question. The problem is it does not relate to the original question.

Ms CROZIER — It does.

The PRESIDENT — Order! No, it does not. Ms Crozier's original question was whether or not the minister had lost control. That was the question. This question goes to asking for statistics. Frankly, Ms Crozier's questions are — there is a word — the wrong way round! Her substantive question should have been the supplementary and her supplementary should have been her substantive question, if she wanted to pair these two questions.

Ms Wooldridge — On a point of order, President, perhaps I can help. I do believe it was confused because the minister responded to the first question purely about children in youth justice, which was not what the question was about. The substantial question was about comments from the police association saying that children in residential care were running amok and the penalties associated with crimes were not being enforced. The supplementary goes very clearly to the substantial question, because it goes to the numbers of children who are committing crimes in the context of that same residential care. So I think the minister's answer, which was not relevant to the question that was asked — it was relevant to the preamble but not to the question — has confused the matter, and the two issues are actually very directly linked.

Ms Mikakos — On the point of order, President, the first question referred to the bail changes that have occurred, and the supplementary question is now asking for issues that are in the purview of Victoria Police in relation to the number of young people who may have been charged with offences. The supplementary question does not relate to the first question, but it also is asking me for data that is data that relates to Victoria Police charging young people, and therefore that is perhaps an issue that the member should be directing to the police minister. But I do think that the supplementary question does not in fact relate to the primary question, which was principally about the bail changes.

The PRESIDENT — Order! In respect of the question that has been asked, the bail changes were mentioned in the question, but in the way it is worded here — I have been given the courtesy of looking at the question just now — the bail changes are actually in brackets, so in terms of intention they were not supposed to be the major part of the question. Nonetheless, the fact that it was there means the minister was entitled to home in on any part of that question that was asked that she felt she wished to deal with, and that was the area that she homed in on. To that extent she satisfied the substantive question.

Now, as I said, I do have some concern about the supplementary question in terms of whether or not it is apposite to the first question, because going for the statistics to me is somewhat different ground. Whilst it might seek to substantiate the point made in the substantive question, it actually goes to a more substantive area. I will invite the minister to answer, but I accept at the outset in terms of these statistics that the minister is not responsible for Victoria Police and certainly is not in a position necessarily to provide those and that she is not the correct minister to ask for the provision of those statistics from Victoria Police. Whether they are available to the Department of Health and Human Services is a different matter.

Ms MIKAKOS (Minister for Families and Children) — Clearly the member was not listening when I referred her to the Australian Institute of Health and Welfare report that relates to data from 2013–14, when the previous government was in office, that talks about young people in out-of-home care who are subject to youth justice supervision and talks about children and young people who have been abused or neglected being at greater risk of engaging in criminal activity and entering the youth justice system.

This has in fact been the case for a long time. It was in fact the case when Ms Wooldridge was the relevant minister. It might be news to Ms Crozier, but these children are at greater risk, and that is why my department works very closely with Victoria Police in relation to these issues. I met with senior members of Victoria Police last month, and I have also been advised by my department about the good relationships and cooperation across the state between our child protection workers and Victoria Police.

Ms Crozier — On a point of order, President, clearly the minister did not answer specifics in that answer, and I would ask you to consider a written answer from the minister.

Beyond the Bell

Mr PURCELL (Western Victoria) — My question is to the Minister for Regional Development. Western Victoria has the lowest year 12 attainment rate in the Victoria regions, and the issue is a growing concern to our community. Melbourne has a rate of over 77 per cent, while in my electorate it drops to as low as 51 per cent of year 12 attainment. An innovative

groundbreaking initiative called Beyond the Bell is an ambitious program to reverse this issue and lead to a cultural shift in the way communities and service providers work to support young people. At The Future of Deakin University Forum at Warrnambool in March the minister spoke with great positivity about the Beyond the Bell initiative and its potential, so I ask: will the government commit to funding this groundbreaking initiative?

Ms PULFORD (Minister for Regional Development) — I thank Mr Purcell for his question and indeed his commitment to improving education attainment rates in the south-west, which is something we have had a good many conversations about over a number of years. The people who run the program that Mr Purcell refers do not have an application for funding before us as such. But what I would say to Mr Purcell is — as I indicated at the very significant forum in Warrnambool — that we plan to go above and beyond a hand-to-mouth approach to these kinds of place-based solutions to overcoming disadvantage.

With the Regional Economic Development and Services Review, which we undertook in the first half of last year, and then the government's regional statement, which was released late last year, there were some really consistent themes that came through that work. There were some recommendations and some strong themes from all of those hundreds and hundreds of conversations with people across regional Victoria about what works well and what does not, some excellent pointers about industries we need to invest in and indeed some very clear messages about how very effective programs like Beyond the Bell can be. This is the kind of program that is and has been the catalyst to the transition that we are undertaking at the moment to regional partnerships and really reversing completely the way that government supports our regional communities. That work is well underway. I know that this cannot be all things to all people immediately. Goldfields is another example, and there are a number across regional Victoria that have been incredibly effective in achieving great results, including others in and around Geelong that we have spoken about in the house as well.

Insofar as Beyond the Bell goes, I think that one of the first tasks that regional partnerships will have will be to provide advice to government on the best use of the $34 million regional skills package that was articulated as part of the regional statement. I would be a little surprised if the south-west did not make some very strong recommendations about this program and about not only the benefits that it is providing to people who have engaged with it to date but what it might look like on a larger scale. I really look forward to those conversations with community leaders in the south-west. I think it is really innovative, it is a terrific thing, and I thank Mr Purcell for his support for it.

Supplementary question

Mr PURCELL (Western Victoria) — Considering the minister's answer and the status of the application, I ask the minister whether she would be willing to sit down with the Beyond the Bell group and me and go through the initiative that they wish to raise?

Ms PULFORD (Minister for Regional Development) — I thank Mr Purcell for his supplementary question. I would be delighted to do that. The next time that I am in south-west Victoria we will make that happen, and I will liaise with Mr Purcell's office to facilitate that.

Safe access zones

Dr CARLING-JENKINS (Western Metropolitan) — My question today is for the minister representing the Minister for Police, who today apparently is Mr Dalidakis, and concerns the operational implementation of the safe access zone legislation which came into effect yesterday. Yesterday an elderly man praying within the zone in East Melbourne was moved on after being reported to police. According to the *Age*, the police spoke to the man for half an hour, with Victoria Police confirming that officers explained this new legislation to the man, which led to him moving on. This explanation confuses me. This man was not handing out pro-life material or attempting to engage in conversation with individuals entering or leaving the facility, nor was he impeding the footpath in any way. Given the statements made in this house during the committee stages of this bill where quiet prayer was not viewed as committing an offence, why are police moving people engaged in quiet prayer on? Is this part of Victoria Police's operational guidelines on this legislation?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for her question. Obviously I will take the question on notice for a range of reasons, most specifically because it deals with operational matters for Victoria Police. Whilst I am sure we all agree that the fourth estate do a wonderful job, we want to make sure that what they reported was accurate, so we will take that question on notice.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) — I thank the minister for his answer. I do understand the difficulty in answering a question given that it is not even inside his normal portfolio, so I appreciate him taking this on notice. As he does so, could he ask the Minister for Police to provide a copy of Victoria Police's operational guidelines on this legislation, along with an assurance that they match the intent of the bill as conveyed previously within this house?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — Again I will take the supplementary on notice and pass it on to the acting minister in the other place. No doubt he in turn will speak to Victoria Police about the question. I do wish to note that I understand this is actually the very first day in Minister Herbert's parliamentary career that he has ever been absent due to illness. I wish him a speedy recovery and hope to see him back soon.

Fire services review

Ms HARTLAND (Western Metropolitan) — My question is for the Minister for Small Business, Innovation and Trade on behalf of the Minister for Emergency Services. Recently volunteer and career firefighters have approached me regarding the fire services review. It is their concern that the recommendations to address the toxic workplace culture in the Country Fire Authority (CFA) and Metropolitan Fire Brigade (MFB) are not being taken seriously by senior management and the government. My question to the government is: will it commit to reporting publicly on the implementation of the recommendations of the fire services review at the 12-month mark, which will be October this year, so that the community and firefighters can feel assured that the culture within MFB and CFA will change and will not pose a risk to the provision of this essential service or the wellbeing of volunteer and career firefighters?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for the question. I will refer that question to Minister Garrett for her response.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have answers to the following questions on notice: 4890–1, 4901, 4939–41, 4944–6, 4948, 4953, 4968, 4974, 5002, 5005, 5034, 5039–41, 5051, 5062–3, 5075–6, 5084, 5087–8, 5105, 5112–13, 5150–1, 5153, 5156, 5158, 5164–5, 5168–70, 5172–6, 5178, 5180–1, 5183, 5186–7, 5242–51, 5257–9, 5261–4, 5266, 5269, 5273–4, 5307, 5326.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! In respect of today's questions, in answer to Ms Wooldridge's substantive and supplementary questions to Mr Jennings in respect of funding provided in the budget for the Back to Work program, the minister indicated that he would be contacting the Treasurer for information to satisfy those questions. That is two days.

In respect of Mr Rich-Phillips's supplementary question to Mr Jennings on the criteria for exemption of documents, the minister in his answer to the supplementary question focused on the same matter raised in the substantive question where his explanation relied on the legal advice provided to Senator Brandis in the federal jurisdiction and similar advice provided to the Attorney-General here. I thought that that well satisfied the substantive question; however, my understanding of Mr Rich-Phillips's supplementary question was that he sought advice on broader criteria in terms of exemptions and not just the specific matter of the legal exclusion of the documents by way of that legal advice sought at both levels of government but whether or not there were other criteria that were applied in respect of exemptions. To that extent, I would seek a written response on the supplementary question, but only in terms of broader criteria. That is two days.

With respect to Mr Drum's question to Ms Pulford, the substantive question asked when the study would be launched. The minister might consider whether or not there is a timetable in place. It would have been helpful if she had answered that earlier. I will ask her to do that when I conclude. It puts me in an invidious position if I am making a ruling and then I have to entertain some other comment or consider if is it likely to be a date or a time frame. I will not make an order on that matter.

On Ms Crozier's supplementary question to Ms Mikakos in terms of young people in residential care who have been charged with crimes, I would invite a written response to that, but only to the extent that Department of Health and Human Services information is available. I do not expect the minister to answer on behalf of Victoria Police. That is not her jurisdiction in this place. That is one day.

Dr Carling-Jenkins's questions to Mr Dalidakis, both the substantive and the supplementary question, will be referred to the police minister by Mr Dalidakis for response. That is two days.

The substantive question posed by Ms Hartland to Mr Dalidakis will be referred to the Minister for Emergency Services, Ms Garrett, for a response. That is also two days.

Can I indicate that Mr Herbert was due to provide a written response today to Mr Finn. Mr Herbert, as we know, is ill today. I understand that an answer has been drafted but it has not been signed off by the minister. I am hopeful that the minister might be available tomorrow, and I am prepared to grant an extension in terms of the provision of that answer until tomorrow. If the minister is unlikely to be with us tomorrow, then I would ask that the Leader of the Government sign off on that answer tomorrow.

Ararat freight and logistics feasibility study

Ms PULFORD (Minister for Regional Development) — I take the opportunity to provide a little more in the way of dates and details on the Ararat freight and logistics hub feasibility study that Mr Drum inquired about, because I think Mr Drum, through his question, was asserting that the project was stalled because I had not been to Ararat since Saturday. Just for Mr Drum and anybody else who is interested in this information, the project control group on this project was established in April. There is currently a tender for consultants to undertake the feasibility study, and the consultants will be appointed in June. That is to provide some advice about the work that is underway and to provide some reassurance to Mr Drum and the Ararat community that this project is not in fact stalled at all.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is to the Minister for Agriculture, and it is regarding the need for further municipalities to be declared as being in drought. In November last year the government declared municipalities in the west of Victoria to be in drought, opening up opportunities for a range of assistance for farmers in these areas. Since that time conditions have deteriorated, and it is time the government reviewed the status of other municipalities.

It is hard to draw a line on a map to say where drought conditions begin and end, since environmental conditions obviously do not observe municipal or other intangible boundaries. Some communities, like the City of Greater Bendigo, which border areas that are already declared to be in drought, are calling for assistance to be extended to their farming communities. Other areas of the state are also suffering. Even the irrigation district is under severe pressure, with irrigators on the Broken River system facing a zero allocation and Goulburn irrigators facing allocations of less than 10 per cent when next year's season opens in July. Will the government review all municipalities within Northern Victoria Region with a view to extending drought declarations to allow more farming communities access to drought assistance?

South Eastern Metropolitan Region

Ms SPRINGLE (South Eastern Metropolitan) — My constituency question is for the Minister for Public Transport. Last week the government announced the creation of a new bus route for the residents of Keysborough South. The member for Keysborough tweeted last week to congratulate the government on its extensive community consultation, but the Keysborough South Action Group says the route that has been announced is not the route the local residents wanted. The announced route will leave more than 600 houses near the south-east corner of Hutton Road without access to a bus. My question is: what is the government's plan to service these 600 houses with public transport?

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is directed to the Minister for Public Transport, and the question that I ask is: will the minister work with the Buninyong and District Community Association to see that the bus stop that is currently located in front of the Pig and Goose restaurant in Buninyong is moved some 150 metres to the north of its current location? The current location of the bus stop severely impacts upon the availability of parking in Warrenheip Street, Buninyong, and also impacts on the sight lines of traffic approaching Buninyong from Ballarat. The most sensible solution to this simple issue is to move the bus stop, and I implore the minister to see that this is done.

Eastern Victoria Region

Mr MULINO (Eastern Victoria) — My constituency question is for the Minister for Education, and it relates to the Yarra Ranges tech school. I recently attended a planning day for the Yarra Ranges tech school, which was attended by a number of principals from the area — over 20 — by local government, by

local community stakeholders, including the local learning and employment network, and by representatives of the Box Hill Institute, including its CEO, Norman Gray. The Yarra Ranges tech school indicated that, based upon planning already done to that date, it will specialise in areas such as 3D printing, food and animal studies, medical robotics and sustainable renewables. I think it is clear that having access to those kinds of courses for high school students in the area would be of great benefit.

My question for the minister is: could the minister provide guidance as to the time line for how the plan that has been developed by these many stakeholders will be implemented, including the likely timing for the Yarra Ranges tech school in terms of accepting students?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question is for the Minister for Police. The state government budget released last week includes $48.2 million to upgrade Phillip Island's Penguin Parade. Earlier this month there was $250 000 set aside for CCTV to protect penguins at St Kilda. Bellarine MP Lisa Neville in the Legislative Assembly has welcomed both funding allocations but has made no indication of trying to bring CCTV to her electorate through the state government's announced $250 000 security grants now available to councils. We know the Drysdale Neighbourhood Watch has been begging for CCTV in Drysdale and also in Ocean Grove, with crime up 300 per cent in Ocean Grove and 250 per cent in Drysdale, so my question to the minister is: what is the fascination of the member for Bellarine for penguins over people in relation to CCTV and crime prevention on the Bellarine?

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) — My question at this point of the session today is directed to Minister Merlino, and it has got to do with his department and him being involved with the Maroondah council around quite a complicated land swap, where the council was hoping to get most of the former Croydon South Primary School site and also the Parkwood Secondary College site in exchange for some land which it would present to Melba College so that Melba College could utilise that for its educational facilities. The question I have for the minister is: could he tell me, so I can pass on to other people, what future intentions the school might have for that land?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Education. As I hope the minister is now aware, secondary education in Point Cook is at a premium. Demand is growing almost on a daily basis. Given the government's claim that it is now swimming in cash, I was staggered that no provision was made in the budget of last week for more schools in Point Cook. Given the obvious need for further secondary education facilities in Point Cook, will the minister outline what plans he has to provide for that demand, or has he totally deserted the residents?

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — I raise a constituency question for the Minister for Environment, Climate Change and Water, and it relates to fuel reduction burnings in West Gippsland. I received representations from the Baw Baw Shire Ratepayers and Citizens Association seeking a commitment from the government to implement the Black Saturday bushfire recommendations as they pertain to fuel reduction burnings in and around the Baw Baw shire municipal region. That region, part of my electorate, was impacted by the Black Saturday bushfires and remains vulnerable to bushfires. I raise the concerns of the Baw Baw Shire Ratepayers and Citizens Association associated with fuel reduction burnings and therefore the safety of the broader community for the minister's attention.

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — My constituency question is for the attention of the Minister for Multicultural Affairs, and it is in relation to the rising concern of youth crime involving young people from multicultural backgrounds, loosely known as the Apex gang. I ask: what action has the minister taken in order to respond to the gang violence involving youths from multicultural backgrounds, loosely known as the Apex gang, most of them very active in the south-east, and why has he not taken action over the last six months, since the establishment of Taskforce Tense, to establish a multi-agency task force to respond to gang activity and youth violence involving youths from specific cultural backgrounds?

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) — My question is to the Minister for Education, and it is in relation to the Montague Continuing Education Centre,

which I visited recently. This centre educates young people aged 15 to 19 years who have a mild intellectual disability. It is located in South Melbourne but draws students from all over Melbourne. I believe it is funded through the Department of Education and Training under the students with disability funding. I understand that through some longstanding arrangements students are funded at a set level, the same level, rather than at different levels based on needs and assessment of their individual needs. Given the centre's plans to expand its student base and take in additional numbers of students with various degrees of disability and ability, will this funding practice change or will the department continue to fund all students in the same way regardless of their individual needs?

STANDING COMMITTEE ON THE ENVIRONMENT AND PLANNING

Reference

The PRESIDENT — Order! I wish to advise the house that on 3 May 2016 I received a letter from the chair of the Standing Committee on the Environment and Planning, the Honourable David Davis. He wrote:

> I am writing to advise the Legislative Council that, pursuant to sessional order 6, at its meeting on 3 May 2016 the environment and planning standing committee adopted the following terms of reference as a self-referenced inquiry:
>
> That pursuant to sessional order 6 —
>
> 1) the environment and planning standing committee inquire into and report on the preparation and planning for fire seasons by the Department of Environment, Land, Water and Planning and its agencies, including Parks Victoria and, in particular —
>
> a. the amount and nature of preventative burning undertaken to date;
>
> b. the measures in place to ensure preventative burning is undertaken safely;
>
> c. the effectiveness of preventative burns in achieving community safety;
>
> d. the impact of preventative burns on threatened species;
>
> e. the impact of preventative burns on ecological vegetation classes;
>
> f. the impact of preventative burns on the climate;
>
> g. the targeting of preventative measures statewide;
>
> h. the resources available to ensure that adequate preparation is undertaken;
>
> i. the coordination of such planning and preparation with other departments and agencies across government;
>
> j. the nature and level of emergency response;
>
> k. the relevant administrative and organisational structures in place within the department and with other relevant government departments and agencies; and
>
> l. the impact of land tenure on the ability to provide fire prevention activities and the differences between types of land tenure such as national park, state forest, regional park and others.
>
> 2) the committee is to consider annual reports tabled by the Department of Environment, Land, Water and Planning and its agencies, including Parks Victoria, and any other relevant matter as determined by the committee;
>
> 3) the committee may present an interim report to the Legislative Council and may present further reports as necessary;
>
> 4) the committee is to commence the inquiry in May 2016 and present its final report to the Legislative Council no later than 8 December 2016.

As I indicated, it was signed by the Honourable David Davis as chair of that committee on 3 May.

PETITIONS

Following petitions presented to house:

Abbotts Road, Dandenong South, level crossing

> 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 Labor's plan to close Abbotts Road permanently and send traffic down Remington Drive will severely impact the community.
>
> The petitioners highlight to the Legislative Council that the closure will:
>
> add 1.5 kilometres each way for people travelling Abbotts Road to or from Cranbourne, Lynbrook, Lyndhurst or beyond;
>
> add significant traffic to the Pound Road–South Gippsland Highway intersection which will generate further congestion for the highway, Greens Road and Dandenong bypass;
>
> add to lengthy delays on Thompsons Road and other east–west roads;
>
> break Labor's promise to fix the Abbotts Road level crossing;
>
> break the road connection for businesses on the east end of Abbotts Road;
>
> add congestion for Remington Drive businesses.

The petitioners therefore request that the Andrews Labor government immediately rule out a permanent closure of Abbotts Road in Dandenong South.

By Mrs PEULICH (South Eastern Metropolitan) (240 signatures).

Laid on table.

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

Elevated rail proposal

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 elevating the Frankston line at Cheltenham, Edithvale, Bonbeach, Carrum, Seaford and Frankston would devastate the amenity of our bayside suburbs and divide communities.

The petitioners highlight to the Legislative Council that the sky rail will:

cause a significant loss of amenity and be detrimental to the livability of our suburbs;

cause outrageous visual bulk, be a blight on our landscape, and will overlook and overshadow backyards, homes and businesses;

create greater noise and disturbance as a result of 24-hour freight movements;

be a potential hotspot and attraction for crime and graffiti.

The petitioners therefore request that Daniel Andrews and Labor immediately rule out a sky rail design for Cheltenham, Edithvale, Bonbeach, Carrum, Seaford and Frankston and ensure that local level crossings be undergrounded like at Springvale.

By Mrs PEULICH (South Eastern Metropolitan) (307 signatures).

Laid on table.

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

Abortion legislation

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house that because of the abortion legislation passed in Victoria in 2008:

abortions are allowed to be performed up to the point of birth;

babies in the womb who have reached the age of viability and older are being aborted;

it is not necessary for medical care to be provided to babies who have survived an abortion;

there is no obligation for medical professionals to facilitate the provision of access to appropriate services such as pregnancy support, counselling, housing, mental health and other such services for pregnant women experiencing physical or emotional distress.

The petitioners therefore request that the Legislative Council of Victoria support the Infant Viability Bill 2015 introduced by Dr Rachel Carling-Jenkins which will rectify the problems with current law outlined above.

By Ms BATH (Eastern Victoria) (2986 signatures), Mr FINN (Western Metropolitan) (862 signatures), Dr CARLING-JENKINS (Western Metropolitan) (2426 signatures), and Mr ONDARCHIE (Northern Metropolitan) (1965 signatures).

Laid on table.

Ordered to be considered next day on motion of Mr FINN (Western Metropolitan).

Christmas carols in schools

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 the government has imposed a ban on singing traditional Christmas carols in Victorian government schools.

The petitioners therefore request that the Legislative Council of Victoria ensure that the Andrews government reverses this decision and allows students attending government schools to sing traditional Christmas carols.

By Ms LOVELL (Northern Victoria) (314 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 6

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 6 of 2016, including appendices.

Laid on table.

Ordered to be published.

ELECTORAL MATTERS COMMITTEE

Conduct of 2014 Victorian state election

Mr SOMYUREK (South Eastern Metropolitan) presented report, including appendices, extract from proceedings and minority report, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Mr SOMYUREK (South Eastern Metropolitan) — I move:

That the Council take note of the report.

I have had the pleasure of sitting on three inquiries of the Electoral Matters Committee into the Victorian election campaigns since its inception in 2006. The 2010 report was a particular highlight of my term in Parliament, and surprisingly I sat on the Electoral Matters Committee when it looked into the conduct of the 2014 state election. Like other committee inquiries, there has been a lot of interest not only from stakeholders and participants in the election campaign process but also from people who have thoughts on how we could make our electoral system even better. The committee held public hearings, and those people and institutions made submissions and were given the opportunity to attend these meetings and to reinforce firsthand to the committee members their views and arguments.

I take this opportunity to thank those individuals and organisations that put in submissions and/or attended public hearings. Without this input, no doubt the report would have been much thinner. Even though I joined the committee at a later stage of the inquiry process, I would like to take this opportunity to congratulate the members of the committee on their hard work and professionalism. This professionalism was particularly apparent when intractable issues that split the committee along party lines were under consideration. I would also like to commend the leadership of the chair of the committee, Louise Asher, and the deputy chair, Ros Spence, both from the Legislative Assembly.

It should be acknowledged that whilst we have made many recommendations on how to improve the Victorian election system, some of which were driven by the Victorian Electoral Commission (VEC) itself, members of the committee are cognisant of the fact that our electoral system is first class — well above world standards. This is very important for any democracy that holds itself up as a world leader, as ours does. It is also very important for political parties and citizens to have faith in the fairness of the electoral system and the independence of the electoral commission. On that account I am pleased to report that all members of the committee, who represent most of the parties in this Parliament, have faith in the VEC and believe the VEC did a good job with the 2014 Victorian election.

In the limited time I have available I will go through some of the recommendations. There are 23; I will go through a couple. Recommendation 1 recommends that the VEC continue its informal ballot surveys at future Victorian state elections, with a focus on districts with a high level of informal voting. The reasons for informal voting include the compulsory voting system.

Mr Finn — Get rid of it!

Mr SOMYUREK — I know Mr Finn's views. Some people obviously exercise a protest vote when they do vote. Other reasons include the full preferential voting system, which is rather complex but essential, and that there is a large number of non-English-speaking people in our community. The VEC is doing surveys to ensure it gets to the bottom of and find solutions to why informal voting is so high.

Recommendation 11 is that the VEC conduct ongoing targeted engagement strategies and programs focusing on Victorian communities that experience barriers to participation. Electoral participation, as far as I am concerned, is about getting people on the roll. That is a key part of electoral participation. On this committee previously we have introduced and pioneered automatic enrolment as well as election day enrolment. There is still more to be done.

I will skip straight to the end, because I have run out of time. I would like to thank the hardworking staff of the Electoral Matters Committee: Mr Mark Roberts, the executive officer; Mr Nathaniel Reader, the research officer; and Bernadette Pendergast and Maria Marasco, the administrative officers. The committee members, as always, had tremendous support from the staff, which made our job much easier.

Ms PATTEN (Northern Metropolitan) — I too would like to briefly comment on the tabling of the Electoral Matters Committee report into the conduct of the 2014 Victorian election. It was at an interesting time that we had the debate around the federal election and changes to the electoral act at a federal level that we were considering the 2014 Victorian election. For the most part almost everyone who put in submissions or gave evidence commended the Victorian Electoral Commission (VEC) on the work that it did and was

very supportive of the current system that we have in Victoria. It seems to work well for a lot of people.

There are areas where it was found it could be improved. The increase in the number of people who vote early has certainly presented some real challenges to the VEC in just the sheer number of people queueing to vote early but also in how those early votes are counted. This was something that was raised by a number of the parties, that not being able to count the early votes, which are now considerable — even up to 30 per cent of the total vote — on election night was very problematic. The VEC is looking at ways in which it can count at least some of those votes.

Another area of concern about this election that was raised with us was accessibility. Many of the early voting centres were not very accessible, particularly for people with disabilities, but also they were set in out-of-town areas and places that were not easy to get to by public transport. The VEC is endeavouring to find better places for early voting, recognising that it will continue. I would like to commend the report and all the staff who took part in preparing it.

Mrs PEULICH (South Eastern Metropolitan) — I would like to take just 2 minutes to speak to the report. I want to commend the Electoral Matters Committee. Over my 20 years of service it has probably been one of the best committees that I have served on, largely — although I do not know about the current members — because the members who serve on it are really passionate about seeing these matters of electoral interest resolved and improved for the benefit of all of Victoria. I would like to commend the committee staff in particular. Could I say that they are the best committee staff I have ever worked with, and it is good to see them here in the gallery. They are professional, competent and hardworking. I would also like to express my pleasure at Mr Somyurek's return to the committee — albeit that I guess it is a double-edged sword — because he has an enormous amount to contribute to the Electoral Matters Committee, being as passionate as he is about its work.

I have read some of the evidence that has been uploaded. I look forward to reading some of the recommendations. If the report does not address the issue of the prolonged early voting, then it may have fallen a little short. If it does not address the issue of fake uniforms being worn by members of third parties at polling booths and the coercion that we saw and learnt about, then it is short on delivering. Indeed there are also some of the more routine technical matters that have been mentioned by previous speakers.

The Electoral Matters Committee is typically, I think, on the mark, as is the Victorian Electoral Commission, but there are clearly huge improvements that could be made. I would like to commend the federal government on the reforms to the Senate voting system. I think that adds to the clarity of it. There is an enormous amount of work to be done by the Electoral Matters Committee, including fixing up the local government mess that has been left by the previous Labor government. I would like to commend the committee, its staff and the work, and I look forward to reading in detail the recommendations of this report.

Motion agreed to.

BUDGET PAPERS 2016–17

Mr JENNINGS (Special Minister of State), pursuant to section 27E of the Financial Management Act 1994, presented budget paper 2, strategy and outlook; budget paper 3, service delivery; and budget paper 5, statement of finances (incorporating quarterly financial report no. 3); and, by leave, presented budget paper 1, Treasurer's speech; budget paper 4, state capital program; Victorian budget 2016–17 overview; and rural and regional budget information paper.

Laid on table.

Ordered to be considered next day on motion of Mr JENNINGS (Special Minister of State).

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 4 February 2016 giving approval to the granting of a lease at Hanlon Park Reserve.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32 in relation to Statutory Rules Nos. 16 and 31.

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

Benalla Planning Scheme — Amendment C29.

Boroondara Planning Scheme — Amendment C214.

Brimbank Planning Scheme — Amendment C179 (Part 1).

Casey Planning Scheme — Amendment C205.

Colac Otway Planning Scheme — Amendment C84.

Hindmarsh Planning Scheme — Amendment C7.

Loddon Planning Scheme — Amendment C36.

Melbourne Planning Scheme — Amendment C186 (Part 2).

Moonee Valley Planning Scheme — Amendment C161.

Stonnington Planning Scheme — Amendments C185 (Part 1) and C185 (Part 2).

Wangaratta Planning Scheme — Amendment C48.

Whitehorse Planning Scheme — Amendment C172 (Part 1).

Professional Standards Act 2003 —

Australian Computer Society and the Royal Institute of Chartered Surveyors Valuers Ltd Professional Standards Schemes, Gazetted 24 December 2015.

Australian Property Institute Valuers Limited and the Law Institute of Victoria Limited Professional Standards Schemes, Gazetted 21 April 2016.

Statutory Rules under the following Acts of Parliament —

Bail Act 1977 — No. 26.

Building Act 1993 — Nos. 21 and 31.

Children, Youth and Families Act 2005 — Nos. 19 and 27.

Drugs, Poisons and Controlled Substances Act 1981 — No. 20.

Heavy Vehicle National Law Application Act 2013 — No. 25.

Marine (Drug, Alcohol and Pollution Control) Act 1988 — No. 22.

Non-Emergency Patient Transport Act 2003 — No. 28.

Rail Safety (Local Operations) Act 2006 — No. 23.

Road Safety Act 1986 — No. 24.

Subdivision Act 1988 and Transfer of Land Act 1958 — No. 30.

Transfer of Land Act 1958 — No. 29.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 18 to 20, 22 to 25, 28 to 31, 33 and 34.

Legislative Instrument and related documents under section 16B in respect of Environment Protection Act 1970 — Industrial Waste — Classification for Architectural and Decorative Paint.

Wildlife (Prohibition of Game Hunting) Notices —

Notice Gazetted 13 April 2016.

Notice Gazetted 17 April 2016.

Amendment Notice Gazetted 24 April 2016.

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

Bail Amendment Act 2016 — remaining provisions — 2 May 2016 *(Gazette No. S103, 19 April 2016)*.

Justice Legislation Further Amendment Act 2016 — Whole Act (except sections 4, 5, 6, and 8 and Part 5) — 1 May 2016 *(Gazette No. 114, 26 April 2016)*.

Public Health and Wellbeing Amendment (Safe Access Zones) Act 2015 — 2 May 2016 *(Gazette No. 114, 26 April 2016)*.

Road Legislation Amendment Act 2016 — remaining provisions — 15 April 2016 *(Gazette No. S103, 19 April 2016)*.

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

Operation Ord

The Clerk, pursuant to section 162 of the Independent Broad-based Anti-corruption Commission Act 2011, presented special report concerning Operation Ord — an investigation into the conduct of officers of the Department of Education and Training, in connection with the use of 'banker schools' and related activities.

Laid on table.

PRODUCTION OF DOCUMENTS

The Clerk — I have received the following letter dated 29 April from the Attorney-General headed 'Production of documents — documents relating to traffic flows, projections and plans concerning Punt Road':

I refer to the Legislative Council's resolution of 9 December 2015 seeking the production of all documents relating to traffic flows, projections and plans concerning Punt Road.

The government is in the process of conducting thorough and diligent searches across a number of departments and government agencies to identify and collate the documents that may fall within the scope of the Council's resolution. I enclose with this letter 303 documents that have been identified thus far which fall within the scope of the Council's resolution.

Some of these documents contain the names and contact details of individuals. In the interests of personal privacy, those names and contact details have been excluded.

The government will continue to identify, collate, review and assess material that is relevant to the Council's order and provide a further response to the Council's order as soon as possible.

In addition to the letter, 303 documents have been provided for tabling.

Laid on table.

The Clerk — I have received the following letter dated 29 April from the Attorney-General 'Production of documents — City of Port Phillip draft planning scheme amendment C107':

> I refer to the Legislative Council's resolution of 7 October 2015 seeking the production of:
>
> > a copy of all documents created on or after 4 December 2014, or used to inform departmental decisions or ministerial briefings on or after 4 December 2014, in relation to the City of Port Phillip draft planning scheme amendment C107, including but not limited to —
> >
> > (1) all correspondence to/from the Department of Economy, Jobs, Transport and Resources and Department of Environment, Land, Water and Planning;
> >
> > (2) all correspondence to/from the Minister for Planning, the Hon. Richard Wynne, MP, dealing with amendment C107; and
> >
> > (3) an extract copy of the Minister for Planning's diary identifying meetings held or attended in relation to amendment C107.
>
> I also refer to my letter to you of 9 February 2016, which enclosed 59 documents that were identified as being relevant to the categories identified in paragraphs (1) and (2) of the Council's resolution.
>
> The government has now considered the Council's request for production of documents identified in paragraph (3) of the resolution.
>
> As set out in my letter to you of 14 April 2015, there are long-established principles governing the release of government documents to a house of Parliament. Pursuant to section 19(1) of the Constitution Act 1975, the powers of the Legislative Council to call for the production of documents are determined by reference to those powers held by the United Kingdom House of Commons in 1855 (subject to any inconsistent act).
>
> In 1855, the House of Commons' power to call for the production of documents was subject to clearly established exceptions. One of these exceptions was Crown privilege (now known as executive privilege). If the government asserted that documents were the subject of executive privilege, this was a sufficient reason for refusing production to the House of Commons.
>
> Accordingly, section 19(1) of the Constitution Act 1975 provides that this exception represents a limit on the Legislative Council's power to call for the production of documents and that it is for the executive government to determine the application of the privilege to documents subject to a call for production.
>
> In considering a claim of executive privilege, the government must assess whether release of the information in question would be prejudicial to the public interest. In doing so, the government considers whether disclosure of information would engage any of the factors referred to in my letter of 14 April 2015. In addition to those factors, the executive government's ability to assert a privilege not to produce documents has historically extended to documents that are not of a 'public and official' character.
>
> The executive government has assessed the document identified in paragraph (3) of the resolution. The government has determined that the release of this document would be prejudicial to the public interest, as it would reveal a private document that is not of a 'public and official' character. Accordingly, the government, on behalf of the Crown, makes a claim of executive privilege in relation to the document described, and on the ground set out, in the attached schedule.
>
> Further, the executive government considers that the private diary of a minister of the Crown, as a class of document, is not a document of a 'public and official' character and, on that basis, its disclosure would be prejudicial to the public interest.
>
> I have informed the Secretary of the Department of Premier and Cabinet of the government's position in relation to executive privilege.

That letter is also accompanied by a schedule of a document withheld on the basis of executive privilege.

Mr Davis — On a point of order, Acting President, concerning the Port Phillip documents letter from the Attorney-General, it is clearly not open to the government to claim executive privilege in this way. My point of order is that it is internally inconsistent for the executive to claim privilege over a document but at the same time argue that it is a private document. It cannot be both a public and a private document. This chamber clearly has the capacity to order private documents, and I would seek that you take a step, perhaps, through the Procedure Committee to investigate where this could be dealt with most effectively.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! My understanding, Mr Davis, is that any issues from the Attorney-General or the minister need to be dealt with in the house, but I am happy to take this matter to the President.

Mr Davis — On a further related but distinct point of order, Acting President, I have raised this point of order previously in the chamber, and the President, I think, was sympathetic to having it looked at in some way. The key point that I make here is that the order of the chamber was to require the Leader of the Government to produce certain documents. The order of the chamber has been responded to by a different government minister not of this chamber. This is a longer standing issue, but it is a direct point of order

that this is not a response by the minister to whom the direction of the chamber was applied.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! My understanding, as advised by the Clerk, is I can do nothing about it. It is a matter for the house, and as I said previously, I will raise the matter with the President.

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, 4 May 2016:

(1) order of the day 25, resumption of debate on motion relating to the continuing failure of the government to comply with certain orders for the production of documents;

(2) notice of motion given on this day by Ms Hartland calling for the production of certain documents prepared by Crown Casino;

(3) notice of motion given this day by Mr O'Donohue in relation to the Country Fire Authority;

(4) notice of motion 237 under the name of Mr O'Donohue, on the Moomba riots in Melbourne's CBD;

(5) notice of motion 239 under the name of Mr Morris seeking leave for the Treasurer to appear before the economy and infrastructure committee; and

(6) notice of motion 240 under the name of Mr Davis seeking leave for the Minister for Local Government to appear before the planning and environment committee.

Motion agreed to.

MEMBERS STATEMENTS

Budget

Mr MORRIS (Western Victoria) — The budget is utterly disappointing for the people of Ballarat. I am sure that those opposite would say that they have funded the Ballarat train line, but what is unfortunate is that while commuters will see the benefit of this investment, they will see the benefit in 2019. When children who are not even born yet are in kindergarten, Labor will say it has done something to fix the mess it has created.

Mount Clear College, a fantastic school that I know Mr Ramsay has advocated strongly for, requires $13 million for redevelopment. This Labor government has seen fit to commit only $2.1 million of the $13 million that is required. Lucas is one of the fastest growing suburbs in Victoria. The Catholic Education Office has seen fit to make provision for a new primary school in Lucas. Ms Staley, the member for Ripon in the Assembly, has been advocating strongly for a primary school in Lucas. However, this government has not seen fit to fund that school. The Ballarat Base Hospital has seen its elective surgery waiting list blow out 57 per cent under this government. We now have 482 more patients waiting for elective surgery in Ballarat than we did in June 2015. This government has seen fit to give no money whatsoever to the Ballarat Base Hospital.

Werribee Mercy Hospital

Dr CARLING-JENKINS (Western Metropolitan) — I rise today to speak non-controversially about the Werribee Mercy Hospital, which I had the privilege of visiting recently. This is a hospital that is developing and expanding to meet the increasing needs of a rapidly growing local population. It is anticipated that approximately 74 babies will be born each week at Werribee Mercy Hospital this financial year, or 10 or 11 babies per day. This is a 73 per cent increase from 2012–13. The inclusion of a critical care unit by mid-2018 will allow the hospital to be more self-reliant and prevent patients in very volatile situations from needing to be moved to other hospitals.

I was especially impressed by the hospital's commitment to very premature babies, demonstrated by its commitment to world-class perinatal care and research. Werribee Mercy believes in the dignity and respect that all human life equally deserves. This is shown in no small way by the fact that the hospital offers neonatal palliative care services for babies born as early as 23 weeks with life-shortening conditions. It is also shown by its organisational culture, which encourages as much of a homely feel for patients as possible and focuses on person-centred approaches, in both big and small ways. I commend Werribee Mercy for the great work it does and for its important service to the community.

Hope Street Youth and Family Services

Mr EIDEH (Western Metropolitan) — I have spoken previously about the wonderful work done by Hope Street Youth and Family Services to address the constant issue of youth homelessness in Melton. I rise today to congratulate this hardworking organisation on the recent announcement of funding for it in this year's budget, which is part of the government's $152 million

housing blitz package. The funding to be received by Hope Street will be used to establish a 24/7 mobile outreach first-response service to work in conjunction with a crisis accommodation centre in Melton. It will also be used to fund the operation of this new service to help 220 young people reconnect and get back on their feet.

There is a strong link between family violence and youth homelessness. In fact in a survey seeking the main reason young people sought assistance from Hope Street, 87 per cent of the young people surveyed reported that they had experienced family violence. This funding announcement has come as a direct response to the recent recommendations of the Royal Commission into Family Violence. The government is also providing funding for emergency support, housing and crisis refuges, more counsellors, more prevention programs and greater support for young victims of family violence.

Young people are often voiceless in family violence situations and oftentimes do not have easy access to stable and safe accommodation. The Andrews Labor government is taking steps to ensure that more support is provided to at-risk young people who are homeless by providing a base for emergency accommodation. I fully support this project as I have supported other initiatives of Hope Street.

World Asthma Day

Ms BATH (Eastern Victoria) — Today is World Asthma Day. Asthma sufferers know the debilitating effects of not being able to freely draw in air, a frightening occurrence that I have experienced since childhood. One in 10 people in Australia have asthma — around 2.4 million people. Mortality rates are higher for people living in remote or lower socio-economic areas and for our Indigenous Australians. It affects people of all ages. The causes of asthma are not fully understood, although research has shown that exposure to tobacco smoke, especially as a young child, obesity and a family history of hay fever and allergies can increase the risk of developing asthma. It is a condition that parents, schools and sufferers should take very seriously. More often than not it can be well controlled by following a daily management plan.

With winter around the corner and asthma presentations to GPs and hospitals predicted to increase, Asthma Australia is launching a new app where people with asthma can access free information and support. The app provides easy access to information about asthma medications, technique videos, asthma action plans, asthma first aid and clinical guidelines. I encourage parents of sufferers to download the app, I commend the Asthma Foundation's CEO, Robin Ould, and education coordinator, Jayde Cesarec, and I recognise the countless hours of service and fundraising contributed by country people through local asthma foundations. Breath is a vital force, and it is a shame when people struggle for breath.

Women Wept exhibition

Ms HARTLAND (Western Metropolitan) — Over the past two weeks I have attended a number of Anzac-related events — everything from the laying of wreaths at the cenotaph in Moonee Valley to attending a church service at St Paul's last weekend. An event that affected me profoundly was an exhibition called Women Wept, which looks at the First World War through women's eyes. In an era when letters, telegrams and newspapers were the only means of communication, how did they cope without being able to know what was happening to their husbands, to their sons or to their brothers fighting on the other side of the world?

Karenne Ann, Heather Horrocks and Tamara Watt explored the stories of these mothers, sisters, brides and friends of those who had enlisted. They brought on an exhibition that was both beautiful and profound, and they also showed how painful it was for the women and children who were left behind. One hundred years on this still echoes. The piece in the exhibition that profoundly moved me was the glory box. It was full of linen, clothing and towels that clearly a young bride had collected and that was never going to be used. In these kinds of exhibitions we remember the horror of war and hope we are never, ever foolish enough to go there again.

Playgroup funding

Mr ELASMAR (Northern Metropolitan) — On Friday, 15 April, I was very pleased to be present at Reservoir Primary School, located in Duffy Street, to see the Honourable Jenny Mikakos announce the official opening of a round of grants to support playgroup service providers servicing families of culturally and linguistically diverse backgrounds. The mayor of the City of Darebin, Cr Fontana, and the Honourable Robin Scott were also in attendance. With the appropriate funding now available, families will have access to professionally facilitated programs specially designed to allow them to become more actively engaged and involved with their local communities.

World War I commemoration

Mr ELASMAR — On another matter, on Sunday, 17 April, I was proud, along with my parliamentary colleague from the other place Anthony Carbines to march in the commemoration ceremony marking the anniversary of the First World War, 1914–18. Executive committee members of the Ivanhoe RSL organise this annual event to honour the fallen in the war to end all wars. It was my sad duty to lay a wreath at the Ivanhoe War Memorial in memory of all those who paid the ultimate price by sacrificing their lives for our freedom. Lest we forget.

Melbourne Autism Expo

Mr FINN (Western Metropolitan) — Last Saturday it was my very great pleasure to attend the Melbourne Autism Expo in Ringwood. As the shadow parliamentary secretary for autism spectrum disorder, I had previously accepted the invitation to be an ambassador for this event, and as such I spoke at the official opening, along with the local federal member and my good friend Michael Sukkar.

The Melbourne Autism Expo was devised and organised by two mums, Larissa Hill and Natasha McArdle, who were ably assisted by an army of volunteers. I am sure they had no idea when they first began this process how successful they would be. When I arrived on Saturday morning the place was awash with people. Queues stretched as far as the eye could see. The Karralyka Centre in Ringwood is a substantial building, but it was bursting at the seams from the moment it opened until it closed.

Larrissa and Natalie are very much the victims of their own success. They and their team are to be congratulated on their initiative and the execution of a wideranging event that met a huge demand in the community. Saturday again showed that families with autism want information, it showed that families with autism want support, and I look forward to being part of the Guy government that will deliver both in spades.

Koroit Irish Festival

Mr PURCELL (Western Victoria) — It gives me great pleasure to rise today to congratulate the Koroit Irish Festival and the Koroit community. This is the 20th anniversary of the Koroit Irish Festival, which was held at the weekend and attended by thousands. Twenty years ago the two hotels in the town did not even sell Guinness, so members of the Irish festival travelled to Geelong to collect their barrels and tents so they could sell the barrels at the festival. The festival has grown so much that people now travel from many miles away, particularly this year from Ireland, to the event for the local, national and international headline acts. Congratulations to the hardworking committee and the founders — Maurice Molan, Des Noonan and Des Walsh — on a fantastic idea that has grown to become an important date in the calendar.

Congratulations also to 15-year-old Katie Hayward, who won what was actually the Australian Danny Boy Championship song competition. The Koroit Irish Festival for the last 20 years has always been a lead-up to the time-honoured Warrnambool jumps carnival, which is also being held this week, with the feature being the Grand Annual Steeplechase on Thursday. I say long live the Irish festival and jumps racing.

Hazelwood Pondage

Ms SHING (Eastern Victoria) — I congratulate everyone who was involved with the release of 1600 barramundi of various sizes into the Hazelwood Pondage on 20 April. The Future Fish Foundation along with the department's and fishery's staff ensured that this release was done very successfully and smoothly. There is a six-month no-fishing rule during the trial, which will enable audio research to be conducted to monitor the movement and habits of the new arrivals. This will be a boon for the local industry as we see barramundi introduced and hopefully thriving in the Hazelwood Pondage at the 22 degree ambient temperature.

Traralgon performing arts centre

Ms SHING — I would also like to congratulate the residents of Traralgon on the recent confirmation of a Creative Victoria-Andrews Labor government investment of $10 million in its performing arts centre. Congratulations to all involved at the Latrobe City Council, along with those members from the community who worked to make sure that this project could go ahead. I look forward to confirmation of the federal funding in due course to make sure that this project proceeds.

Morwell technical school

Ms SHING — Congratulations to all tech school working group participants from Morwell who were involved in the Tech Schools Summit in Melbourne on 26 April — in fact the same day that the site was confirmed in Morwell for Federation Training. This is seeing some significant investments and progress in relation to the encouragement of young people, and in

particular female students, to the areas of science, technology, engineering and maths — or STEM.

Mount Worth State Park

Ms SHING — Congratulations to all friends and volunteers of Mount Worth, along with ranger Craig and Parks Victoria staff, who helped me to open the all-access track to Moonlight Creek on the weekend and to make the most of the $48 000 grant from the Andrews Labor government to make sure that everyone can enjoy this beautiful part of the world.

Multicultural communities

Mrs PEULICH (South Eastern Metropolitan) — I would like to make a few comments in relation to the recent budget drawn for the multicultural portfolio, for which I am the shadow to the minister. I would like to commend the minister obviously on the funding for refugee settlement but also say that the budget is one of missed opportunities for multicultural communities. It does not address or provide any initiatives to deal with youth violence, including those young people from multicultural backgrounds loosely associated with activities of the Apex gang. It does not provide any additional or new funding for those members of the core communities experiencing domestic violence, aside from the generic funding that has been provided to services. It says nothing and does nothing for the high rates of unemployment experienced by emerging communities, in particular those from the African communities and those from Islamic communities.

There is a rising concern within the multicultural communities that Labor's broad social agenda is shifting focus from cultural diversity and indeed is seeing rising levels of racism being experienced by those who come into this state at a rate of 100 000 per year. There is also no increase in consultations with our culturally and linguistically diverse communities at a time when consultation is important, no emphasis on boosting Cultural Diversity Week attendance or flagship events, no specialised employment services for disadvantaged jobseekers, no funding for capacity building of ethno-specific community services, no addition to the proportion of grants to organisations supporting our multicultural communities and no funding to sustain and develop services in local councils experiencing higher than average demand on services.

Japanese Diet delegation

Ms SPRINGLE (South Eastern Metropolitan) — Yesterday it was my great pleasure to welcome the delegation of members of the Japanese Diet to my electoral office in a visit organised by the Australian Political Exchange Council (APEC). I was impressed and honoured that the delegation was interested to meet with a representative of a newer political party to find out how we serve our electorates and juggle our portfolio responsibilities.

It was an excellent opportunity to share views on a range of issues, from the diverse needs of constituents in a city as proudly multicultural as Melbourne through to keeping up with infrastructure for a fast-growing population and addressing the energy needs of both our countries. The delegates demonstrated a commendable level of understanding of local issues, asked excellent questions across a range of portfolio areas and were able to represent amongst them a fascinating range of political perspectives with maturity and openness.

I would like to sincerely thank all of the delegates for taking the time to travel to my electorate office in Cheltenham and APEC for doing such a good job of organising what turned out to be a very informative exchange of policy concerns and perspectives.

Anzac Day

Mr MULINO (Eastern Victoria) — I would like to acknowledge the sacrifice and dedication of the men and women in uniform who have defended our nation over the decades and also those who serve today. Anzac Day services were held throughout my electorate on 25 April. I was fortunate to attend the dawn service at Pakenham, and I congratulate the Pakenham RSL and many other community organisations for all they did in yet again organising a service that enabled the community to pay their respects.

Bimbadeen Heights Primary School and Mornington Primary School

Mr MULINO — I would like to congratulate Bimbadeen Heights Primary School and also Mornington Primary School on securing funding in the 2016–17 budget. Bimbadeen Heights Primary School secured $5.3 million to upgrade its core teaching building. This is a building that has been in need of refurbishment for many years, and the significant funding that it secured in the budget is well overdue. I would also like to congratulate Mornington Primary School for securing $5 million for modernising its learning facilities. Again this is a primary school that, while it has a very striking and impressive heritage building for part of its facilities, has a core learning facility that is well overdue for a refurbishment.

Emergency services

Mr MULINO — Finally, I would like to put on the record my thanks for all the work that our emergency services are providing to communities throughout the state today, including many volunteers in the Country Fire Authority, State Emergency Service and beyond. As we sit here right now reports are coming in of storm damage from strong winds, service outages and much more beyond that. I wish everybody safe passage through this difficult day.

Leongatha Hospital

Ms FITZHERBERT (Southern Metropolitan) — I wish to speak about a visit that I made on 19 April to Leongatha Hospital, along with Ms Bath and also with the member for Gippsland South in the other place. We were very pleased to have a tour of the new facility from CEO Mark Johnson. It was commenced in February 2012 and finished in 2014 at a cost of more than $30 million. It is a fantastic facility. It includes acute care, palliative care and urgent care facilities and also obstetrics. It is linked to what was a pre-existing aged-care facility, Koorooman House, and it provides a fantastic local resource for the community. It is a very good example of the coalition building for the future and the growth surrounding this idyllic rural community. There is some additional work that needs to be done. There is a new integrated primary health service that is intended to be commenced, and it has received $3.6 million in commonwealth funding as well as $500 000 from the state. This facility is a great example of coalition governments addressing regional health needs and planning for future growth well beyond our major cities.

Emergency services

Ms FITZHERBERT — Like Mr Mulino, I also want to acknowledge what our emergency services are facing today with the storms that we have seen coming up Bourke Street and certainly creating havoc around the state. People will have to go out in that weather and look after their communities — people they do not know but for whom they care — and we should all acknowledge the danger they face and fortitude that they show on our behalf.

Water policy

Ms LOVELL (Northern Victoria) — The government is currently supposedly consulting on a discussion paper entitled *Water for Victoria*. The problem is this seems to be some sort of secret consultation. My office discovered a community workshop on the Department of Environment, Land, Water and Planning website when downloading a copy of the discussion paper. On Monday, 18 April, I was discussing issues with an irrigator group in my electorate and inquired whether any of the group would be attending the community workshop scheduled for the following night. I was most surprised that the group was not even aware the session was being held. I actually attended the Water for Victoria community workshop in Tatura on 19 April and was most disappointed at the turnout. Of the 40 or so attendees, at least three-quarters would have been staff from various government departments and organisations such as Goulburn-Murray Water. There was only a handful of irrigators present, and they were all associated with the group I had spoken to the day before.

The future of water use is a hugely important issue in my community, and it is disgraceful that there was barely any advertising or promotion of such an important meeting. I find it somewhat ironic that one of the major criticisms by irrigators regarding Goulburn-Murray Water projects is poor communication, including the connections project, and yet even the minister seems unwilling to communicate properly when it comes to something as important as a future water plan for our state.

I note the minister has extended the date for submissions to 13 May. I would ask that she extend this further and that she also has Goulburn-Murray Water communicate this extension to its customers and encourage them to put forward submissions. The government should also consider the time of day that it has been scheduling meetings. Both the Tatura and Echuca forums, for example, were held at 6.00 p.m. In dairy regions where afternoon milking makes this a very difficult timeslot, a lunchtime meeting would be more acceptable.

INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT (A STRONGER SYSTEM) BILL 2015

Second reading

Debate resumed from 24 March; motion of Ms MIKAKOS (Minister for Families and Children).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this afternoon to make some remarks on the Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015, a bill that covers a number of the state's integrity bodies. Most notably it makes amendments with

respect to the Independent Broad-based Anti-corruption Commission. It makes amendments to the Audit Act 1994 with respect to the office of the Auditor-General, it makes amendments to the Ombudsman Act 1973 and it makes a number of consequential amendments to a range of other acts.

I would like to start with the history of the introduction of the Independent Broad-based Anti-corruption Commission here in Victoria, because it was certainly through the first decade of the 21st century that there was strong support in the community, strong support in academia and strong support in law enforcement for the introduction of an anti-corruption commission in a similar vein to those that existed in many other states around Australia, most notably the Independent Commission Against Corruption (ICAC) in New South Wales, the Crime and Misconduct Commission in Queensland et cetera.

This was a call that was strenuously opposed by the previous Labor government — the Brumby government, which spanned 1999 to 2010. It resisted numerous calls from within the community for the introduction of a state-based anti-corruption commission. It was something that was championed by Ted Baillieu, the then Leader of the Opposition, who worked with entities like the Accountability Round Table and with other parties with an interest in the broader question of accountability to develop a platform for an anti-corruption commission for Victoria and who, on becoming Premier in 2010, gave effect to that commitment to introduce an anti-corruption commission.

In 2010 when the government was commissioned, the Honourable Andrew McIntosh was commissioned as the Minister responsible for IBAC. He was given that discrete ministerial portfolio, and it is a great credit to Andrew McIntosh's work and to the work of Robert Clark as the then Attorney-General that IBAC was established in 2011, the legislation was put in place in 2011 and that was built upon through successive tranches of legislation over the course of the coalition government to develop what is now IBAC as we know it. That was done in a staged way from the initial establishment of the corporate entity, or the statutory entity, with educational functions, developing through to what is now the fully operational IBAC with investigatory functions.

It is worth putting on the record that we would not be here debating this legislation today if it was not for the initiative of then Premier Ted Baillieu and his two portfolio ministers in the introduction in the previous term of an anti-corruption commission for Victoria — something that had been — —

Mr Dalidakis interjected.

Mr RICH-PHILLIPS — Name them? I have already named them.

Mr Dalidakis interjected.

Mr RICH-PHILLIPS — I have already named them; I have praised them — weren't you listening? I praised Andrew McIntosh, I praised Robert Clark — —

Mr Dalidakis interjected.

Mr RICH-PHILLIPS — They are both very good men, Mr Dalidakis, and they played a very important role in the establishment of this legislation. It was not simple legislation. It was a very complex series of bills to put in place IBAC as we know it now. It is a great credit to the work of Andrew McIntosh and Robert Clark that such a structure was put in place in the way it was, and the many challenges around how you start from scratch in establishing a body corporate and putting in place the framework for it were definitely handled by those two ministers with the support of the Premier in the early days of the Baillieu government and, as I said, subsequently amended through the term of that government and the Napthine government to give us the fully operational IBAC as we have it today.

It is interesting to contrast the approach taken by the coalition in establishing IBAC in that first period in government in 2011–12 with the commitments that were made around accountability by the current government leading into the 2014 election, because this is a government that went out with grandiose plans in its accountability policy for things such as the breath-testing of members of the judiciary and the breath-testing of members of Parliament. It was fascinating to listen to the Attorney-General a month or so ago having to back-pedal at a great rate on, I think it was, the Neil Mitchell program when he was challenged as to why the government had not delivered on either of those commitments for a statutory framework for breath-testing members of the judiciary or for members of Parliament. He was saying that in the case of the judiciary it is a matter for the heads of jurisdiction, that they have the power to oversee their benches, and indeed the courts administration legislation the house dealt with last sitting week was even served up by the government as evidence which confirmed that the heads of jurisdiction are responsible and do have power over their jurisdictions as administrators. That was served up as evidence that somehow the government had delivered on its

commitment around mandating and putting in place a framework for random mandatory breath-testing of judicial officers.

Likewise the Attorney-General went on to say that in the case of members of Parliament the delivery of his commitment around mandatory random breath-testing of members of Parliament was now a matter for the Presiding Officers. It really highlights that there was not a lot of depth in the accountability policy that the current government took to the election, that it did jump into areas such as proposing breath testing — a very populist position, no doubt, but very impractical and indeed particularly unwise in its execution. It is good that the Attorney-General has stepped away from that and brought sense to the debate. I do not think it was ever the Attorney-General's personal proposal, but it was something that he was landed with on becoming Attorney-General.

Likewise in the accountability framework of the government we saw its supposed commitment to the reform of certain parliamentary activities and functions. It is worth reflecting on how that has been delivered in reality versus the commitment that was made leading up to 2014. We saw commitments around the abolition of Dorothy Dixer questions in question time, we saw commitments around the introduction of ministers statements in their place, and we saw commitments around the government being responsive in addressing questions put to ministers, and yet the actual execution that we have seen, particularly in the other place, has been very different. In reality, Dorothy Dixer questions still exist in question time. They might be branded ministers statements, but they are still used to break up and disrupt the flow of question time in the lower house. We are seeing in this place, on the issue of responsiveness of government ministers to questions, indeed to requests for documents, which is something that exercises this chamber's attention from time to time and will later this week, the government not being as responsive as it committed to being.

Fortunately in this house we were able to adopt some of the government's policy on its behalf — even if it was unwilling — through changes to standing orders last year which did see the removal of Dorothy Dixer questions in question time in this place and the introduction of ministers statements, which I note are very rarely used by ministers now, and we certainly improved accountability through those standing orders. The house at least was willing to deliver on the government's commitments, even if the government itself was reluctant to do so.

I would now like to turn to the specific provisions in this legislation. I said at the outset that the bulk of the bill relates to changes to the governing act for IBAC as well as to changes to the Audit Act 1994 and the Ombudsman Act 1973. With respect to the IBAC act, the key provisions in this bill — reference clause 3 — relate to the addition of the common-law offence of misconduct in public office to the definition of relevant offences for the purposes of corrupt conduct. The reference to relevant offences in the principal legislation is the basis upon which the commission undertakes its investigations. There are criteria set down — they relate to a belief that a relevant offence has occurred as the basis for an investigation — and clause 3 of the bill seeks to insert misconduct in public office as one of the relevant offences as the basis for an IBAC investigation. I will come to that in a bit of detail later.

Clause 4 of the bill seeks to lower the threshold definition of corrupt conduct by removing the current requirement in the act that the facts be provable beyond reasonable doubt at trial. The clause further provides for a wider definition of corrupt conduct, including consideration of benefits gained by associates of a person suspected of corrupt conduct. So what we see with clause 4 is a lowering of the threshold that IBAC is required to meet before it undertakes an investigation.

Clause 7 of the bill provides that IBAC may reinvestigate complaints which have previously been dismissed by the commission or referred to the Ombudsman or another body. The purpose of this clause is to allow the commission to reopen investigations into matters that it had previously disposed of on the basis that they did not meet the thresholds that are currently required in the act. Given that if this legislation passes there will be lower thresholds against which IBAC will be able to determine to undertake an investigation, clause 7 will allow IBAC to reconsider matters that it closed or did not proceed with because they were not within the scope of the legislation as it currently sits.

Clause 8 of the bill refines the functions of IBAC to include identifying, exposing and investigating corrupt conduct — as opposed to the current reference to 'serious corrupt conduct' — and directs it to prioritise its attention to the investigation and exposure of corrupt conduct which IBAC considers may constitute serious corrupt conduct or systemic corrupt conduct. Again the shift in definition from 'serious corrupt conduct' to 'corrupt conduct' reinforces that lowering of the threshold tests that the commission needs to be satisfied have been met before undertaking an investigation.

The bill also introduces mandatory notification by principal officers of suspected corrupt conduct. Clause 20 provides that IBAC may issue directions for or with respect to those notifications to IBAC. If principal officers of certain government entities have a suspicion of corrupt conduct, this clause creates a positive obligation on those officers to report that suspected corrupt conduct to the commission.

Clause 22 of the bill provides IBAC with a new explicit power to conduct preliminary inquiries for the purposes of determining whether to dismiss, refer or investigate a complaint or notification under the IBAC act or whether to conduct an own-motion investigation. In undertaking a preliminary inquiry IBAC is empowered to request information from a public body and issue witness summonses for that purpose. This is a new provision for the commission. At present the commission may only undertake an investigation if it meets the current threshold requirements set down in the legislation. This provision at clause 22 will allow the commission, where those threshold requirements have not been met — because IBAC does not have evidence to demonstrate that they have been met — to nonetheless undertake a preliminary inquiry for the purposes of determining whether a matter does meet the substantive thresholds for a full-blown inquiry. Of course those thresholds, if this legislation passes, will be the reduced thresholds established or amended by this bill.

Clause 23 changes the condition under which IBAC may commence an investigation from being when IBAC is reasonably satisfied that the conduct is serious corrupt conduct to when it suspects on reasonable grounds that the conduct constitutes corrupt conduct. Again that represents a substantial lowering of the test that the Commissioner must satisfy himself has been achieved prior to the undertaking of an investigation. Clause 24 inserts a new section to provide that IBAC may issue a suppression order prohibiting or restricting the publication of any information or evidence given during a public examination if IBAC considers it necessary.

The Audit Act will have introduced provisions which the Auditor-General has sought for a period of time. These are provisions with respect to what are essentially known as follow-the-money powers. This is in recognition that over the last two decades the delivery of public services in Victoria has increasingly involved third-party entities external to government, such as the provision of public transport services, for example, where the operation of rail, tram and bus services is not run by government entities but by third-party entities under contract to the government. The Auditor-General has sought the ability to essentially follow the public dollar where that dollar is expended through a private sector entity — the capacity to pursue the flow of public funds into that private sector entity and undertake a performance audit with respect to those activities undertaken using public dollars on behalf of public entities but nonetheless undertaken within a private entity. This is something that the coalition worked on closely with the previous Auditor-General, Mr Doyle, in the previous term of government to put in place and develop these follow-the-money powers, and that is now being reflected in this legislation that the house is considering today.

Also picked up in the legislation are changes to the relationship between the Public Accounts and Estimates Committee and the Auditor-General with respect to the existing requirements for the Auditor-General to consult with the Public Accounts and Estimates Committee on his annual plan and the conduct of performance audits. The bill as drafted removes the requirement for the Auditor-General to consult with the public accounts committee on all performance audits and prescribes a 15-business-day time frame for the Public Accounts and Estimates Committee (PAEC) to respond on those audits that the Victorian Auditor-General's Office remains obliged to consult on, being audits that have not been previously notified in the annual plan or that have been modified since the annual plan. This is an area that I will talk about in more detail later. Those are the key provisions of the bill.

I would like to turn attention now to the provisions that relate to the Independent Broad-based Anti-corruption Commission. It is worth remembering at this point that despite the way in which the commission is presented, is often written about in the media and is talked about on electronic media, IBAC is not a judicial body. Its role is not to determine the guilt or innocence of a party that is subject to investigation. IBAC is in fact an element of the executive. It is an entity that reports in this case to the Special Minister of State. It is a body that certainly acts with independence from the executive and is constituted under a statute with independence from the executive, but it is nonetheless an element of the executive that reports to the Special Minister of State and it is not a judicial body. It is an investigatory entity, and it has been provided with extraordinary powers for the types of investigatory activities that it is required to undertake.

Many of those powers fly in the face of long-held and long-accepted conventions around the rights of an individual not to incriminate themselves, around the

rights of an individual to legal representation and around the rights of an individual to talk about matters that they are involved in. The way IBAC is currently constituted, it trespasses on a number of those individual rights in recognition of the need for the commission to have extraordinary powers to undertake the types of corruption-related investigations that it undertakes.

When we talk about the commission it is worth keeping in mind that it has powers of that nature and that it is not a judicial entity, despite the way in which it is often talked about in public discourse and in the media. Of course with an entity such as IBAC holding those types of powers, the use of those powers and the way in which it exercises those powers is absolutely critical — critical to the way in which the entity itself is perceived, critical to the Victorian public having confidence in the work of IBAC, critical to the people who are involved in IBAC investigations, be they as the subject of investigations or be they merely as witnesses, and to the level of confidence that they have in the institution.

It is critical that IBAC conducts itself in a way which demonstrates a high degree of integrity, because as we have seen in a number of jurisdictions, the potential for involvement in an anti-corruption commission matter to tarnish the reputations of individuals merely by virtue of being involved in investigation, be it merely as a witness in an investigation, is very, very significant. Of course that relates in large part to the use of public hearings and where the commission elects to undertake public hearings as opposed to public examinations as opposed to in-camera examinations. Inevitably the mere reporting of those public examinations has the potential to have, and often does have, adverse impacts on the reputations of people who are involved in those hearings, often merely as witnesses rather than the subject of investigation themselves.

It is important therefore that the commission, when it conducts those types of operations and conducts its investigations generally, does so prudently and judiciously, and that the community can have confidence in the way in which the commission is operating. We are very fortunate I think with the inaugural IBAC Commissioner, Stephen O'Bryan, QC, that his conduct has been exemplary. I am not aware of any criticism of the way in which IBAC has conducted itself since its inauguration in 2011.

But of course commissioners are not permanent. Commissioners are appointed for a fixed term, and as a consequence commissioners come and go. We cannot rely on the integrity of an individual commissioner or the judgement of an individual commissioner to ensure that the commission conducts itself in a way that is appropriate and that balances and respects the rights of individuals who give evidence and are involved in investigations before it with the need to undertake thorough and appropriate investigations of serious corrupt conduct. It is important that there are safeguards in the legislation that do not simply rely on the good judgement and integrity of an individual commissioner but can withstand circumstances where a commissioner may not be as upstanding in their conduct as we have seen with Stephen O'Bryan.

In this regard it is worth reflecting on what has been occurring in New South Wales, where over the course of the last 18 months to two years we have seen extensive adverse commentary around the conduct of a number of investigations by the New South Wales Independent Commission Against Corruption (ICAC). Indeed the judgement and conduct of the commissioner in New South Wales, Megan Latham, a former Supreme Court judge, have been called into question. It is something for members of this chamber to reflect upon insofar as where commissioners are appointed by government, it is executive council appointment in consultation with the parliamentary committee responsible for IBAC. It is not unreasonable to assume that a former Supreme Court judge would be a safe pair of hands as a commissioner for a body like IBAC. As I said, we have seen with Stephen O'Bryan that we do have a safe pair of hands for the Commissioner, but I expect that was also the New South Wales expectation when they appointed a former New South Wales Supreme Court judge to their corruption commission. We have subsequently seen very substantial concerns raised about the operation of ICAC under the current commissioner and in relation to a number of investigations that commission has undertaken.

In this regard I refer the house to the most recent special report of the office of the Inspector of the Independent Commission Against Corruption — that is, the New South Wales body which has oversight responsibility for ICAC — which has undertaken a special report pursuant to section 77A of the New South Wales Independent Commission Against Corruption Act 1988 into what was known as Operation 'Hale'. As many members would be aware through extensive media reports, Operation 'Hale' was an investigation undertaken by the New South Wales ICAC into alleged conduct by Margaret Cunneen, SC, a senior prosecutor in New South Wales. An allegation was made that she effectively attempted to pervert the course of justice after a road traffic accident involving her son's girlfriend. A number of allegations were made against Ms Cunneen, and it ended up in the jurisdiction of ICAC. This is significant because a report subsequently

flowed from the office of the inspector of ICAC in New South Wales. The Honourable David Levine, QC, the inspector overseeing ICAC in New South Wales, has been absolutely damning in his criticism of the conduct of the commission in respect of that particular investigation, as indeed he has been in relation to at least two other operations undertaken by ICAC.

Just to put some context around this, because I could go on at great length looking at this matter, I refer members to conclusions and recommendations made by Mr Levine in his report on Operation 'Hale'. In particular the fifth recommendation relates to a media release that was issued by ICAC following a determination by the High Court that ICAC could not proceed with the investigation envisaged under Operation 'Hale'. We then had the extraordinary circumstance of ICAC issuing a media release seeking to regurgitate the allegations that had been made against Ms Cunneen and put them in the public domain. In considering that matter Mr Levine in his special report overseeing ICAC stated in paragraph 5:

> As to media releases, it should by now be obvious that great care and discretion be exercised in the composition of the document, the consideration of the purpose of its release, and the potential of the effect of its release.

He then stated:

> The media release of 27 May 2015, in my opinion, as I have stated, was so disproportionate to the merits of the whole enterprise as to amount to an unwarranted indictment of the people involved, an abuse of an undoubted power to keep the public informed, as to warrant the most trenchant of criticisms. It was, especially in the absence of any adverse findings, particularly unreasonable, unjust and oppressive. Nothing like it must happen again.

That is an absolute indictment by an oversight body of the conduct of ICAC in New South Wales. It has been the characteristic of the operation of ICAC in New South Wales that so much of what it does is undertaken through public hearings. That has been to date a marked difference from IBAC in Victoria, where to the best of our knowledge the bulk of the activity has been undertaken internally with relatively few public hearings. I think that has been a good thing for the reasons I said before. The potential reputational damage to people arising from their mere attendance and participation in a public hearing can be substantial, even when they are merely giving evidence and are not the subject of the investigation.

Having seen what has been happening in New South Wales over the last 18 months — the way in which ICAC with a relatively new commissioner has conducted itself and the damage that has done and continues to do to people's reputations in New South Wales — and given the lower thresholds that are available to ICAC in New South Wales for investigations and given the broader scope ICAC has for public examinations as opposed to the current framework in Victoria, it has given the coalition pause for thought and has reinforced its view that an appropriate balance needs to be struck between the extraordinary investigative powers of IBAC, the power to undertake hearings publicly and the need to protect the reputations of those people who are involved in IBAC investigations.

As this legislation now seeks to lower those thresholds, it is the coalition's view that consideration needs to be given to what has arisen from this latest report by David Levine about operations of ICAC in New South Wales and to the other special reports that Mr Levine and previous inspectors have made in respect of ICAC under the New South Wales legislation. It is our proposal that at the conclusion of the second-reading speech the bill be referred to the legal and social issues committee of the upper house for a narrow investigation. That investigation would be limited to looking at the matters and the concerns that have been raised in the New South Wales jurisdiction by the inspectorate in relation to the operation of ICAC and what learnings should be taken from that here in Victoria to be considered for application to IBAC before the lowering of the investigative threshold is given operation.

As I said, it would be the coalition's intention at the conclusion of the second-reading speech to move that referral to the legal and social issues committee to undertake and report by 16 August on the resumption of the Parliament post the winter recess to have an opportunity to look at those matters that have been raised by the commissioner in New South Wales and report back to this Parliament as to whether any legislative change should be enacted here in Victoria to ensure that we have a framework which can avoid the types of outrageous things that have gone on in the New South Wales jurisdiction noting, as I said before, that while we have a commissioner of high integrity currently we should not simply rely on the integrity of an individual commissioner to ensure that the commission conducts its operations appropriately.

The coalition has a number of other amendments that it will seek to bring forward when the bill goes into committee of the whole. The first of those I would like to touch on relates to the issue of misconduct in public office. This is probably the key expansion, in which the threshold for investigation by IBAC is lowered by the incorporation of this common-law offence —

misconduct in public office — in the list of relevant offences which are bases for an IBAC investigation.

One of the interesting things about misconduct in public office is, as I said, that it is a common-law offence. There is not a statutory definition in Victoria of that offence. While statutory definitions have been inserted in legislation in a number of other jurisdictions in Australia, that is not the case here in Victoria; it remains a common-law offence. As such, the scope of what that common-law offence means for an IBAC investigation — and it would be the consideration of the IBAC Commissioner as to whether that relevant offence is triggered for the purposes of an investigation — is something that we need to give very careful consideration to. That is something that we would look, in the course of the committee stage, to examine in considerable detail with the minister to understand the scope of the government's intentions in adding misconduct in public office and what boundaries and definition would apply to it.

It is the coalition's view that misconduct in public office, for the purposes of the IBAC legislation, should be defined in statute. The advice from the government during the earlier briefing on the bill — and I thank the government, the minister's office and the Department of Premier and Cabinet officials for that briefing — and the view of the representatives at that briefing was that there is no statutory definition in Victoria and the courts have not defined the elements of that offence in Victoria. Nonetheless, the coalition's view is that there should be a statutory definition inserted in legislation for the purposes of IBAC investigations.

In this regard we will refer to the case of *R v. Quach*, which was a matter in the Court of Appeal in 2010 which related to a charge of misconduct in public office which was brought against a serving police officer. The essence of the case was an allegation that this police officer had used information gained in the course of his employment as a police officer effectively for personal benefit, and it related to this person using the address details of a person he had visited while on official duty to subsequently visit them off duty and have a relationship with them. That was the basis of that charge of misconduct in public office. As I said, it was subject to a subsequent hearing before the Court of Appeal, and in that Court of Appeal hearing, which was heard by Justices Ashley, Redlich and Hansen, the Court of Appeal in its judgement defined what it regarded as the elements of the common-law offence of misconduct in public office.

At paragraph 46 of that judgement the court states:

> So amended, the elements of the offence are:
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> (1) a public official;
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> (2) in the course of or connected to his public office;
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> (3) wilfully misconduct himself; by act or omission, for example, by wilfully neglecting or failing to perform his duty;
>
> (4) without reasonable excuse or justification; and
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> (5) where such misconduct is serious and meriting criminal punishment having regard to the responsibilities of the office and the office-holder, the importance of the public objects which they serve and the nature and extent of the departure from those objects.

The coalition believes that that definition of the elements of the offence set out by the Court of Appeal in 2010 is a sound basis for a statutory definition of misconduct in public office, and therefore it will be seeking by amendment to insert that definition in the principal legislation for a definition of misconduct in public office for the purposes of a relevant offence. We believe for the operation of IBAC and the fact that this is a threshold trigger for a full IBAC investigation there needs to be a statutory definition, and that definition provided by the Court of Appeal is a good basis on which a statutory definition can be inserted into the legislation.

I now turn briefly, in the time remaining, to some other amendments the coalition is seeking to make to this bill, which relate not to IBAC but to the office of the Auditor-General. As I indicated earlier, this bill seeks to change the relationship between the Public Accounts and Estimates Committee and the Auditor-General in respect of the Auditor-General's obligation to consult with PAEC with respect to performance audits in respect of the obligation to consult with the committee around the annual performance audit plan and to consult with the committee in respect of changes to performance audit specifications.

The coalition believes that this relation between PAEC and the Auditor-General is an important one. As someone who spent 11 years on PAEC through several Auditors-General and who observed that interaction between the committee and multiple Auditors-General — the office of the Auditor-General — I certainly believe, and the coalition believes, that it is an important relationship that exists. While recognising the independence of the Auditor-General as an officer of the Parliament, nonetheless it is important to have that relationship where the audit office works closely with PAEC in outlining what its priorities are for the coming year in the sense of performance audits.

Consulting with PAEC about change to those performance audits is an important accountability mechanism. It does not impinge upon the Auditor-General's independence. It does not give PAEC the capacity to veto something the Auditor-General wants to do or impede the Auditor-General from undertaking performance audits that the Auditor-General wants to undertake, but it does nonetheless require, by virtue of the interaction, the Auditor-General to have robust reasons and rationale for undertaking the performance audits that his office chooses to undertake. So we regard it as an important mechanism that exists between the office of the Auditor-General and PAEC and one that needs to be preserved.

So when the bill reaches committee it is our view that clauses 94 and 97 should be amended to preserve the existing relationship between PAEC and the Auditor-General. In this regard we oppose the insertion of proposed section 7A(1B) into the Audit Act 1994 by clause 94. This subclause provides that if consultation with PAEC in respect of the audit plan has not taken place as required by other parts of the Audit Act, that does not invalidate the audit. While it is accepted as a principle, the coalition does not believe it needs to be expressed explicitly in legislation and used, effectively, as a get-out-of-jail card, if you like, where that consultation does not take place. Our concern is that the presence of section 7A(1B) allows a tacit agreement that consultation need not take place. It is our view that that should not be the case, and not inserting this proposed subsection will reinforce Parliament's view that the relationship between the committee and the Auditor-General is an important one.

In that regard we also seek to amend clause 97 and the proposed amendments to section 15(5) of the Audit Act to preserve the existing obligation for the Auditor-General to consult with the parliamentary committee, PAEC, on all performance audits. The way the bill before the house stands this afternoon the proposal is to constrain the specification of audits that the Auditor-General is obliged to consult on. It is our view that the existing framework should be preserved and, accordingly, we will be seeking to amend clause 97.

In the same way, the bill provides under proposed section 15(6) of the Audit Act, within clause 97, to allow just 15 business days for PAEC to provide the Auditor-General with feedback. If that 15-business-day period elapses without feedback being provided, then the bill deems that the feedback requirement has been met. The coalition believes that 15 business days for a parliamentary committee to provide a response is unreasonable, and therefore it will be seeking to amend that provision to allow for nine sitting days, being three sitting weeks, to provide feedback to the Auditor-General. The clause of deemed consultation would exist but it would only apply after three sitting weeks rather than 15 business days. Those are the provisions with respect to the Auditor-General that the coalition will seek to amend in addition to the amendments with respect to IBAC.

I note just in the final period that the government in March announced a further review of the state's integrity legislation. A discussion paper issued by the Special Minister of State in March seeks public input to the integrity framework of Victoria. A considerable part of that discussion paper is actually devoted to the bill. We are in the unusual situation of having the government seeking public comment on a piece of legislation which is being debated by this house, and which has already been passed by the other house, as it is going through the house. Given feedback in response to that discussion paper is sought by 20 May, it is conceivable that this legislation will have actually passed the Parliament prior to the consultation process the government is undertaking being completed.

We find it a little strange that the government is moving forward with this legislation whilst simultaneously consulting on it and on any other changes that people may seek with respect to the integrity legislation. It does raise the question of whether this legislation would be better delayed until that consultation process has been completed, the responses have gone back to government and the government has determined what it wishes to do with the integrity framework before proceeding in a piecemeal way with this piece of legislation, separate from what else may come following this consultation concluding in May.

The ACTING PRESIDENT (**Ms Dunn**) — Order! Before Mr Rich-Phillips goes on, I want to check whether he would like his amendments circulated at this point.

Mr RICH-PHILLIPS — Yes, thank you, Acting President. I formally ask for the amendments to be circulated. I also ask for the proposed committee referral motion to be circulated.

Opposition amendments circulated by Mr RICH-PHILLIPS (South Eastern Metropolitan) pursuant to standing orders.

Mr RICH-PHILLIPS — I note also that in relation to this legislation the government has foreshadowed that it will have its own house amendment, and I will

leave it to the government to talk about the substance of that. But again that gives rise to the question of whether this legislation should pause to allow that consultation process to take place and pause for the government to give its broader consideration to the integrity framework before the bill proceeds. Given the government is amending its own bill on the fly, it does raise questions as to how much consideration has been given to the framework proposed by the bill in the context of the overall intentions of the government with respect to the integrity framework.

As I said at the outset, the coalition is concerned that the consideration of the establishment of IBAC in 2011–12 was striking the balance between providing extraordinary powers of investigation that a corruption commission requires to undertake its work and ensuring that those powers were targeted at serious corrupt conduct and not at minor misconduct. IBAC is funded to the order of $30 million a year. It is a substantial organisation.

Mr Dalidakis interjected.

Mr RICH-PHILLIPS — It is a lot, Mr Dalidakis. It is a substantial organisation. It has substantial resources and, frankly, we do not want to see an organisation like IBAC with its powers of investigation targeting those powers at inconsequential matters. We do not want it focusing on the public servant who took two biscuits out of the biscuit barrel instead of one. Its intention in its establishment was that it be directed at serious corrupt conduct and that was a deliberate targeting with respect to the thresholds that were put in place for its consideration before undertaking an investigation. So it was a balance between providing the extraordinary powers, setting thresholds that ensured that it operated and directed its activities towards serious corrupt conduct and providing a framework for the protection of people who come before IBAC — and protection in the sense of people who have not been found guilty of any offence or indeed have not been charged with any offence but who are at risk of reputational damage merely by being associated with an IBAC investigation.

So it was striking a balance between those three elements in consideration of the establishment of IBAC, and it remains the coalition's consideration of this legislation as it relates to IBAC that there is the need to continue to strike the balance between providing those powers, directing it to serious misconduct and ensuring that there is a framework there to protect innocent people who are associated with IBAC investigations, as I said, often simply by virtue of being a witness.

The coalition will reserve its position on this legislation until the final consideration of the bill. We have a number of amendments that we will bring forward when the bill goes into committee. It is our view that this bill should be referred in the first instance to the Standing Committee on Legal and Social Issues for consideration of those matters arising from New South Wales. We understand the government has its own amendments, and we understand that other parties may also have amendments to this bill, so we will reserve our position on the legislation until the final form of the bill at the final time is considered. Our consideration of this bill will very much be driven by how well it balances the consideration of those powers of the commission, where they are directed and what protections exist for people associated with IBAC investigations.

Ms PENNICUIK (Southern Metropolitan) — I am very pleased today to speak on the Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015. In terms of this legislation and the changes it makes in particular to the Independent Broad-based Anti-corruption Commission Act 2011, I have to say that I have spoken many words in this chamber on the various bills that passed through the previous Parliament to set up that act. I think some seven or eight bills in total set up both IBAC and the Victorian Inspectorate, and I have spoken many words on those particular pieces of legislation.

The bill before us makes a number of amendments to that act and also to the Audit Act 1994, particularly to provide the Auditor-General with follow-the-dollar powers, and also makes amendments to the Ombudsman Act 1973 to remove the requirement for complaints to the Ombudsman to be in writing and to provide the Ombudsman with, the minister said, greater flexibility in relation to protected disclosure complaints. I will talk about that a little bit further on.

The Greens support the bill, but while we are supportive of the amendments in the bill we are of the view that the government should be going further in terms of the changes to the IBAC legislation and the changes to the Audit Act in the bill.

Mr Rich-Phillips started out with a bit of a history lesson. He claimed credit for the introduction of IBAC and almost that it was the coalition's idea. But I have to say that the very first motion moved by the Greens in state Parliament in 2007, under the former Labor government, was to require the Attorney-General to request the Victorian Law Reform Commission to inquire into the best model for the establishment of an anti-corruption body for Victoria. So the first ever

motion moved by the Greens in this Parliament was on this particular issue. It was moved by my colleague Mr Barber.

That motion was not supported, but after much public pressure and pressure by the Greens the matter was finally referred to the public sector commissioner, and the Proust report recommending a model was released in May 2010. After that the former Liberal-Nationals coalition government indicated that it would establish an anti-corruption body, as it said, closely modelled on the New South Wales Independent Commission Against Corruption (ICAC). However, IBAC as currently constructed does fall short of the New South Wales model in a number of ways, some of which are ameliorated by this bill.

The Greens raised concerns at the outset that IBAC was not created in an open and accountable way. In fact a series of bills were presented to the Parliament that set up bits of IBAC. There was an inquiry that was undertaken but never made public, and it was very difficult for the public and members of Parliament to follow the process and know from whence or why certain things were being done in terms of establishing IBAC. IBAC, we said from the outset, lacked the powers of other similar bodies across Australia, in particular the Crime and Misconduct Commission in Queensland, the Corruption and Crime Commission in Western Australia and the New South Wales ICAC at that time. The government had said it was going to model it on that body, but it did not actually do that.

We said at the time that the definitions of 'corrupt conduct' and 'serious corrupt conduct' in the legislation were fundamentally flawed. During the debate on the Independent Broad-based Anti-corruption Commission Amendment (Examinations) Bill 2012 I pointed out that the scope of corrupt conduct, on which the whole regime rests, was a basic problem and that especially confining the scope of the jurisdiction to IBAC to 'serious corrupt conduct' would 'severely hamper its ability to investigate corruption'. Others, such as the law institute, the Accountability Round Table and even the current Commissioner, Stephen O'Bryan, in his first report, have made similar comments.

In 2012 I moved a motion requesting that the government release the documents that were considered by the consultation panel, after failing to obtain them under FOI, but the government refused to release the documents, just adding to the lack of transparency in the establishment of IBAC. As I said, from the start the Greens highlighted a number of fundamental flaws with the model which the former government had put forward in a series of bills that established IBAC. I moved a series of amendments to the IBAC bills, including to broaden the jurisdiction of IBAC to beyond serious corrupt conduct, to be similar to corrupt conduct as it is defined in section 8 of the New South Wales Independent Commission Against Corruption Act 1988; that the public interest should be the paramount consideration in IBAC exercising its functions; that IBAC should have the power to investigate breaches of MP and ministerial codes of conduct; not limiting the definition of corrupt conduct by tying it to indictable offences — which it currently is and which this bill goes some way to ameliorating; and that a separate body should be maintained to investigate police misconduct, particularly injury and death as a result of police conduct, as recommended by the former Office of Police Integrity (OPI). That is a more accurate reflection of history with regard to the setting up of IBAC by this Parliament.

In this bill the key amendments in part 2 to the Independent Broad-based Anti-corruption Commission Act 2011 include expanding the jurisdiction of IBAC to cover all corrupt conduct rather than only serious corrupt conduct. The bill makes amendments to several sections of the act to replace the term 'serious corrupt conduct' with 'corrupt conduct', which is something the Greens do support and have, as I mentioned, raised concerns about in the past. Clauses 5 and 8 require the commission to prioritise serious and systemic corrupt conduct. So while the commission will be able to look at corrupt conduct, it will — similarly to ICAC — be required to prioritise serious or systemic corrupt conduct in its investigations and activities. That is taking us a little bit more towards the ICAC model.

Clause 4 broadens the definition of corrupt conduct further by removing the requirement that the conduct would, if the facts were found to be beyond reasonable doubt at a trial, constitute a relevant offence, so that when considering an investigation IBAC need not consider whether the facts giving rise to corrupt conduct would be found proved beyond reasonable doubt at trial. It will be sufficient that IBAC, according to the requirements of amended section 62, would only need to suspect on reasonable grounds that the conduct constitutes corrupt conduct. The Greens will support this reform, as I have argued against the existing requirement in the past in Parliament.

I take up the point Mr Rich-Phillips made during his contribution when he mentioned that IBAC is not a judicial body and is not required to ascertain the guilt or innocence of any party. I agree with that. It is one of the fundamental flaws of the current constitution of the legislation that IBAC is required, if the facts are found beyond reasonable doubt at a trial to constitute a

relevant offence — and there are a very limited number of relevant offences currently under the act — to make a judicial judgement as to whether, if something went to trial, it would result in a conviction. I do not think that is what IBAC is set up to do. It is set up to investigate allegations of corrupt conduct, to follow up those investigations, to make a report on them and to make recommendations as to whether persons should be in fact charged with offences, but it is not a court to actually convict a person of an offence. This has been a fundamental flaw in the legislation from the start, in my view and in the view of many other commentators as well. It is good that this bill is actually moving away from that particular threshold in the act.

As I said, in the past IBAC has had to meet the threshold that the conduct would constitute a relevant offence as required under the act. However, it should be noted that in the definition of corrupt conduct, the conduct would still be constituting a relevant offence, as the government has left the words 'relevant offence' in section 4 of the act, and under the definition of relevant offence under the act it provides for an indictable offence against the act and only specific common-law offences.

I have several amendments to the bill, the first of which goes to this particular point, so it might be a good opportunity to have those amendments circulated now.

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

Ms PENNICUIK — The first of the amendments goes to the definition of 'a relevant offence' and replaces it with 'a criminal offence' or 'a disciplinary offence', and that follows the definition under the ICAC act. It is a broader definition and not tied to indictable offences, but even so, it is still not quite as broad as the definition in the ICAC act, which is very broad. We must remember that in terms of uncovering corruption in the public sector a lot of the activity is not necessarily criminal activity per se. It could be things such as nepotism. It could be things such as omitting to do certain things or doing other things, which may or may not constitute criminal offences and certainly may or may not constitute indictable offences but may give rise to corrupt conduct which may affect the carrying out of duties in the public interest. That is why the Greens want to see this particular definition made more broad and not tied to indictable offences such as it is under the act currently.

Clause 4 inserts section 4(1A), which provides that, in determining whether the conduct is corrupt conduct, IBAC may assume that the required state of mind to commit the relevant offence can be proven, so IBAC can assume that rather than having to prove that. Clause 4, which also inserts section 4(1)(da), adds to the definition of corrupt conduct and includes conduct by any person, whether or not a public officer or a body, that is intended to adversely affect the effective performance or exercise of a public function or power by a public officer or a public body that results in the person or associate of the person obtaining a licence, permit, approval, authority or entitlement under any act or subordinate instrument; or an appointment to a statutory office or as a member of the board of any public body; or a financial benefit or real or personal property et cetera. This is also in keeping with the recommendations by particularly the Law Institute of Victoria, pursuant to the New South Wales independent panel's recommendations in this regard, and we would support that.

The bill also provides IBAC with preliminary inquiry powers to determine whether to dismiss, refer or investigate a complaint or notification, and these powers are limited to the power to request information from a relevant principal officer of a public body and the power to issue a witness summons to any person requiring a person to attend at a specified time and place on a specified date. It is an offence to not comply with a witness summons so issued. Also a person under 18 cannot be summoned unless information they provide is compelling, and a person under the age of 16 need not comply at all. We support this reform, and we note that the New South Wales ICAC already has this power.

The bill also gives IBAC the power to issue a suppression order prohibiting or restricting publication of any information or evidence given during a public examination if it is considered necessary to prevent prejudice or hardship being caused, to avoid prejudice to legal proceedings or for any other reason having regard to the circumstances.

Clause 20 inserts new provisions to provide that IBAC may issue directions for or with respect to notifications to IBAC that are made in accordance with a mandatory notification provision. However, the directions will not apply to independent officers of Parliament, such as the Ombudsman or the Auditor-General. The bill also provides that public service heads and local council CEOs will be required to report corrupt conduct to IBAC. We support that as well.

The other amendments to the bill that we will move when we get to the committee stage are in relation to IBAC seeking information. The bill will provide for

IBAC to seek information from department heads. We suggest that this should also apply to the relevant minister if that information is required by IBAC.

Those are the major amendments we will be moving. I have not had an opportunity to speak to members of the other parties about these amendments, so I am not sure what their position is on them. However, I did notice that Mr Rich-Phillips suggested he would consider them all as we move into the committee stage.

An issue that has not been covered by this bill is one I have raised many times in the Parliament, and that is the issue of complaints about police misconduct. Of course the Office of Police Integrity was subsumed into IBAC when IBAC was set up. Many OPI staff went over to IBAC, and the issue of misconduct by police was taken over by IBAC. Prior to that the Greens moved a motion in Parliament that the issue of police misconduct and the issues of death or injury of persons as a result of police contact should be overseen by an independent body. At the moment police misconduct can be referred to IBAC, but I understand that the majority of police misconduct matters that are referred to IBAC are referred back to the police. So the police virtually do, within their own special unit, investigate allegations of police misconduct — either their own motions, those that are referred directly to that particular part of the police force, or those that are referred back from IBAC to them.

As to the issue of death or injury as a result of police contact, it is very hazy as to how that is actually handled. It is certainly not handled in a way that is independent of the police. This is an outstanding issue that is not covered by this legislation, and it is one that the Greens intend to pursue again in this Parliament. I have pursued it in previous parliaments by moving motions for the establishment of such an independent body to deal with police misconduct, human rights contraventions by the police and serious injury or death as a result of police contact.

The main amendments that this bill makes to the Audit Act give the Auditor-General so-called follow-the-dollar powers. As we know, governments are more and more relying on private sector bodies, non-government organisations, contractors and subcontractors to carry out work for the government. In 2009–10 the previous Public Accounts and Estimates Committee (PAEC) reviewed the Audit Act and recommended that follow-the-dollar powers be included in the Victorian Audit Act, which this bill does do. Of course those powers are already present in audit acts of other auditors-general around Australia, in New Zealand, in Canada and in other Westminster systems. This is a welcome provision being added to the Audit Act by this bill. The Greens do support it, and it is long overdue.

The bill makes some other amendments to the Audit Act, such as altering the circumstances under which the Auditor-General must report corrupt conduct to IBAC, and these are consistent with changes to the similar notification duties under the IBAC act. The bill introduces the new definitions of ‘associated entity’ and ‘third party contractor’, which is basically to allow for the follow-the-dollar powers that are introduced by this act. It amends the objectives of the Audit Act, inserting a new section that elevates the determination of whether there has been any wastage of public resources or any lack of probity or financial prudence in the management or application of public resources from a matter to which regard must be had to an objective of the act.

One thing that has been left out is the addition of ‘environment’ to the objectives of the act, which has been asked for by the Auditor-General in his 10 requests, which are up on the Victorian Auditor-General’s Office (VAGO) website. It is present in most of the other audit acts around the country and in other jurisdictions. That is one of the other amendments I have circulated, which would be to add the provision that the Auditor-General look at any environmental issues in the performance of Victorian public sector operations and activities having regard to the principles of environment protection as set out in sections 1B to 1L of the Environment Protection Act 1970.

The bill inserts new provisions with regard to consultation with the Public Accounts and Estimates Committee. For a long time this has been not so much a controversial issue but an issue of discussion between the Public Accounts and Estimates Committee and the Auditor-General. The provision to consult with the Public Accounts and Estimates Committee or a similar committee in any other Parliament is basically unique to Victoria. No other audit act, as far as I am aware, has that requirement. But what I have learnt in my time on the Public Accounts and Estimates Committee is that many auditors-general do that, even though they are not required to. From my experience, certainly as a member of the audit subcommittee, there is some value in the Auditor-General consulting with the committee on the annual plan and on the audit specifications.

However, I think where the difference of opinion sometimes has arisen is on the definition or, I should say, interpretation of the word ‘consult’. We must remember the Auditor-General is an independent officer of Parliament, and the most important thing is

that independence. The Auditor-General and the Auditor-General's office should be able to conduct whatever audit they see fit to conduct. We know the Auditor-General's office does consult with the public and with stakeholders and widely consults on the types of audits, the annual plan, what audits would be conducted and what parts of the public sector should be audited. Here we are talking in terms of performance audit.

In some cases there is a view that the auditor must get the imprimatur or should not be able to proceed without having consulted with the committee on audits. I do not agree with that. The new provisions that are put into the act are basically that the auditor will be required to consult on audits which involve follow-the-dollar auditing of associated entities if the committee requests or if there is a substantial change to the annual plan. I am happy to see how they work, but in my view consult means consult — it means get the opinion of and take that opinion into account. But still the Auditor-General is an independent officer, and that consulting is the dictionary definition of that word.

One of the other issues that has been raised by the office of the Auditor-General in submissions as to how the Audit Act 1994 should be amended is with regard to the financial auditing of associated entities. The bill allows for the performance auditing of associated entities; so those private sector bodies, non-government organisations or contractors who are carrying out work on behalf of the government and using taxpayers money to do so, under this bill, could be subject to a performance audit but not necessarily to a financial audit.

We have questioned the government as to why this was omitted from the bill, and the government has come back to us pretty well saying that it did not think it was appropriate. However, I differ with that opinion, and so does the Auditor-General. Large sums of public money are involved in many of the increasing numbers of works being done through public-private partnerships that include, for example, schools, prisons — around 30 per cent of our prisoners are housed in private prisons — roads and all sorts of things.

Just today there have been reports in the paper about the arguments for a federal independent corruption commission, about sums of money perhaps disappearing. While we are introducing the ability to do performance audits, I think we should also be introducing the ability to do financial audits as far as the finances involve public money — not further, but as far as that involves public money. I have also included an amendment to that effect in the proposed amendments I circulated previously.

Another issue that has been raised, and it goes as far back as the review of the Audit Act by the previous Public Accounts and Estimates Committee in 2010 — and this has also been raised by the Auditor-General — is the lack in this bill of a provision allowing access to the premises of the associated entity to access documents or to interview people who may be involved in the carrying out of activities or work on behalf of the government using taxpayers money. I have also included an amendment to that effect in the amendments I have circulated. The Greens believe that the part of the bill that is amending the Audit Act to provide for the follow-the-dollar powers will make those follow-the-dollar powers more substantive and in fact even more practical by giving the Auditor-General the ability to have access to the premises of the associated entities under the bill.

The other amendments in the bill go to the Ombudsman Act 1973 and, in particular, amend the Ombudsman Act so that a complaint no longer needs to be made in writing. This is a reform that the Ombudsman has advocated for in her annual report, stating that in 2014 alone more than 80 per cent of the contact to her office was made by telephone and that the office needs to be accessible and responsive; therefore complaints should not have to be in writing. We welcome that change. There are also some clauses to update gender-specific language to gender-neutral language and to clarify issues around jurisdiction and issues around complaints.

Clause 61 provides clarity on when the Ombudsman may refuse to investigate certain protected disclosure complaints and amends section 15E of the act to provide that the Ombudsman may refuse to conduct an investigation into a protected disclosure complaint if the Ombudsman considers that the conduct which is the subject of the protected disclosure complaint does not amount to improper conduct or detrimental action against a person. The government says the amendments concerning the protected disclosures will provide the Ombudsman with greater operational flexibility and free the office to fulfil other core functions. However, we note that the current Ombudsman and the previous Ombudsman have commented that they struggle to deal with a number of protected disclosure complaints. This may go some way to ameliorating that problem, but I suppose it remains to be seen. Perhaps that is an ongoing issue that needs to be monitored both by the government and by the Ombudsman's office.

I note also in terms of the Audit Act that the government has released a discussion paper asking for

public submissions with regard to the Audit Act. As I mentioned, the document on the need for legislative reform of the Audit Act on the VAGO website talks about some of the issues that have been covered by this bill that will assist the Auditor-General, particularly the follow-the-dollar powers, which it says have been partially addressed but do not allow for financial audits or access to premises. The environment, which it calls 'the fourth "e"', has not yet been addressed, and that should be added to the objectives of the act. We have an amendment to do that because we fully agree with that. In this day and age the issues when you are looking at a performance audit of a government body, government department or statutory body and their activities — some of which could have quite significant impacts on the environment — should be covered by the Audit Act, and they are not. They are covered by audit acts around the country. Our amendment is based on the Tasmanian provision.

There are several other issues relating to practical things like tabling reports electronically and other things, such as the audit of the adequacy of financial controls. That is another issue that the Auditor-General has raised. On the issue again of the consultation with PAEC, the Auditor-General is saying that the bill generates some efficiencies in consultation with PAEC. However, significant delays may still be possible, and it is unique in Australia to legislate in such detail, which this bill still does — although I believe it does make it more flexible — and there is some onus on the committee to respond in a timely manner, within 15 days.

The Greens will support the bill, but as I have outlined, we think more can be done in terms of changes to the IBAC legislation. I understand that the government will consider and is considering more amendments to the IBAC legislation and in fact the Independent Broad-based Anti-corruption Commission Committee has conducted its own inquiry, released its own report and travelled interstate to look at other commissions, in particular the Crime and Misconduct Commission in Queensland. In its report it outlined recommendations for amendments to the IBAC act, some of which are included in this legislation, and also outlined further work that needs to be done that it as a committee intends to pursue. It certainly makes that clear in its report.

The Greens will not be supporting the reasoned amendment that has been put forward by the opposition. Normally the Greens are very keen on legislation being referred to committees, but in terms of this legislation which covers three acts of Parliament and two independent officers of Parliament under those acts — the Auditor-General and the Ombudsman — and in terms of the IBAC, all of them are already covered by or overseen by committees of the Parliament. So it seems unnecessary to refer this bill to a different committee of the Parliament, particularly with regard to the specific issue that is raised in the coalition's reasoned amendment put forward by Mr Rich-Phillips. It refers basically to problems that have been identified with the conduct of the ICAC in New South Wales.

If there are problems with the operation of the ICAC which may affect the IBAC, I would consider that the best committee to take that into account would be the IBAC Committee. I am sure the IBAC Committee is taking notice of what happens in ICAC and what happens in the Crime and Misconduct Commission or in any of the others that exist in Australian states. It also seems unnecessary to be referring this bill to that committee to look at that particular issue because the relevance of that particular issue to this bill is not apparent, so we will not be supporting that reasoned amendment.

In terms of the other amendments circulated by Mr Rich-Phillips, the Greens will not be supporting the amendments with regard to PAEC consultation because that would take us back to where we were before, and we would not be supporting that. Notwithstanding that, I think this is an ongoing issue that needs to be considered, and it is one of the subjects that the government has flagged in its discussion paper. I think more discussion on that is warranted, including whether or not it can be completely removed from the Audit Act, because it does not exist in any other act. There is certainly the opinion that the Auditor-General can operate and still consult with the committee without actually having that requirement in there. As I said, it is unique to Victoria.

With regard to the other amendment as to the definition of misconduct, I will listen to the argument about that particular amendment and reserve the position of the Greens on that amendment.

The Greens are supporting the bill. We are very pleased to see the lowering of the threshold at IBAC but we believe the threshold could be dispensed with completely because other sections of the IBAC act provide for IBAC to concern itself primarily with serious corrupt conduct and systemic conduct, and that should be enough to guide the IBAC in its work. Having to jump over thresholds, deciding before you have actually investigated, trying to decide whether something is corrupt conduct now, is something we do not necessarily believe should be in the act. It is not in

the ICAC act on which this legislation is meant to be based. With those comments, the Greens will support the legislation.

Ms SYMES (Northern Victoria) — I am pleased to contribute to the debate on the Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015. I am a member of the Independent Broad-based Anti-corruption Commission Committee. It is a committee that has spoken with many experts and others with experience in operating under the Victorian integrity laws, and I have certainly learnt what I and many other people actually already knew — that is, that the laws and the integrity system created by the former government were, firstly, not remotely what was promised by the Baillieu and Napthine governments, and secondly, that the original legislation is in need of some repair to give effect to a proper integrity system.

I am just going to go through the bill. I note that we have had some detailed contributions so I do not intend to spend a lot of time going through the detail but just to make some key points. This bill is the first step in the process of delivering on the Andrews Labor government's election commitments to meet the community's expectations for transparency in government and its agencies and also the expenditure of the voters' tax dollars. In summary, this legislation allows IBAC to investigate misconduct in public office, lowers IBAC's investigation threshold, removes the requirement that IBAC have prima facie evidence of a relevant offence from IBAC's investigation threshold and provides the Auditor-General with follow-the-dollar powers.

To elaborate on that summary, IBAC is the principal anti-corruption body in Victoria's integrity system that focuses on investigating serious or systemic corrupt conduct. This comprehensive integrity regime, once implemented through this bill, will ensure that Victoria's public sector maintains the highest standards of conduct in Australia. This will occur through a number of mechanisms that I have gone through in quick summary, but to elaborate, the introduction of common-law misconduct in public office into IBAC's corrupt conduct jurisdiction will provide a clear basis to broaden IBAC's jurisdiction so that it can perform its corrupt conduct investigation function effectively. Misconduct in public office is a common-law offence that applies to misconduct by public officers that is so serious that it warrants criminal punishment.

The Victorian Supreme Court of Appeal's most recent judgement on misconduct in public office — namely, the case of *Queen v. Huy Vinh Quach* — presented a judgement that defines the offence as follows: the person who commits the offence must be a public officer; the person must commit wilful misconduct by act or omission during the course of or in connection to his or her duties as a public officer; there is no reasonable excuse or justification for misconduct; and the misconduct must be serious and meriting criminal punishment having regard to the responsibilities of the office and the office-holder, the importance of the public objects the office serves and the nature and extent of the departure from those objects. The Court of Appeal's judgement on misconduct in public office provides sufficient certainty about the elements of misconduct in public office to ensure that it can be used for criminal prosecution in Victoria and therefore is certainly a good basis for using it to expand the IBAC's corrupt conduct jurisdiction.

In contrast to the other relevant offences that IBAC can investigate, the key characteristic of common-law misconduct in public office is that it only targets a public officer's misconduct that is so serious it warrants criminal punishment, so in that case it is a defence that cannot be used to prosecute low-level misconduct. IBAC can already investigate a wide range of serious criminal conduct if it determines the requirements set out in its thresholds and safeguards are met. An example is that theft is already a statutory offence that IBAC can investigate as a relevant offence. The bill also allows IBAC to investigate all corrupt conduct involving public officers and public bodies, not just serious corrupt conduct. Under the previous legislation 'serious' meant that numerous complaints, despite their validity, did not meet or fulfil the 'serious' qualification and hence could not be investigated regardless of their deservedness.

I do note that the IBAC Committee, which reviewed this bill, commented on the bill's proposed changes to IBAC's investigation threshold and considered that:

> … the new threshold … will assist IBAC in conducting investigations and carrying out its function to combat corruption more effectively …
>
> The committee is satisfied that the proposed legislation resolves the concerns expressed in regard to the threshold for investigation. The amendments are a positive step forward …

Importantly the bill proposes to remove the requirement that IBAC have prima facie evidence of a relevant offence before it can investigate corrupt conduct. Again this is an impediment — and some have described it as a roadblock — to open and accountable exploration of an allegation that, despite having merit, did not meet the qualification of prima facie evidence. So this is a welcome development.

After this bill passes it will be a requirement for public service body heads and local council CEOs to report possible corrupt conduct to IBAC. Under the current regime this is discretionary, and there is no impetus for those with knowledge of improper conduct to make a report, essentially creating a situation that can foster an environment that protects reputation ahead of dealing with corruption. These are important changes that effectively provide IBAC with a stronger clearing-house function for corrupt conduct complaints and notifications within Victoria's integrity system and investigative functions in relation to the most serious forms of corrupt conduct in the public sector.

IBAC is of course appropriately subjected to limitations and safeguards to ensure it plays a role effectively and only uses its extraordinary coercive investigative powers where appropriate and certainly where necessary. Examples of this are an objective threshold, a direction to focus on serious or systemic corrupt conduct and a requirement to refer complaints to other integrity bodies when it is appropriate. That is a good feature of a balanced system.

The bill also proposes, as I have said, giving the Auditor-General follow-the-dollar powers that allow him to obtain information from non-government entities to better scrutinise government service delivery. Introducing this power was an election commitment, and it is indeed an absolute requirement for fulfilling our obligations to the Victorians we represent. The bill also makes changes to resolve jurisdictional issues between integrity agencies and to improve the cohesiveness of the system to minimise overlaps and the potential for working at cross-purposes.

The bill amends the Ombudsman Act 1973 to allow the Ombudsman to receive complaints that are not in writing — for example, telephone complaints — as well as written complaints. This is something the Ombudsman has sought for a long time, and it will improve public access to her office and ensure that those unable or unwilling, for whatever reasons, to provide written correspondence will not be denied their entitlement to be heard.

We want a comprehensive and effective system, not a crowded and complicated one. The recognition and resolution of overlaps between the agencies will deliver a more effective system. Further work continues on this and will be presented as future legislation in the house. As I have said, the IBAC Committee reviewed this legislation upon its introduction in the Assembly and noted that many issues and concerns raised about the existing IBAC legislation had been addressed by this bill. We had many experts come and talk to us, including the Victorian Inspector and the IBAC Commissioner, who came to give evidence and tell us about their views on the bill, and we of course presented a report to this house in recent times.

In addition to the IBAC Committee's comprehensive review the bill was also examined by the Scrutiny of Acts and Regulations Committee. Neither of these committees raised any concern with the proposed powers of IBAC nor indicated that there was a lack of oversight of these powers. So I would certainly not be of the view to support a referral of this bill to the Standing Committee on Legal and Social Issues, which just so happens to be another committee I am on. I think committee work has exhausted this bill, and as we know, the government has announced a further review of matters related, but not directly connected to, the bill. I think it is quite an inaccurate characterisation to say that the discussion paper released is going to be examining the bill; that is not the case. The discussion paper indeed summarises the content of the bill to provide context about the government's current policy position and commitment to improve the integrity and accountability system, and it explores further opportunities for reform. It does not seek comment on the bill; that has well and truly been done in a variety of forums.

The government policy position is clear on the bill before the house. In effect the bill we are debating tonight is about acquitting the government's election commitments. The community certainly had their opportunity to comment on most of that at the election. As I said, there is always — as is appropriate — ongoing review of the integrity system. That is what the discussion paper and the announcements of the government to continue discussions about the system are designed to provide for. I note that the IBAC Committee was very pleased to be invited to be involved in that ongoing review.

It has to be said that this bill was also subjected to extensive stakeholder engagement, both in terms of stakeholders' views received through the IBAC Committee after its introduction and also through stakeholder involvement in the drafting of the bill via consultations with the minister's office and the department. There is support for this bill from the bodies affected, including IBAC, the Ombudsman, the Auditor-General, the Public Interest Monitor and the Victorian Inspectorate. We believe it is really important to seek the experience and expertise of those in the field and to continue to work with them to get the best outcomes. It is a way we like to govern; it is a way we like to develop our legislation. As I have said, our work with these stakeholders will continue as part of the

ongoing review of the integrity and accountability system. The dialogue with them means that you get things right the first time. I think we can all learn from the past — you do not actually get the best outcomes if you do not do things in a consultative way.

Effectively this legislation is all about making improvements, making a better system, a more robust system and indeed a truly stronger system. I think the bill is rightly named, and I would defer discussion of specific amendments to the minister in the committee stage. All amendments, including — —

Ms Pennicuik — Government amendments.

Ms SYMES — All amendments. There are many pages of amendments, and Mr Jennings will have ample opportunity to respond to those during committee, so I will leave those for the committee stage and commend the bill to the house.

Mr RAMSAY (Western Victoria) — I am pleased to be able to add my contribution to the debate in relation to the Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015. The aim of this bill is to support and strengthen Victoria's integrity and accountability system. The way it will do that is by amending the Independent Broad-based Anti-corruption Commission's functions to provide for the identification, investigation and exposure of any corrupt conduct, prioritising corrupt conduct that is serious or systemic.

The bill also modifies the threshold that must be met before IBAC may commence an investigation into corrupt conduct. It expands the definition of corrupt conduct to include conduct of any person that adversely affects the effective performance of public functions and results in monetary, financial or other gain for the person or their associate. The bill includes the offence of misconduct in public office in the IBAC's corrupt conduct jurisdiction by amending the definition of 'relevant offence' in the IBAC act. It grants IBAC explicit power to conduct preliminary inquiries or investigations before deciding whether to dismiss, refer or investigate a complaint or notification or conduct an own-motion investigation. It establishes consistent requirements for the mandatory notification of possible corrupt conduct to IBAC by other bodies in the integrity framework and by principal officers of government bodies. The bill makes a range of technical amendments to the IBAC act, including clarifying powers of delegation, allowing IBAC to appoint suitably qualified persons to preside at an examination and allowing IBAC to apply to the Magistrates Court for a search warrant except in limited circumstances.

The bill also amends the Ombudsman Act 1973 to broaden the Ombudsman's ability to share information with other bodies where the Ombudsman considers that the information is relevant to the body and it is appropriate to bring the information to the body's attention. It provides the Ombudsman with greater flexibility in handling protected disclosure complaints referred by IBAC, and it makes various technical amendments.

The bill also amends the Victorian Inspectorate Act 2011 to provide the Victorian Inspectorate with power to conduct a preliminary inquiry; clarify the Victorian Inspectorate's powers for the purpose of monitoring IBAC's compliance with legislation; oversee IBAC's performance of its functions under the Protected Disclosure Act 2012; assess the effectiveness and appropriateness of IBAC's policies and procedures; and monitor the interaction between IBAC and other integrity bodies to ensure compliance with laws.

The bill amends the Audit Act 1994 to extend the power of the Auditor-General during a performance audit to take into account information called for from non-government entities delivering government services on behalf of an authority; streamline the process for consulting on performance audit specifications with the Public Accounts and Estimates Committee; enable the Auditor-General to share appropriate information with other auditors-general; broaden the Auditor-General's ability to share appropriate information; and make various technical amendments.

The bill also amends the Public Interest Monitor Act 2011 to clarify confidentiality requirements within the Public Interest Monitor (PIM) office and to insert a statutory immunity.

I have gone through those specific points because I actually want to refer to them in my short contribution this afternoon. Mr Gordon Rich-Phillips actually went into significant detail of the bill itself and also flagged that the opposition would reserve its judgement in relation to the position it would take in voting on this bill as it is to go into committee. We have foreshadowed a number of amendments and also a motion by Mr Rich-Phillips for this legislation to be referred to the Standing Committee on Legal and Social Issues for inquiry, consideration and report by 16 August 2016. There are a number of issues within the bill itself that we would like to investigate through the committee stage, and we are obviously seeking to have the Standing Committee on Legal and Social Issues actually investigate further some of the technical

aspects of the bill that we are still a little uncomfortable about in their current form.

I do want to refer to some of the comments both Ms Pennicuik and Ms Symes made in their contributions to the debate and also perhaps reconfirm some of the history. Ms Pennicuik has a view about the history of the introduction of an anti-corruption body here in this Parliament, but certainly it is my view — and I have been quite close to this since I became a member in 2010 — that it was in fact Ted Baillieu who initiated and encouraged the introduction of the legislation for an anti-corruption body.

As has been said by Mr Gordon Rich-Phillips, the then ministers in the Legislative Assembly, Andrew McIntosh and Robert Clark, with technical support, started to draft the seven tranches of legislation that made up the Independent, Broad-based Anti-corruption Commission Bill 2011, as we knew it then, into a living document where over a period of time it was added to and supplemented to strengthen the integrity regime here in Victoria. That started really back in 2007.

It is interesting to note that those in the government are wanting to take some credit for introducing this bill. In fact, as I said, it was a coalition government that introduced the bill, despite the fact that over 11 years of the Brumby and Bracks period there was no appetite from Labor to introduce an independent, broad-based anti-corruption regime that would actually give strength to the integrity system in Victoria, and I can see why. If I can refer this chamber back to some history in relation to some of the activities of the Labor Party at the time in government, a gaming minister was influenced by a lobbyist, a former Labor MP, in relation to gaming licence documents. If this legislation were passed in its current form, that minister would actually be brought before IBAC in relation to some of its practices in relation to dealing with that particular issue.

I can also refer back to when the Premier, Dan Andrews, was Minister for Health. He could well be subjected to an investigation in relation to falsifying hospital waiting list documents when he was Minister for Health. In fact he would under this legislation be brought to IBAC to answer for some poor practice, if I can put that kindly, in relation to his role as a minister at the time.

Also I, with Ms Symes, sit on the joint parliamentary Independent Broad-based Anti-corruption Commission Committee that spent a considerable amount of time with a lot of stakeholders looking at how we could improve the integrity regime, particularly of IBAC itself and the legislation under which it is governed. I really thank Commissioner Stephen O'Bryan; he played a considerable role in putting forward amendments that the committee considered would help strengthen IBAC as we know it, and they certainly were foreshadowed before the Napthine government went into caretaker mode prior to the last election. It was thought that there would have to be new amendments to strengthen the role of IBAC, particularly in relation to preliminary investigations. It is pleasing to see a large part of that work and ongoing work that IBAC itself has done through the Commissioner in recommending some strengthening amendments to the bill, and that is what we are here to discuss today.

It really is congratulations to the coalition government for having the strength and conviction to introduce the Independent Broad-based Anti-corruption Bill 2011 at the time, and also the respective ministers — Andrew McIntosh and Robert Clark — for their work in providing the Parliament with seven or eight tranches of legislation as the bill was amended and strengthened through the passage of the Parliament.

I have to say that prior to that introduction we had a potpourri of integrity agencies, which included the Office of Police Integrity, the Special Investigations Monitor and the Ombudsman, all doing their little bits and pieces but with no real cohesive oversight of the integrity regime that we had. I think that is why we were let down by a number of different agencies all performing different tasks but not really having an overarching independent integrity regime body like we have now with IBAC. Certainly we have moved on from those days of the Bracks-Brumby period into a period where we now have a very strong anti-corruption commission, which is quite distinct from the Independent Commission Against Corruption (ICAC).

In the time that I have left in my contribution I will perhaps make the chamber aware that ICAC has, as I see it, run off the rails in relation to what its role should have been and what its role is now. It is starting to investigate minor offences and trivial matters that are not serious or corrupt. It has now weakened the whole integrity regime in New South Wales by not adhering to the strict principles of what we have here in Victoria under IBAC. ICAC has, I believe, demonised itself in relation to the way it has tracked over the last few years.

There are, as I said, some amendments that the coalition has foreshadowed which it believes are superior in nature to the current legislation put before us. We look forward to that discussion being had in the committee stage. I also indicate that the current work that IBAC is

doing, particularly in relation to the ultranet and the Department of Education and Training banker schools investigations, indicates that strengthening the role of preliminary investigations and the sharing of information between different agencies will certainly help expedite some of these quite serious investigations of corrupt behaviour. I think it is pleasing to see and it must give the community some confidence to see that the current investigations that IBAC is involved in are showing that we now do have a creature that will respond to corruption in the state, particularly in some of our public service agencies, and that it does have the capacity to have proper, thorough and robust investigations and proceedings.

With that, I do personally support some of the amendments. As Ms Symes said, our parliamentary committee, chaired by Kim Wells from the Legislative Assembly, met with most stakeholders, ranging from the Victorian Inspectorate and the Ombudsman to IBAC itself. The accountability round table was made up of a number of judiciary representatives and other stakeholders, including the Victorian Inspectorate. I believe this bill strengthens all the different roles to make all those different agencies accountable but also able to interact with each other to provide a proper integrity regime for Victoria where there can be preliminary investigations, there can be cases heard and there can be investigations and hopefully those who have been involved in corrupt behaviour will be brought to justice.

I look forward to the committee stage of this bill. As I said, we are going to reserve our judgement in relation to how we support this bill until such time as we have had the opportunity to have the committee process and also have had the opportunity to put Mr Gordon Rich-Phillips's motion to the chamber.

Ms BATH (Eastern Victoria) — I am pleased to rise this afternoon to speak on the Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015. The Independent Broad-based Anti-corruption Commission was established by the Liberal-Nationals coalition government and is Victoria's first public sector anti-corruption commission. It is responsible for preventing and exposing public corruption and police misconduct. Historically we know that in 2010 the coalition came into government on an election promise to bring in an anti-corruption commission. Once in government the then ministers, Mr Andrew McIntosh and Mr Robert Clark, scrutinised other states' legislation, including Western Australia, the New South Wales Independent Commission Against Corruption and Queensland, and came up with a sound model for Victoria. As a result the current IBAC is mandated to investigate serious corruption and police misconduct; to inform the public sector, police and the community about the risks and impacts of police corruption and misconduct and general corruption; and to look at ways in which it can be prevented.

Mr Stephen O'Bryan, QC, was appointed the first IBAC Commissioner in January 2013, and he has a five-year term. As Commissioner, he is an independent officer of the Parliament. IBAC became fully operational in February 2013. In 2014 in his review Mr O'Bryan recommended a number of changes to improve IBAC. During that year IBAC assessed 4860 allegations involving both police and public sector personnel. From that, 314 of these allegations were assessed to be protected disclosure complaints, which is a substantial volume. The bill before us today is similar to the Integrity Legislation Amendment Bill 2014 that was introduced to the Victorian Parliament by the Liberal-Nationals coalition government in September 2014 but which lapsed before the last election. That bill was designed to strengthen Victoria's anti-corruption commission and the state's integrity framework more broadly.

Corruption is the misuse of public power. The pay-off for those who are corrupt is usually money and power. Ultimately corruption will not disappear entirely from our society; however, through the efforts of legislation and agencies such as IBAC, the aim of Parliament should be to restrict corruption and protect as much as possible the underprivileged and vulnerable in our society.

The bill before us today amends a number of acts, including the Independent Broad-based Anti-corruption Commission Act 2011, the Audit Act 1994 and the Ombudsman Act 1973, each of which I will speak on. In amending the Independent Broad-based Anti-corruption Commission Act 2011 the bill makes a number of provisions. It lowers the threshold definition of corrupt conduct by removing the requirement that facts must be proved beyond all reasonable doubt at a trial and providing a wider definition of the term 'corrupt conduct' to include consideration of benefits gained by associates of a person suspected of the corrupt conduct.

By reason there is likely to be a greater number of cases which the Commissioner must investigate and the taxpayer must fund. In the end all corruption costs are paid by the consumer and the taxpayer. Whether lowering the threshold will see a diversion of IBAC's resources to trivial matters that could be better investigated elsewhere will be borne out in time. Close

monitoring of resources should be a fundamental requirement of how the new legislation is implemented.

The bill also adds the common-law offence of 'misconduct in public office' to the definition of 'relevant offence' for the purpose of corrupt conduct. The bill enables IBAC to reinvestigate complaints previously dismissed by the commission or referred to the Ombudsman or another body. It broadens the scope of IBAC investigations to include 'corrupt conduct' as opposed to 'serious corrupt conduct'. The bill also introduces mandatory reporting by principal officers of suspected corrupt conduct. These are sound and sensible instigations.

There are new powers to enable IBAC to conduct a preliminary examination for the purposes of determining whether to dismiss, refer or investigate a complaint or notification under the IBAC act or whether to conduct an own-motion investigation. IBAC may request information from a public body and issue witness summonses during a preliminary inquiry. IBAC will have increased powers to suppress the release of information or evidence during a public hearing if deemed necessary.

In relation to the Audit Act 1994, the bill removes the requirement for the Auditor-General to consult with the Public Accounts and Estimates Committee on all performance audits. There are two clauses in relation to the Audit Act that I wish to address which cause me some concern. Mr Rich-Phillips has identified that the Liberal-Nationals coalition is seeking to amend clause 94 of the bill, which inserts new sections 7A(1A) and 7A(1B), and The Nationals support that amendment.

Clause 97 indicates that during a performance audit this bill extends the power of the Auditor-General to order and take into account information originating from associate entities or entities in a non-government sector that may deliver services to an authority or to the state.

The Scrutiny of Acts and Regulations Committee (SARC) *Alert Digest* no. 1 of 2016 raises the issue of whether or not clause 97 is a reasonable limit on the self-incrimination right in the charter of human rights. The report goes to whether section 14 of the Audit Act makes it an offence to fail to attend for examination or produce documents or to fail to answer any lawful question of the Auditor-General. The term 'lawful question' is not defined in the act, and the act does not excuse a person from answering a lawful question if the answer may tend to incriminate them, which, depending on the interpretation of the phrase 'lawful question', may limit the right in section 25(2)(k) of the charter not to be compelled to testify against oneself or to confess guilt. SARC seeks comment from the Parliament as to whether the question in clause 97 is a reasonable limit on the self-incrimination right in the charter.

I support the coalition's amendment to alter the time frame for a required response to a draft audit from the Auditor-General by the parliamentary committee or associated entity, which reduces the time frame from 15 sitting days to 9 sitting days after receiving a request.

The amendment to the Ombudsman Act 1973 makes provision for the Ombudsman to conduct an inquiry in relation to a protected disclosure for the purposes of determining whether an investigation should be conducted, but not for the purposes of determining whether the protected disclosure complaint may be resolved informally. This is contained in clause 56.

Clause 65 extends the list of entities to which the Ombudsman may disclose information. These entities include the Commission for Children and Young People, the chief municipal inspector, a municipal monitor, the Victorian WorkCover Authority, the Environment Protection Authority Victoria, the racing integrity commissioner, the Australian Federal Police or a police force of another state or territory, and a minister. My colleague, Mr David Morris, identified in his contribution in the other place that there is no reference to disclosing information to parliamentary committees. It is reasonable to assume that having primary evidence available to parliamentary committees may assist with expediency and efficiency in the due process of committees.

Expanding IBAC's powers to deal more effectively with corruption and provide a stronger system is something we should all support. However, by increasing IBAC's scope there is potential for a blowout of resources in dealing with matters that could be dealt with elsewhere.

I note that the coalition will move an amendment to refer this bill to the Standing Committee on Legal and Social Issues for its consideration, and I think that is a sensible move when the bill has far-reaching ramifications.

In conclusion, I would like to acknowledge the work done by a number of past members. As we have heard before, Ted Baillieu and Peter Ryan set up the IBAC Committee during their time in office. The Honourable Peter Ryan has always been a very passionate person in relation to stamping out corruption

in our state. It is important to strike a balance between capturing corrupt individuals and organisations, thus protecting the vulnerable and innocent law-abiding citizens, and the cost of resourcing a lowered threshold, with wider powers for and increased demands on IBAC. I will be interested to see the committee flesh out some of those issues.

Ms PULFORD (Minister for Agriculture) — I would like to speak very briefly and to flag that the government will be moving an amendment in committee. I ask that it now be circulated and advise that the opposition has been provided with a copy.

Government amendment circulated for Mr JENNINGS (Special Minister of State) by Ms Pulford pursuant to standing orders.

Ms PULFORD — Just to briefly explain for the benefit of the house, the amendment is in response to some technical issues raised by the Auditor-General. The amendment clarifies the government's position in relation to what the Auditor-General can say in a performance audit report using the follow-the-dollar powers. Specifically it will ensure that the Auditor-General can comment on associated entities in the same manner that the Auditor-General can comment on departments. The amendment seeks to provide that clarification. With those brief comments I commend the bill to the house.

Ms FITZHERBERT (Southern Metropolitan) — I am pleased to be able to speak this evening on the bill before the house, the Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015. It is an enormously important piece of legislation, which has very serious potential consequences. It goes to significant changes to our existing integrity and accountability system, and in particular it expands the parameters of the IBAC's activities and powers. These sorts of powers are not to be taken lightly. They have big implications for our institutions, for faith in those institutions and also for the individuals who work for them or with them or come into contact with them.

I emphasise the importance of what is being done this evening. The Independent Broad-based Anti-corruption Commission is of course a relatively recent institution in this state. It was something that was the subject of a long debate before it was introduced during the previous government's term, and that brought us the Independent Broad-based Anti-corruption Commission Act of 2011. Prior to the introduction of that act there was a long public conversation and a long political conversation, about the need to address allegations or suspicions of corruption within our institutions and by individuals. There are a couple of quite prominent examples of this.

There was the issue of the gaming licence tender process under the previous Labor government and the upper house inquiry that looked at the way that licences were administered and the way that they were granted. There has been the ultranet IT scandal, which has more recently been investigated by IBAC, its investigation having included as a witness a former Labor minister, Bronwyn Pike.

IBAC, as it was introduced, had a range of safeguards, because when we are dealing with public institutions and individuals' reputations we need to have appropriate safeguards to ensure that the issues under investigation are considered in a way that is reasonable and fair and is seen to be fair. So there are a range of legislative safeguards, parliamentary safeguards and institutional safeguards. It was also noted at the time IBAC was introduced that this was not set in stone and was something that would need to be reviewed and may need to be amended and refined so that the anti-corruption system existed in a way that was appropriate. I understand that further amendments were introduced into Parliament but were not finalised before the 2014 election. As a consequence of that, that bill lapsed, and it has taken about a year or so for further legislation to emerge from this government.

It should be noted that IBAC is not a judicial body. It is an executive body, and it has therefore the powers of the executive and not the judiciary. It has quite remarkable powers, which are not those that a court has. We are talking about a body that has extra jurisdictional powers, and therefore it is even more important to be very careful about the checks and balances for the exercise of that power. Talking about the court process, the judicial process, there are a range of protections that go back over many hundreds of years in terms of statute and common law, so the provisions, the powers, of IBAC are quite different and need to be considered in a different way.

I think what has happened quite recently in relation to the office of the FOI commissioner shows one of the differences. One of the basic features of our legal system is that generally things are done publicly so that justice is done and it is seen to be done. But that is not the sort of process that has been followed in relation to the former FOI commissioner, who was the subject of a secret review of her office and her own conduct, which the public still does not know the content of, and who has resigned. It is a totally different set of outcomes and processes that we see, and these need to be considered very, very carefully.

I want to pay particular attention to a couple of aspects of the bill that is before us. I think one of the most important is that there are significant definitional changes. IBAC's functions will provide for the identification, investigation and exposure of any corrupt conduct and the prioritising of corrupt conduct that is serious or systemic, and the bill modifies the threshold that must be met before IBAC may commence an investigation into corrupt conduct.

One of the really interesting things about the bill is its definition of misconduct in public office. This is not clearly defined, and this has been an issue that has been the subject of some debate. I understand that we are going to be relying on a common-law definition, and that is something that Ms Symes went into earlier in debate. These sorts of common-law definitions are different to, obviously, a specific definition put within a bill. They are multifaceted, and they might change over time. I will not read out the definition that the Supreme Court came up with for the term 'misconduct in public office'. Members have referred during the debate to the terms that the court found. But an important principle of the law is that people should know what it is so that they can abide by it. It is important to have clarity.

It will be interesting to see how IBAC itself interprets the term and what sorts of behaviours it decides to state are misconduct in public office, particularly given what seems to be very broad-ranging remit to look at perhaps quite minor acts. It is not to suggest that minor acts of misconduct are unimportant; it is simply to say that obviously there is a broad spectrum of behaviour, and courts and tribunals every day need to make distinctions between activity that is important and that which is not.

It is important to have a strong and robust system for protecting against corruption. I remain concerned about examples of anti-corruption tribunals which have processes that are, in themselves, both trial and punishment. I am wary of processes that damage reputations, perhaps irrevocably and largely without recourse by the individuals involved, and I worry about politicising the activities of anti-corruption tribunals. We are kidding ourselves if we think that we have not seen very recent examples of this in this country. In particular, the targeted use of media as part of an anti-corruption tribunal has in some instances been grossly unfair to individuals who have been the subject of this sort of behaviour. These sorts of behaviours and excesses need to be avoided, because as we have seen, the cost can be enormous, to individuals and also in terms of public faith in the institutions that these people are part of.

I started my speech this evening by saying that this is a very important bill. It has very serious content that affects our organisations and individuals. It needs ongoing review; it needs careful assessment. In the committee stage I look forward to exploring some of the remaining questions that I have about some aspects of the bill and about issues that have been raised during the debate by other members. I will also consider some of the nuances of the bill when that committee stage begins.

Sitting suspended 6.28 p.m. until 8.04 p.m.

Motion agreed to.

Referral to committee

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I move:

> That the Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015 be referred to the Standing Committee on Legal and Social Issues for inquiry, consideration and report by 16 August 2016 and, in conducting its inquiry, the committee should limit its consideration to special reports of the New South Wales Office of the Inspector of the Independent Commission Against Corruption and the desirability of improved safeguards and oversight of Independent Broad-based Anti-corruption Commission operations in light of the New South Wales experience.

As indicated during the debate on the second-reading speech, the coalition's view is that in constructing legislation to amend IBAC the house needs to be very cognisant of the need to strike a balance between the powers given to IBAC, the jurisdiction of IBAC, the desirability in this legislation of reducing the threshold test for IBAC to undertake inquiries and the need to protect parties who are the subject of IBAC inquiries and who in many cases may only be witnesses to IBAC inquiries and not themselves the subject of investigation but nonetheless can be subject to taint simply by virtue of being subject to that inquiry.

Given, as I outlined in the second-reading debate, the issues that have arisen in regard to particularly that third element in respect of the operation of the New South Wales Independent Commission Against Corruption (ICAC), the coalition believes that it is appropriate that the recommendations that have been made by the New South Wales ICAC Inspector in respect of the operations of the New South Wales ICAC be taken into consideration as far as this legislation goes. Therefore it is our contention that this legislation should be referred to the legal and social issues committee simply to look at that narrow set of matters which relate to recommendations from the New South Wales ICAC Inspector as to how applicable they are for IBAC here

in Victoria and whether, having regard to those findings, we need to adopt any of those recommendations in legislation around safeguards for IBAC before we proceed with this legislation.

Mr JENNINGS (Special Minister of State) — The government is opposed to the reasoned amendment. We are opposed to it primarily because this piece of legislation was introduced after careful deliberations over the course of 2015, culminating in its being introduced in December 2015. It is now some almost year and a half after the government was elected to introduce reforms to the accountability and integrity framework, which includes reforms to IBAC and to the powers of the Auditor-General and refinements to the operation of the Ombudsman's office. A lot of consideration has been given to relevant issues through lengthy conversations with relevant stakeholders, the institutions I have drawn attention to. It has been subject to scrutiny by the Scrutiny of Acts and Regulations Committee of this Parliament and the IBAC Committee. The Accountability and Oversight Committee has been able to look at this matter, as indeed has the Public Accounts and Estimates Committee had the opportunity to look at this piece of legislation.

So we have already had scrutiny by four committees of the Parliament of various aspects of this legislation. Their ongoing scrutiny is available to them from here on. The notion that it needs to go through an additional loop to a fifth committee of the Parliament — —

Mr Barber interjected.

Mr JENNINGS — I am being encouraged to go back to recommendations that go back probably about six or seven years in relation to the gestation period for some of these reforms.

Mr Barber interjected.

Mr JENNINGS — I take it that Mr Barber, even though he sounds disruptive in his interjections, is actually being supportive of the endeavours that are contained within this piece of legislation, which improves the rigour that will apply to the activities of IBAC and other integrity bodies into the future.

The government believes that the additional scrutiny of the matters that Mr Rich-Phillips says is warranted is not justified at this point in time. The government is aware of the ongoing need for continual reflection on the appropriate interlocking connections between the various accountability bodies. Before this bill was passed by the Legislative Assembly the government had already put into the public domain discussion papers to deal with further iterations of the refinement of these institutional bodies, how they relate in terms of jurisdictional cover and the ways in which checks and balances may apply in terms of the various responsibilities of these agencies. They include the role of the Victorian Inspector, who actually has a responsibility under statute to have a look at the way in which these agencies acquit their responsibilities and how they work, hopefully in harmony, so that there is not any jurisdictional gap between the operations of the integrity bodies in Victoria. There are checks and balances in the way in which their activities are undertaken in terms of the professional acumen that you would expect to be brought to bear by these agencies, the officers who work within them and the methods that they adopt in acquitting their responsibilities.

The government is confident in the basket of legislation that we have before the chamber tonight. We are confident of the outline of the issues that we have already identified as further considerations for public participation in making a contribution to the scrutiny of any changes that may be warranted in the future. We do not need to go on the additional circuitous route to pursue the issues that Mr Rich-Phillips is prosecuting in his argument this evening, so the government will be opposing this referral motion.

Ms PENNICUIK (Southern Metropolitan) — The Greens will not be supporting the motion moved by Mr Rich-Phillips that the bill be referred to the Standing Committee on Legal and Social Issues for inquiry, in particular limiting its consideration to the reports of the New South Wales Office of the Inspector of the Independent Commission Against Corruption (ICAC) and the desirability of safeguards and oversight of IBAC in light of that New South Wales experience.

We do have the Victorian Inspector in place, which has the oversight responsibility, but as I mentioned in my contribution when this was raised by Mr Rich-Phillips during the second-reading debate, we already have three committees which look over the three areas of legislation covered in this bill, which are the IBAC legislation, the Audit Act 1994 and the Ombudsman Act 1973. This particular reference refers only to the part of the bill that refers to the Independent Broad-based Anti-corruption Commission Act 2011. As the Leader of the Government has said, the IBAC Committee has already looked extensively into this legislation. The committee has made recommendations as to what issues the legislation should cover and has foreshadowed the extra work that needs to be done in areas where it believes the bill does not go as far as it should in relation to some of the provisions that were asked for by the stakeholders because of what they heard during the inquiry.

I mentioned that during the inquiry the committee travelled to Queensland to visit the Queensland Crime and Corruption Commission, and I understand committee members may be going to New South Wales to meet with the staff of the ICAC et cetera. Notwithstanding that there have been important issues raised by the New South Wales Office of the Inspector of the Independent Commission Against Corruption, I believe that the IBAC Committee in its duties and in its ongoing inquiries into whether the IBAC legislation needs further amendment, which we would suggest it does, has already said it will be looking at those issues. I would be very surprised if in the course of those inquiries it did not look at what is happening in terms of reports of the New South Wales Office of the Inspector of the Independent Commission Against Corruption.

I do not really see the need, therefore, to refer this bill to the legal and social issues legislation committee, notwithstanding that the Greens would normally like to see bills referred to committees. Certainly we are usually in favour of that, but in this particular case we think that it is the wrong committee and that the IBAC Committee can perform the function outlined in the amendment moved by Mr Rich-Phillips.

House divided on motion:

Ayes, 15

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

Noes, 23

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

Pairs

Davis, Mr	Herbert, Mr

Motion negatived.

Ordered to be committed next day.

OCCUPATIONAL LICENSING NATIONAL LAW REPEAL BILL 2015

Second reading

Debate resumed from 10 March; motion of Ms MIKAKOS (Minister for Families and Children).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this evening to make some fairly brief comments on the Occupational Licensing National Law Repeal Bill 2015. It is notable that this is a repeal bill, and it is worth the house considering how we have arrived at this stage, where we are seeking to repeal the original 2010 act, the Occupational Licensing National Law Act 2010. The history of this goes back to the glory days of the Rudd administration, when we saw — —

Mr O'Donohue interjected.

Mr RICH-PHILLIPS — It is understandable that Mr O'Donohue is laughing. I think most people laugh when reflecting on the Rudd government. This goes back to the grand vision the Rudd government had for driving the Australian economy forward. Members may remember the grand 2020 summit, where Mr Rudd had all his then new friends together at Parliament House, all the celebrities from all the disciplines of the arts. There were a few academics and a few people who actually knew what was going on. The Rudd administration had this grand summit that came up with an agenda for Australia.

An honourable member — How did that go?

Mr RICH-PHILLIPS — How did that go? The reality is that most of that was stillborn, and Mr Rudd, having taken the media along with him — or having taken to the butchers paper — did not proceed with many of the initiatives or the grand ideas that came out of that summit.

One of the things that did progress in a way from that summit and subsequently through the Council of Australian Governments (COAG) was a commitment towards harmonisation across a number of areas, and a number of those areas were grouped under what became known as the seamless national economy (SNE) group of commitments. From memory, I think there were 23 individual portfolio areas or policy outcomes that were grouped under the heading of the seamless national economy. The decision of the members of COAG as heads of government was that there should be an approach of harmonisation across those 23 policy areas seeking to remove regulatory

differences and legislative differences across the jurisdictions with a view to reducing the impact of the regulatory burden across state borders and in doing so making the Australian economy as a whole more efficient — improving the flow of the workforce across borders, improving the flow of capital and investment across borders and making the Australian economy more efficient.

On the surface that sounds like a laudable goal, and it is a laudable goal, but in reality one of the challenges of adopting those commitments under the seamless national economy program, the individual portfolio areas where harmonisation was sought, was recognising that all the jurisdictions were coming from different starting points, all the jurisdictions had different competitive advantages and the jurisdictions would need to move in different ways to reach a common position. One of the big challenges of that SNE program was — —

Mr Jennings — A tectonic shift.

Mr RICH-PHILLIPS — Absolutely, it would be a tectonic shift. One of the big challenges of that SNE program was the individual ministerial councils of COAG determining what was to be the national model in particular portfolio areas. The one I am most familiar with as a former minister responsible for WorkCover was the agreement reached on occupational health and safety harmonisation, which was part of the seamless national economy. From memory, it had more than $100 million worth of reward payments from the commonwealth attached to it — that is the SNE program in total; I think there was about $60 million in the 2012–13 year and $100 million in the subsequent 2013–14 year. It might have been the 2011–12 year and the 2012–13 year. There was substantial money attached to the delivery of those SNE outcomes.

The challenge we had in the OHS area was that, as I said, the starting point for each state and territory was different. Victoria, having put in place new OHS legislation in 2005, was recognised as having best practice legislation in Australia. Jurisdictions like New South Wales and Queensland were far behind Victoria in their OHS regimes. But we also had the dynamic of competing politics with the development of the national model, where there was resistance from the governments of the day in states like Queensland and New South Wales. Depending on which day or week it was in New South Wales, it could have been the Rees government, the Iemma government or the Keneally government that was resistant to bringing an OHS framework forward to what was accepted as best practice in Victoria. Likewise with the Bligh government in Queensland there was resistance to modernising the OHS framework.

That meant that when agreement was reached by the governments of the day, and it was the Brumby government that signed Victoria up to that agreement, a whole lot of compromises had to be made by states that did have leading legislative frameworks in order to get agreement from those states that were lagging behind. In the case of occupational health and safety harmonisation, we arrived at a national model which essentially asked Victoria to take 5 steps backwards so a state like New South Wales could step take 10 steps forward. That highlighted to the coalition government the shortcomings of a national harmonisation scheme where you are starting from different points and where jurisdictions are asked to make compromises on what is a good regime in order to get jurisdictions with a poor regime on board.

When we came to government we made the decision that we would not adapt national OHS harmonisation for the simple reason that it was bad for Victoria. It was taking Victoria backwards, compared to what was then and still remains the prevailing Victorian legislation. Other states, with the exception of Western Australia, did adopt the national model, and for most of those states, particularly Queensland and New South Wales, it was a step forward. But it was still short of the regime that we had in Victoria, and it was still short of the flexibility that Victorian businesses enjoy by virtue of having maintained the Victorian regime rather than adopting the national model.

That is one example of where the concept of harmonisation is good in theory but in practice did not work. It highlights why state governments and territory governments need to be mindful of their individual competitive advantages when considering harmonisation proposals such as we saw under the seamless national economy agreement, because it was not in Victoria's interest to move forward with that national model and it would have been to the detriment of Victorian businesses to the cost of multiple billions of dollars over the first five years had we implemented it.

It is interesting that the bill we have before us this evening is in a similar vein. The Occupational Licensing National Law was a framework which was agreed at the Council of Australian Governments. The intent was to remove and reduce differences in occupational licensing between the state jurisdictions. This applied particularly to licensing of trades — electricians, plumbers et cetera — where on the face of it there is no reasonable basis for a difference in the

licensing regime between states and territories, but nonetheless historically over decades, as each state developed its own regulatory framework, differences did emerge which led to costs and friction at cross-border transactions. The inability, for example, of licensed tradesmen in Albury, New South Wales, to be able to operate over the border in Wodonga gave rise to the desire and the need for a framework whereby occupational licensing was consistent and had cross-recognition across state borders.

Since that regime was put in place in 2010, the reality of actually getting agreement between the jurisdictions and the bodies representing the individual trades and professions as to how to move to a licensing regime where mutual recognition is possible has been very difficult. Part of that has been the old argument, which essentially is one of restraint of trade. Jurisdictions not wanting people from other jurisdictions coming into their states and taking business and therefore desiring to maintain unique state barriers has been real and not unsurprising in one sense, as has been the simple inability to get agreement across borders as to how common licensing standards should be achieved.

It has now been accepted some six years after the initial legislative framework was put in place, which is probably the best part of eight or nine years after the agreement was reached at COAG, that occupational licensing with national consistency and mutual recognition has not worked. Therefore the bill before the house tonight is to repeal that Victorian act, which was to give effect to the nationally recognised occupational licensing. This repeal is something that the coalition supports. It was evident while we were in government that this scheme had not worked and was not going to work, and therefore the repeal of this act is appropriate. For that reason the coalition will not be opposing the passage of the Occupational Licensing National Law Repeal Bill 2015 this evening.

Mr EIDEH (Western Metropolitan) — I am delighted to speak in support of this bill, the Occupational Licensing National Law Repeal Bill 2015. I recommend this bill to the house as a necessary step towards the dissolution of the National Occupational Licensing Authority. The national occupational licensing system (NOLS) was a bipartisan initiative that involved significant state and federal cooperation at the time of implementation. The new system will represent a national scheme for licensing and regulation of certain occupations in the interests of having standardised licensing across Australia.

Currently each state has its own independent licensing agency that has developed separate models of accreditation, testing and work practices. The national occupational licensing system was an attempt to remove the inefficient inconsistencies that operators confronted when trying to seek employment interstate and provide a standardised national approach. This reform, however, did not ultimately succeed, and an agreement was reached to abandon the system in December 2013. This agreement was reached as a response to ongoing feedback and consultation from industry groups in all the concerned states. The vast majority of feedback was supportive of reduced legislative barriers to labour mobility but did not support the national occupational licensing system.

It was a long-held view that the national occupational licensing system would lead to an increase in costs and red tape due to the ongoing existence of state licensing agencies and a question as to who exactly would be responsible for the administrative and enforcement aspects of the plan. The existence of dual agencies and the proposed cost recovery method would have imposed greater cost and red tape on the very businesses it was designed to assist. In considering these concerns, many state governments did not advance the progress of the national occupational licensing system implementation. In December 2013, five years after the original adoption of the NOLS proposal, it was officially decided to abandon the existing NOLS.

However, Victoria was the host jurisdiction for the national legislation. The outcome of this bill will be to finalise the process of ending the scheme, including allowing other jurisdictions to repeal their legislation and allowing the term of the existing board members to expire without requiring the Council on Federal Financial Relations to reappoint people to a non-operational organisation. There are also some assets and liabilities to be resolved as part of the final transitional arrangements, which should result in a reimbursement to the state of Victoria of approximately $50 000.

We understand that a national scheme will need to be reworked and revisited. The repeal of the NOLS has no economic impact on Victoria and does not increase the legislative burden. Victoria currently provides for labour mobility through mutual recognition practices which are administered through state agencies such as the Victorian Building Authority and Consumer Affairs Victoria. Victoria is now pursuing its own reform agenda regarding occupational licensing. We will do this in consultation with neighbouring states as well as industry and unions, but this does not require national agreement. Some of these reforms are able to begin in

2016, while others will require further work and consultation with stakeholders.

This reform agenda will involve the expansion and refinement of automatic mutual recognition approaches as well as skills harmonisation with neighbouring states. The road map is initially looking at implementing reforms for a number of professions, depending on whether it is appropriate in that particular case, especially as to whether other jurisdictions match Victoria for the quality of requirements and qualifications. As a result this gives us an opportunity to look at a greater number of occupations than would have been initially covered under NOLS.

As we on this side of the house have always prioritised, the purpose of the reform is to reduce costs and red tape for the numerous businesses and employees who ply these trades in areas near the border. Our reforms to help businesses employ the best skilled workers for a role, regardless of where they come from in Australia, have been supported by the Victorian Chamber of Commerce. We are proud that we are making it easier for skilled workers coming to Victoria who are seeking work and ensuring that their interstate qualifications are recognised here. The passing of this bill, however, does not represent a retreat from the important work of labour mobility reform. The Andrews Labor government is focused on carrying out what unilateral reforms are possible and advisable within Victoria whilst continuing discussions with the other states. I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

CONSUMER ACTS AND OTHER ACTS AMENDMENT BILL 2015

Second reading

Debate resumed from 11 February; motion of Ms PULFORD (Minister for Agriculture).

Mr O'DONOHUE (Eastern Victoria) — The Consumer Acts and Other Acts Amendment Bill 2015 is a bill that amends a range of different acts and is worthy of some consideration by the house given the significant number of acts that the bill amends. It is an omnibus bill, and I indicate at the outset that the opposition does not oppose the bill, although I will seek clarification from the minister in relation to clause 24 in due course. Clause 24 has been the subject of some representations, and I also understand it is the subject of some amendments from the Greens, and I will let the Greens talk to those, but we do share some of the same concerns that have driven the amendments by the Greens and I look forward to the minister's answers in relation to that clause in particular.

The bill amends the Australian Consumer Law and Fair Trading Act 2012 to better align the provisions relating to enforcement and remedies with the equivalent provisions of the Australian Consumer Law (Victoria) and the Competition and Consumer Act 2010 of the commonwealth, which, as members would know, provides the legislative framework for the Australian Competition and Consumer Commission (ACCC). I note the federal government has recently announced increased funding for the ACCC, which is a good thing for compliance and enforcement.

The bill amends the Associations Incorporation Reform Act 2012 to provide that a committee member of an incorporated association vacates that office if the member is disqualified from managing a corporation or cooperative. This act continues to be very much the framework for many incorporated associations and for many volunteer organisations and many organisations that are the lifeblood of our respective communities. There will be opportunity to talk specifically about our outstanding volunteer organisations tomorrow, and I look forward to that debate, so I will not be diverted at this time, but I note that act and I was pleased to be part of the government that updated, reformed, introduced and saw the passage of the Associations Incorporation Reform Act. The amendment that is proposed appears to be reasonable and sensible.

The Residential Tenancies Act 1997 I will perhaps talk to later. The Retirement Villages Act 1986 is being amended to relocate from the regulations into the act the formula for the calculation of the adjusted maintenance charge for a financial year for a retirement village and to make other amendments to improve the consistency of terminology. While it is not controversial on its face, moving this process from the regulations into the act, I am sure as members we have all had interactions with retirement villages in our respective electorates where the management of the retirement villages and the body corporate fees charged can indeed be a significant and very controversial issue that regrettably at times can lead to quite a bit of dispute. I can think of several examples from Eastern Victoria Region. I look forward to the work of the

Standing Committee on Legal and Social Issues examining this issue in the broader sense — caravan parks, retirement villages, independent living units and others. I think it will be an interesting exercise and it will build on the good work that is being done by the legal and social issues committee thus far in this Parliament.

The bill amends the Sale of Land Act 1962 to apply to conveyancers the same restrictions that apply to legal practitioners in relation to acting for both vendor and purchaser on a terms contract. That would appear to be a sensible amendment providing the same limitations for conveyancers as for legal practitioners and limiting the risk of a potential conflict where a conveyancer is acting for both parties in a transaction. The bill will amend the Property Law Act 1958 to apply to conveyancers the same conditions that apply to legal practitioners in relation to the payment by a purchaser of costs and expenses under a contract for the sale of land, which again is reasonable and sensible.

The bill will amend the Sex Work Act 1994 to change all references to a sexually transmitted disease to a reference to a sexually transmissible infection and to provide that action may be taken under that act against a person who is not a licensee if the person was a licensee at the time the grounds for taking the action existed, which again appears to be extremely sensible. Frankly, it is surprising that that is not the case at the moment — that someone who no longer has a licence in effect cannot be prosecuted or brought to account for their alleged wrongdoings under the act. That change again is sensible and reasonable.

The bill also amends the Second-Hand Dealers and Pawnbrokers Act 1989 and the State Trustees (State Owned Company) Act 1994. So again, it is a bill that is an omnibus bill in the true sense of the word. It makes a range of changes to and tidies up a number of different acts. While I will not go through them in any detail, I will draw to the attention of the house clause 4, which changes the threshold test for a Consumer Affairs Victoria inspector to enter and search a premises with consent to a reasonable grounds test.

The bill clarifies the legal validity of audiovisual recording. That is dealt with in clauses 4, 7 and 8. Clauses 5 through to 10 clarify the rights of an occupier to refuse to produce any document and amend when a search warrant can be issued by the Magistrates Court. The bill makes a number of other changes to the acts that I have referenced.

I want to go now to perhaps the main issue in the bill, and that is clause 24. The explanatory memorandum for the bill states that:

> Clause 24 inserts new sections … into the Residential Tenancies Act 1997 which provide that a notice or other document to be served on or given to a person or landlord under the act may also be given by electronic communication in accordance with the Electronic Transactions (Victoria) Act 2000.

The Tenants Union of Victoria has written to the shadow minister for consumer affairs, my colleague the member for Morwell in the other place — —

Ms Shing — I thought you were talking about me. Sorry.

Mr O'DONOHUE — Mr Northe. The tenants union may well have written to other members, but my friend the member for Morwell in the other place has received representations from the tenants union.

Mr Dalla-Riva — Who is that?

Mr O'DONOHUE — Mr Northe.

Mr Dalla-Riva — Good man.

Mr O'DONOHUE — Very good man.

Mr Dalla-Riva — Good representative.

Mr O'DONOHUE — Excellent representative, doing a terrific job for the Latrobe Valley.

Given the concern raised by the tenants union, I thought I would refer to the second-reading speech to see how the government explains or deals with this issue of a person receiving by electronic communication a notice to vacate or a notice to leave premises. Unfortunately the second-reading speech says very little. It says:

> The bill will amend the Residential Tenancies Act 1997 to clarify that notices under the act may be served by electronic communication, such as email, in accordance with the requirements of the Electronic Transactions (Victoria) Act 2000.

So it does not really say much in that regard. Let me just put on the record the issue that has been raised. In email correspondence the tenants union said it:

> … wishes to inform you of our concern about clause 24 of the Consumer Acts and Other Acts Amendment Bill 2015. We are very concerned that the consequence of this bill will result in tenants being evicted via email. The bill is likely to hit the elderly, people in regional areas, and tenants with complex needs the hardest as these groups are most likely to have intermittent internet or email use.

> The industry was not given an opportunity to provide any feedback prior to the introduction of the bill and so we are raising our concerns now by directly contacting members of Parliament.

The email to Mr Northe goes on to say:

> We are also concerned with the timing of this proposed amendment to the Residential Tenancies Act 1997 because this act is currently under extensive review by Consumer Affairs Victoria. We question why this amendment is being pushed through Parliament now instead of after proper consultation at the conclusion of the review.

There is a fact sheet that has also been provided, but it really goes to those three points that the email addresses.

I would seek from Minister Dalidakis that he provide some response to those three issues, either in the summation of the second-reading debate or indeed during the committee stage with the Greens' amendments that will be before the house. The opposition will listen with interest to the explanation from the government, given the dearth of information in the second-reading speech. With those comments and with a focus on that important issue, the opposition will not be opposing the bill.

Ms SPRINGLE (South Eastern Metropolitan) — The Greens are supportive of the majority of the provisions in this bill. The majority of the bill is indeed housekeeping, but it would be a mistake to categorise the whole bill as housekeeping. I am going to cut to the chase. I am not going to speak to the entire bill — it is a very large bill and an omnibus bill — but there are two parts in particular that the Greens feel need further attention.

The first is around the proposed amendments to the Retirement Villages Act 1986 in division 3 of part 3 of the bill. Consumer Action, formerly known as the Consumer Action Law Centre, has expressed some concerns regarding these proposed amendments. Consumer Action is not opposed to moving the calculation of adjusted maintenance charges from the regulations to the body of the act, though it did point out to us that the minister has not really explained the reason for these changes. I would call on the minister to elaborate on this point — —

Mr Jennings — This is another point the minister is going to answer.

Ms SPRINGLE — Excellent. I am very glad to hear it.

Ms Shing — You're not, though, are you? Are you glad?

Ms SPRINGLE — Yes, I am. I am absolutely glad; otherwise I would not be asking the question.

Consumer Action has also told us that it gets regular complaints from retirement village residents about the calculation of adjusted maintenance charges. It may well be outside the scope of this bill, but we urge the government to further amend the Retirement Villages Act so as to restrict unfair increases to adjusted maintenance charges. Consumer Action also says it is unaware of any enforcement action that has been taken against an operator that has increased maintenance charges in excess of the calculation, so perhaps the minister could alert the chamber to the current enforcement mechanisms under the act and the extent to which they have been used in, say, the last two years. Certainly Consumer Action believes those mechanisms need to be more effective. Finally, perhaps the minister can elaborate further on what is meant by 'reference periods' in clause 31 of the bill. We understand the reference periods are part of the wording that will replace the references to four consecutive quarters in the act as it stands.

I will now move to the other part of the bill that needs further attention. Clause 24 amends the Residential Tenancies Act 1997 to allow for notices and documents to be served electronically. The Greens generally support provisions for electronic service, but when we allow for electronic service we must do so in a way that ensures, as much as we can, that vulnerable people are not left out or further disadvantaged. We are very concerned that the wording of this bill as it currently stands contains a very real risk that certain tenants, especially the most vulnerable tenants, may be unnecessarily disadvantaged.

This was a concern also raised with us by the Tenants Union of Victoria, an organisation that does some truly outstanding work on behalf of some of the state's most marginalised and vulnerable tenants. The tenants union helps people in a number of different ways, including by way of the provision of advice, advocacy and policy work towards its goal to improve the conditions for and the status of tenants. The tenants union handled nearly 20 000 inquiries last financial year, and it provided direct assistance to almost 16 000 people. In each of those matters the tenants union speaks to people who need help, and it collects data and information. This provides the tenants union with a tremendous and valuable source of information about the actual issues tenants face. When the tenants union identifies concerns about a bill, we in this place can be pretty sure those concerns are well founded.

The Greens agree that those concerns are well founded in this case. We are very concerned that the bill as it currently stands, in allowing for electronic service of documents and notices under the Residential Tenancies Act, may have some unintended consequences, especially for vulnerable tenants. As it is currently worded the bill only says that the electronic service of documents would be allowed in accordance with the Electronic Transactions (Victoria) Act 2000. That act requires that a person must give consent in order to receive notices electronically, but that act's definition of consent allows a person's consent to be inferred from their conduct.

Our concern and that of the Tenants Union of Victoria is that the definition of consent in the Electronic Transactions (Victoria) Act 2000 leaves too much that is uncertain, especially from the point of view of tenants but also from the point of view of landlords and agents. This bill is not clear about exactly what behaviour by a tenant means they have consented to electronic service. Is it when a tenant emailed their agent six months ago about a busted water heater? Is that enough for the agent to infer that the tenant has consented to electronic service of a notice that their rent will increase, or does the tenant need to have done more — perhaps established a pattern of electronic communication with their agent over a number of months? The bill as it is introduces too many uncertainties for tenants, landlords and agents and risks tying up valuable time in the Victorian Civil and Administrative Tribunal and perhaps the courts by people arguing that a particular person had or had not consented based on their conduct. If we can head off this kind of uncertainty before the bill is signed into law, then surely we should.

Another potential concern with the bill the way it is currently written is the possibility that landlords and agents might be able to obtain a tenant's written consent by simply including a term to that effect in the tenancy agreement. The tenant would thus be placed in the difficult position of having to choose between consenting to electronic service and getting a property on the one hand and not consenting to electronic service and not getting a property on the other hand.

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

Ms SPRINGLE — A number of amendments to this bill have been circulated, and the first of those amendments simply inserts three conditions to which electronic service would be made subject. Those conditions would mean that tenants would still be able to consent to receive notices electronically; it is just that there would be particular safeguards in place to ensure that everyone is aware of when and where consent is given. Our amendment adds the following three conditions: firstly, that the tenant's consent is informed and in writing; secondly, that the tenant's written consent has not simply been written into the terms of a tenancy agreement or in any other way been made a condition of the tenant entering into the tenancy agreement; and thirdly, that the email address that is used is the one that is being agreed to in the written consent.

We believe that the inclusion of these three conditions is a sensible, practical amendment that would increase the level of certainty around the issue of consent regarding electronic transactions for tenants, landlords and agents. We would also add a clause that provides for tenants to withdraw their consent to receive notices electronically, because it is uncertain in the bill as it is currently drafted as to how or even whether tenants can withdraw their consent if they change their mind after they provide it. Having said that, the Greens agree with electronic service in general, but I want to stress that it is with one very significant exception, and that relates to notices to vacate — in other words, eviction notices. Notices to vacate or eviction notices are the most significant notices that tenants can receive from their landlords. A tenant who receives a notice to vacate must immediately start packing up her life and looking for somewhere else to live.

The Residential Tenancies Act currently requires different notice periods for different circumstances and ultimately does not require a landlord to provide a tenant with any reason for evicting them. Notice periods might be as short as two weeks or even nothing where a notice to vacate is served for a reason relating to a tenant illegality or a tenant's breach of a tenancy agreement. If the reason a landlord wants the tenant out relates to some legitimate action of the landlord, such as selling or renovating the property, then the notice period required is generally in the order of two months. If the landlord does not want to provide any reason for the eviction, then the landlord must give three months notice.

For many tenants, the notice periods required by the act do not provide much time at all for tenants to pack up their lives, find a new place to live, gather together enough money for a new bond and likely double rent and clean the existing property. The bill creates a risk that very important emails containing very important notices, like notices of rent increases or notices that the landlord will be entering a property, may be lost or missed. If that happens, the notice period from the

tenant's perspective automatically becomes even shorter. It is very, very easy to miss an email, especially if you are somebody who does not normally use email — for instance, you may be an age pensioner for whom email is not your communication mode of choice.

Mr Jennings interjected.

Ms SPRINGLE — Excellent. People do tend to have multiple email accounts. It may be that your email account that you used daily six months ago is not the same email account you use now. Maybe you have changed jobs or just changed circumstances. Emails are also notorious for finding their way into spam folders. Particular emails are also very easy to miss if you are a person who receives a lot of emails. Therefore we believe that notices to vacate should be exempt entirely from the provisions authorising electronic service. Amendment 3 of the five amendments I have circulated aims to do just that. We cannot allow people to be evicted by email in this state.

It has been said in some quarters that electronic service of various notices is happening already and all this bill does is codify a practice that already exists. That is not a good enough justification for a bill that might have severe consequences for renters, and vulnerable renters in particular. The government's extensive Fairer Safer Housing review of the Residential Tenancies Act, which is ongoing even as we debate this bill, is actively considering the question of whether the electronic service of documents is appropriate.

The fact that the Fairer Safer Housing review has not yet been completed makes clause 24 of the bill perplexing, and it is not clear why this particular element of a very extensive Fairer Safer Housing review has been brought forward as part of this bill. Surely it would have been better if the review were allowed to take its course, consider the available evidence and positions of various stakeholders and come up with a considered independent evidence-based conclusion in its own time frame. It is hard to understand why the government has simultaneously included electronic service in the review of the Residential Tenancies Act, which is ongoing and included in clause 24 of this bill. It would seem to circumvent the review process. Surely for no other reason than that, we in this chamber should be opposing the more outrageous aspects of clause 24, and that is why this chamber should support the Greens' amendments.

Mr LEANE (Eastern Metropolitan) — I am very pleased to speak on the Consumer Acts and Other Acts Amendment Bill 2015. I think the technicalities of the bill have been covered quite well by the previous speakers, but I would like to recap some aspects of this particular bill and, as previously said, what it actually enacts in a number of different acts, which include the Electronic Transactions (Victoria) Act 2000, the Residential Tenancies Act 1997, the Retirement Village Act 1986, the Sale of Land Act 1962, the Property Law Act 1958, the Second-Hand Dealers and Pawnbrokers Act 1989, the Sex Work Act 1994 and the Australian Consumer Law and Fair Trading Act 2012. I think that is the context of the act that it actually follows.

As far as the Associations Incorporation Reform Act 2012 is concerned, the bill makes quite a simple and common-sense amendment to ensure that an individual who is not fit to manage a corporation cannot not serve as a committee member for an incorporated association. I think that is a very common-sense amendment insofar as it seems ludicrous that someone who has been deemed unfit as an individual should not be deemed unfit in a group situation as far as a committee is concerned.

The bill will amend the Residential Tenancies Act 1997 to clarify that notices may be served — and it says 'may' be served — by electronic means in accordance with the requirements of the Electronic Transactions (Victoria) Act 2000. The act says 'may' be served by electronic means, and I note that the concerns of the previous speakers around people who may have issues with electronic notice when it comes to the tenancies act are fair concerns, but as I stated, the amendment does not mean that this will be the only means by which notices can be served; far from it. It does not mean this is the only means.

My landlord only recently sent to my house by registered mail a notice that my rent was to go up in the coming months, which I found quite strange because my landlord lives next to me. They are actually very nice people and we get along very well. In saying that, they will be able to send that notice by electronic means when this legislation is enacted, but they may also deem it appropriate to send a certified letter. I think that in this electronic age, when a lot of people prefer to communicate electronically, actually having the ability to do that under the Residential Tenancies Act is not as bad a thing as some people may think it to be.

The bill adjusts the Retirement Villages Act 1986 so that maintenance charges are made in accordance with the consumer price index. There is no need to keep a formula in the regulations. I think that is another simple, common-sense amendment to an act. It is very important that our consumer affairs acts are simple,

common-sense acts that are easy to understand, and I think that the process of changing the Retirement Villages Act and the particular vehicle of the formula needed for maintenance charges does that.

The amendment to the Sale of Land Act 1962 and the Property Law Act 1958 is one I find interesting in that it has not been done before. This just changes the acts so that a solicitor cannot act for both parties. I wonder how many times that has happened before, where a solicitor has actually acted for the vendor and the purchaser as far as the conveyancing responsibility — —

Mr Melhem — A conflict of interest.

Mr LEANE — It is an absolute conflict of interest, thank you, Mr Melhem. I am surprised that has not actually been changed before. I applaud the minister and the department for actually picking this up in the act. It sounds just ludicrous that there could have been a legal right for someone to do that, and I think this is very important. Even though these are small changes, as I said, they are common-sense changes, and they are very important.

The changes to the Second-Hand Dealers and Pawnbrokers Act 1989 and the Sex Work Act 1994 are aligned with other licensing acts to ensure that a licensee cannot relinquish their licence to avoid penalty. In these areas if you are licensed — and you should be licensed — you have to adhere to all the regulations and responsibilities that the licence confers upon you. That there can be a situation where you relinquish a licence, carry on with the activity and then are not bound by the responsibilities of the licence is ludicrous. This is a loophole that should be closed. It is a good amendment, and I am sure the whole house would agree with and appreciate that.

The last act that is being changed is the Australian Consumer Law and Fair Trading Act 2012 in its powers to make audio recordings. Inspectors currently may take a still or moving image of an audiovisual recording. This bill includes an explicit power to make audio recordings with no visual content. I think that is once again a common-sense change, and I am surprised that it has not been an ability of Consumer Affairs Victoria before. The bill also allows the investigator to make an image of a computer hard drive, saving time on site and meaning the computer does not have to be confiscated, which I think would make all parties quite pleased.

In summary, I think this is a common-sense amendment to a number of acts to protect consumers. It is something that we need to be diligent about as a government and as a Parliament, and I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 23 agreed to.

Clause 24

The DEPUTY PRESIDENT — Order! As I understand it, Ms Springle has a number of amendments, and they have been circulated. All of the amendments deal with clause 24. I ask Ms Springle to move her amendment 1, which seeks to ensure that notices under the Residential Tenancy Act 1997 may only be served by electronic communication under certain circumstances. I consider this amendment to be a test for all of Ms Springle's remaining amendments.

Ms SPRINGLE (South Eastern Metropolitan) — I move:

1. Clause 24, lines 24 to 26, omit all words and expressions on these lines and insert—

"(da) by electronic communication in accordance with the **Electronic Transactions (Victoria) Act 2000**, subject to the following conditions—

(i) the person has given informed consent in writing to the serving or giving of the notice or other document by electronic communication; and

(ii) the consent has not been given under a term, or part of a term, in the tenancy agreement to which the notice or other document relates and has not in any other way been made a condition of entering into that tenancy agreement; and

(iii) the notice or other document is sent to the email address or other electronic address nominated by the person in the written consent; or".

The bill as it currently stands would insert a paragraph (da) into section 506(1) of the Residential Tenancies Act 1997 which would allow documents and notices to be served electronically in accordance with the Electronic Transactions (Victoria) Act 2000. The problem with that act is that its definition of consent includes consent that can 'reasonably be inferred from the conduct of the person concerned'. Our concern is

that this may allow landlords and agents to infer a tenant's consent to receiving notices electronically after a tenant has emailed their landlord or agent about some other matter. The Tenants Union of Victoria has also alerted us to the possibility that landlords and agents may simply write a clause into standing rental agreements allowing for electronic service of documents. Our amendment would allow the electronic service of documents subject to the following additional conditions: the tenant has given their informed written consent; the consent has not been given as a term in the tenancy agreement or been made in any way a condition of entering into the tenancy agreement; and the email address that is used is the one that has been agreed to in the written consent.

Mr O'DONOHUE (Eastern Victoria) — As I said in my contribution to the second-reading debate, the opposition, through Mr Northe in the Legislative Assembly, had the same representations about this issue from the tenants union. As I flagged in my second-reading contribution, I seek from the minister some comfort about how these processes will be implemented. I also seek his advice about what opportunity there was for feedback, or what consultation there has been as to why these amendments are being timed now rather than being incorporated into the broader review that is being undertaken by Consumer Affairs Victoria (CAV). The minister's answer will help inform the opposition's position on this matter.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for his question. I also thank Ms Springle for the issues that she raises through the amendment she is putting forward to the house. Can I just say from the outset that this amendment was actually requested by Deputy President Barker and President Garde of the Victorian Civil and Administrative Tribunal (VCAT). They wanted to ensure that the current law was clarified for both members and the public. Currently if a person does not use the internet or have access to the internet or does not communicate by text message, a landlord or agent will not be able to infer consent to electronic service, and in many instances it would actually be impossible to serve them electronically. However, in light of both the amendment moved by the Greens and the certainty that the Liberals are seeking, I can confirm to the house that this year, after the legislation obviously passes, Minister Garrett, through CAV, will revise the standard form tenancy agreement in order to ensure that tenants can expressly state if they desire electronic communication. Regardless of whether they state that on the form, they can withdraw consent at any time they choose. So it will always rest with the tenant as to the method and mode of communication with the landlord that is their preference.

I do not wish to be pre-emptive in any way, but it is important to also make it very clear that nobody will be left on the streets as a result of this legislation. However, if what is being served is a notice requiring a tenant to vacate, for example, that will still require that eventual occurrence should a landlord choose to take it to the end of that process. It will still require them to go to VCAT, for example, if a tenant has not vacated the premises after the expiry of the notice period as they would need to go to VCAT to get a warrant for possession of the premises.

So there are multiple stages whereby communication with a tenant will be required regardless, and I say that not to ensure that tenants understand their ability to potentially circumvent their landlord in agreements and contractual relationships but just to point out that communication is always ongoing and it will always be left to the tenant as to the means that they prefer the communication to be sent by. In the new agreement, that I indicated Consumer Affairs Victoria will revise in 2016, they can withdraw consent for electronic communication at any time they choose.

Ms SPRINGLE (South Eastern Metropolitan) — I ask the minister: what prevents it from being on the form if it is in the act? I am not quite clear about how something like that being on the form ensures all of the things he says it is going to do.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank Ms Springle for her question. Very clearly on a tenancy agreement it indicates whether the tenant's preference for communication is in written form or electronic form, so the tenant will make it very clear in the agreement at its inception how they would like to communicate with the landlord. However, because the tenant has the power to choose the mode of communication, they can withdraw that consent, for example, for electronic communication, at any time they choose from a moment after they sign the agreement to whatever period of time they desire thereafter.

Ms SPRINGLE (South Eastern Metropolitan) — I am still not clear why that is the preference over having it in the act.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank Ms Springle for her question. The fact of the matter is that it is part of the tenancy agreement at its inception. So whether or not you deem it to be part of an act or whether it is part of

the agreement, the fact remains that we still leave the power with the tenant to choose the mode of communication they wish to have with the landlord.

Ms SPRINGLE (South Eastern Metropolitan) — And if the landlord does not adhere to that, what would be the penalty?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for the question. The fact of the matter is that they are required to adhere to the communication form. The member talks of penalties, but if the landlord does not communicate in a way that the tenant has indicated, either through the rental agreement or subsequent communication, then clearly it can be deemed that communication at that point has not appropriately taken place. So I think it is self-evident.

Ms SPRINGLE (South Eastern Metropolitan) — Could the minister tell us under what clause they are required to make sure that happens?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — As I have indicated, this will form part of a new tenancy agreement that will be designed by Consumer Affairs Victoria in 2016, in this current year. That tenancy agreement will make explicitly clear the rights and responsibilities of entering into a tenancy agreement.

Mr O'DONOHUE (Eastern Victoria) — On the basis of the responses from the minister and the change to arrangements that will be put in place if this bill is passed, the opposition will not be supporting the Greens' amendment.

Committee divided on amendment:

Ayes, 5

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

Noes, 33

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

Amendment negatived.

Clause agreed to; clauses 25 to 30 agreed to.

Clause 31

Ms SPRINGLE (South Eastern Metropolitan) — I have a question on clause 31. My question is: why has the calculation of maintenance charges been moved from the regulations to the text of the act?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for her question. The reason for the inclusion of the formula in the act makes the act a single point of reference, especially for residents who are generally concerned about the setting and the cost of the annual fee.

Clause agreed to; clauses 32 to 46 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

The ACTING PRESIDENT (**Mr Finn**) — Order! The question is:

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

House divided on question:

Ayes, 33

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

Noes, 5

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

Question agreed to.

Read third time.

NATIONAL ELECTRICITY (VICTORIA) FURTHER AMENDMENT BILL 2015

Second reading

Debate resumed from 10 March; motion of Ms MIKAKOS (Minister for Families and Children).

Mr DRUM (Northern Victoria) — The National Electricity (Victoria) Further Amendment Bill 2015 introduces a new simplified framework that will enable the governing process around the connection of smaller energy producers into the grid. It will make it a much simplified and less confusing matter. The new framework or system that has to be put in place will lead to this type of work being done in a much more timely fashion as well.

We on this side of the Parliament have a very loud and proud record of trying to provide Victorians with low-cost and affordable electricity. If some of that cost is associated with everyday providers having to be hooked into the grid because they have now become energy producers, we are happy to see a new framework introduced to take away some of the complexity — the time lines and delays associated with that — and confusion and to create a simpler process that needs to be adhered to by the energy retail companies.

I understand that we have to keep working as hard as we possibly can towards keeping our electricity industry as transparent as we can. We have to make it as easy as we can for everyday Victorians. Only six months ago in this house we were talking about another bill that would enable Victorians to go online to compare their energy costs with one provider and check their own regime against the costs of another provider. It was to effectively let the Victorian consumer be in control in the debate about who they are going to buy their energy through — that is, which energy provider is offering the best deal in a manner that will actually suit their usage. That has been another positive.

I know that the member for Morwell in the other place, Russell Northe, has a very proud history of always trying to create a transparent energy retail industry and trying to make it as easy as possible for people to read their account. It is something that is still confusing. It is still a very complex issue, being able to read your account and work out when you are using electricity and how much electricity particular appliances are using.

I think there has been a real opportunity lost here by the current government when it comes to taking some of the situations associated with the smart meter rollout that were in play. It could really push hard to let the Victorian energy consumer have even greater control over their energy use and purchasing. That has not really been done. I think all members would agree that everybody went through the expense of having smart meters installed in their houses, but no-one in Victoria — other than the energy companies — is really reaping the benefits of having all this extra information. It seems that they are still able to baffle and confuse people, so that people think, 'I'm with this company. I might as well as stay with this company. Surely they can't be ripping me off'. Certainly there are incredible savings to be made in changing your provider after looking into and researching who is the best provider for your energy use.

But the main aspect of this bill — and it is rather a simple bill in terms of the various clauses and what it is actually going to achieve — is that it will create this much more timely and very clear process for when anybody rings up wishing to become a small-scale producer of electricity. A framework has now been set in place for what has to happen — what exchanges of information need to take place, what questions have to be asked and what answers need to be given — so that a whole range of information is given to members of the public as they move down this path towards not just being consumers but also becoming small-scale producers.

In relation to the compliance associated with this, effectively the 20-day period is going to be pared back to a 10-day period in which this work has to be done. There is an opportunity for some of the more complex issues to take a longer period; I think that is out over 65 days. It is not black and white. We understand that in some cases there is going to be a need to enter into a whole range of other arrangements, but in the main the period in which an application needs to be dealt with will be pared back from 20 days to 10 days. There are some significant penalties for anybody who does not comply with this part of the bill. For an individual those penalties range from up to a maximum of $20 000 at $2000 a day, and for a body corporate it is up to $200 000 at a rate of $10 000 a day. So there are serious penalties if in effect this part of the act is not complied with.

In this area of small-scale renewable energy production, we know that every time we stand up and talk about it in the Parliament it has become even more attractive, popular and common. We now have a situation where most businesses that are reasonable electricity users are

nearly able to become cash flow positive following the installation of solar panels on their roof, nearly immediately. That is something that has been able to be achieved through, obviously, the low cost of production of the panels, which has really been brought into being through economies of scale.

There is also now a very clear science associated with the people who are retailing or selling the solar panels and installing the panels for the respective businesses around Victoria. They are now able to judge quite precisely what level of investment has to be entered into to capture that amount of energy production that will be commensurate with the use of that particular business. When your investment is so specifically targeted, it actually gives the small-scale energy provider, who is also a consumer and is going to become a producer, a very clearly targeted investment right at the very point that is going to maximise his return. This is another part of the equation that is making these investments create so much positive return for so many people right throughout Victoria and certainly for those businesses that use significant amounts of energy.

In relation to the work that has to be done between the energy provider and the new customer, there will be a whole range of standard terms and conditions that will need to be approved by the national energy sector regulator. Again all this information will have to be laid out within the framework that will help make all of this legislation come into being.

As I said earlier, we on this side of the Parliament have worked incredibly hard to keep energy prices down. Some of the work that was done by former ministers Kotsiras and Northe, and the work now being done by Mr Southwick in the other house, shows a very strong emphasis on keeping energy prices down and trying to help combat this ever-increasing cost of living that Victorians are being slugged with.

It is somewhat disappointing that the Labor government made an absolute botch of the initial rollout of smart meters and really left the state in a very poor position when it lost government in 2010. The mess that the smart meter program was left in during that process took an incredible amount of fixing up. Now that the smart meter program is effectively up and operational right around the state, again there is a great opportunity that the government is not seizing to try to push for greater savings, greater awareness, greater knowledge and greater power back in the hands of the consumer. These next advanced steps have not really been seized by the government. What the government has done is triple the coal royalties coming out of the valley to effectively further add to the price of electricity. In a very short period we have seen a range of examples where the Labor Party has put in place policies, actions and taxes to add to the cost of electricity for everyday mums and dads and families in the state of Victoria.

We believe that this bill is going to make a slight difference in the positive. We believe that this bill will simplify and continue the trend of encouraging an ever-increasing number of Victorians, who might have spoken to somebody else, heard through word of mouth or picked up from all the advertising that is going on about the new introduction of solar and community wind projects, to take this step to install solar panels and become renewable energy producers. Certainly, as I said, there is a real emphasis on those businesses that are going to be able to take a substantial amount off their monthly power bills and hopefully get to a situation where they can be nearly energy self-reliant.

We are supportive of this amendment to the bill. We understand that there is going to be a renewed obligation on energy distributors to underground, relocate, modify or remove distribution assets if requested to do so, and there is going to be an obligation to call for competitive tenders to perform construction works associated with new connections. So there are now a whole range of obligations that are going to be put onto the electricity distributors to assist with this new framework that is hopefully going to help everyday businesses and everyday families to take that step into connecting to the grid. We believe that will lead to a more transparent industry and to more people actually taking the step into small-scale production of energy. We think that, in a sense, is a good thing. If we can make it more transparent, if we can make it easier and if we can reduce the time that it takes people from the time they make that first inquiry until the time they actually get connected to the grid, that is another good thing.

Hopefully we can get this bill through, and hopefully we will also get a Labor Party that starts to think about the big picture and what it is going to take to keep prices down instead of taxing Victorians with a tripling of the coal royalty, which is going to have one impact and one impact only — that is, it is going to cost more Victorians more for their electricity year on year.

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Mr BARBER (Northern Metropolitan) — The last speaker invited us to think about the big picture, but let us start with the very small picture here of the bill that is in front of us. It is 18 months since I brought this problem into the house: the problem of rapacious poles

and wires energy companies driving solar customers crazy with long time lines and arcane paperwork. It is 18 months since I first brought to the attention of the house 22 cases of solar panel owners who were trying to get connected to the grid, who had either been delayed or been downsized by their local power provider.

We get a bill, and the bill actually simply empowers other regulators, the Australian Energy Regulator and in some cases the Australian Energy Market Operator to go off and do something about the problem. So hopefully they have got their skates on and they are now ready to go and write some rules that will address the kinds of problems we have been having. In those 18 months not only have these issues arisen, and now been dealt with by the Parliament, but in fact some even bigger questions in relation to our energy network have become more obvious.

Solar generation continues to get cheaper and cheaper and cheaper by a factor of 100 since 1975 and both the sceptics and the optimists have had their predictions smashed when it comes to the continually falling price of solar panels. Just as I walked in here today I saw that in a recent auction to provide energy in some of the Gulf States the winning bid went to a proposed solar farm that was going to deliver electricity — in admittedly quite a sunny climate — for 3 cents a kilowatt hour. That was the winning bid. That is because the price of panels and all of the associated learning with installing them, with fitting them into the grid, continues to astound us.

This kind of minor tinkering, this sort of belated cleaning up of some of the rules that allowed monopolies to be monopolies, is not in any way going to address that incredible technological challenge that has been thrown up by the falling price of renewables. I have no intention of even trying to talk tonight about the challenge that climate change is putting forward, but let us just for a moment address the technological challenge of the constantly falling price of solar panels and of being connected to a grid where the price of making electrons on your own roof is now cheaper than the cost of delivering those electrons from remote power sources, such as coal-fired power stations in the Latrobe Valley and so forth.

It is no longer a question of the cost of solar generation competing with the cost of coal-fired generation: we can make our own electricity on our roofs cheaper than they can deliver it to our house. At that point of logical crossover it is game over for the grid. All these proposals, all these different rule changes that are going through at the federal level through the national electricity market, look like reforms. They look like attempts to respond, but all they are doing is locking in the existing model. In fact what they all are are attempts to prop up and defend the existing order of things, when it should be pretty obvious that is all about to change, and change dramatically, so far as electricity supply goes.

We have got a bigger question to address, and that is the question of our transport system. At the moment it is all based on fossil fuels and for the most part liquid fuels. Liquid fuel is a very good way to get a lot of energy packed into a small place and carry it with you when you want to go from A to B, but batteries are getting better at that all the time, and as I have noted, electricity is getting cheaper all the time. It will not be long before Australia follows in the footsteps of a range of other countries, particularly those in Europe, that are looking at in fact electrifying their transport systems; there are buses that can run for many hours on batteries that they themselves carry. Of course we have always had trams here in Melbourne, but with the right incentives we are seeing both electric cars and electric buses and we are seeing the broader electrification of city transport making great strides.

That in itself is going to change the way the electricity grid operates, and I do not believe that any regulatory body has the faintest clue as to how to deal with it. In fact the Australian Energy Market Operator recently did a study and concluded that it really was not going to change much at all between now and 2030. Well — surprise, surprise! — its key assumption was an extraordinarily low take-up of electric vehicles, and so it kicked the can down the road and chose to ignore the problem for a bit longer.

It is hard to see a model under which the existing grid operators and big dumb and centralised power generators will survive in any recognisable format, and yet you do not see any evidence of awareness of that in this legislation. You do not see any awareness of that in the state budget that was just delivered. There is something in there called the Latrobe Valley transition program that has some money in it, but no-one from the government has stepped forward to actually describe what the transition will be. In the four years Labor was in opposition it just pretended there was not going to be any transition. The great thing about the creation of the Latrobe Valley transition program is that this government now has to admit that there will be a transition, and we can enter into a debate about what that transition will be — from what to what, where we are headed, how fast and all the rest of it. I look forward to having that discussion over the coming months with

the government as we deal with its budget papers and other revenue measures.

As Mr Drum noted, there is a coal tax. For Mr Drum's interest, that is going to wash through at around about $2 per megawatt hour, which is also about a $2 per tonne carbon tax if you want to look at it that way. The Premier was quick to assure us that it would make no difference to electricity prices. And he is right, because there is such an enormous surplus of generation capacity at the moment across the whole south-east Australian grid, with more and more solar coming in all the time — every day, as Mr Drum pointed out — that it is in fact impossible for a small group of power stations to just up and decide that they are going to increase their prices. They are competing in a market where there is already a massive oversupply, so good luck jacking up their prices to try to recover a tax in that environment. But it will cut into the profits of those power stations, and that brings closer the day when they will close because they have just had $2 a megawatt hour taken out of their profits.

I see that other people are trying to have it both ways. They said the tax would be passed on and it would also threaten the generators, but it is my belief that it will simply take away the profits of those generators. The Latrobe Valley generators are subject to the tax, and that has been driven by these exact same factors that I have been discussing while talking about this bill.

The Greens will support the bill for what it is worth. It simply empowers the Australian Energy Regulator and other bodies to go off and do what I have been asking governments to do for the last 18 months now, and that is to regulate these greedy perpetual private monopolies that control all the connections. No matter what they do, no matter what barriers they throw up or which new models they try to put forward, at the end of the day if it is cheaper to make your own electrons than have them delivered, it is all over for the existing model of a poles and wires electricity company.

This particular challenge was thrown up a couple of years ago and brought into Parliament by the Greens in those many case studies that I had, notably from country Victoria I have to say. While that immediate challenge has been dealt with for now by this piece of legislation, the fact is that there will be another challenge and another challenge and another challenge around the corner, and this kind of minor-level tinkering simply is not going to get us there.

Mr MULINO (Eastern Victoria) — I will be brief in relation to this bill because I simply want to lay out the key elements. I did want to note and support the comments of the two previous speakers that electricity is clearly a key industry for the wellbeing of the people in our society. It is clearly a key sector in terms of the affordability of those services and how they affect the cost of living for people in our society, and it is also an industry that has been subject to massive disruption. The second job I ever had was working for an electricity regulator back in the mid-1990s, and I have got to say, to back up some of what Mr Barber said — I definitely do not agree with all of what he said — that I do agree that nobody foresaw many of the changes that lay ahead.

If Mr Barber is saying that the benchmark here is that a regulatory change has to be flexible enough and comprehensive enough to foresee everything that is coming through the pipeline, that is a little too high a benchmark. I think an incremental step forward like this, a significant step forward, is important and something we should all support. Fundamentally what we are talking about here is a regulatory change that will allow small customers to more easily connect to the electricity grid, including customers with small-scale renewable energy generation facilities such as solar panels. Of course one of the most important aspects of disruption in the electricity market has been on the supply side — the increase in the capacity for a range of supply sources to become both connected and economical. So this is a very important change.

The new framework will be much more transparent, timely and customer friendly, not just in terms of those consumers connecting, of course, but also in terms of those consumers using electricity because having more competition and more suppliers connected is a good thing for the efficiency of the market overall. The existing framework is overly complex, cumbersome and lengthy, particularly for small-scale renewable energy generation projects. There are a number of problems with the existing framework. They include lengthy delays when requesting solar panel connection and unclear dispute resolution processes.

This bill amends the National Electricity (Victoria) Act 2005 to apply the national electricity connections framework to Victoria. This framework is one that already applies in other jurisdictions. The framework is set out in chapter 5A of the National Electricity Rules, and the framework has a number of characteristics that are clearly superior to what we currently have in place. So I support the bill. It is an important step forward. It is not the panacea for every single issue in an industry that is rapidly changing, but it is worth supporting. It is one of many bills in this space that have been brought forward in the term of this Parliament, and it is one of a

number of important reforms that are improving this sector for consumers.

Mr RAMSAY (Western Victoria) — Without going over other contributions, we know that the bill, while everyone says it is simple in nature, actually covers about 81 pages and a number of clauses. But in essence, as has been said, the purpose of the bill is to amend the National Electricity (Victoria) Act 2005, to apply in Victoria certain provisions of the National Electricity Law and to amend the National Electricity Rules as in force in Victoria to implement certain retail customer connection arrangements. They provide, as we have heard, an opportunity for small-scale renewable energy producers, whether it be through solar or wind or other means, to be able to be included in the grid but also, hopefully, to be able to provide some transparency in how they might do that.

I always feel that whenever Mr Barber stands up to speak, particularly about electricity, there are electrical neurons that get his brain excited. We feel like we are at school and he is the teacher, and he is teaching us how to suck eggs in renewable energy.

But I have always been a strong supporter of the use of solar energy, particularly in my rural constituency, where there is a significant amount of shedding on which solar panels can be fixed and they can be large producers of solar energy. In fact when Michael O'Brien in the Assembly was the Minister for Energy and Resources, we had the 8-cent feed-in tariff — the highest one in Australia. That certainly enabled many to purchase the infrastructure for solar to take the opportunity to not only produce their own energy but also be able to sell excess into the grid. I think this is a small but important extension of those that have small-scale renewable energy projects — which do include rooftop solar panels, community wind farms, small solar wind farms and waste-to-energy facilities — all being able to tap into the grid.

I remember — and Mr Barber will remember this — that one of my first activities in this Parliament was to be absolutely harangued by the then opposition planning spokesperson, Brian Tee, and Mr Barber himself for having some sort of conflict of interest because I was opposing this large-scale wind farm that happened to be nestled in right against my own property at Birregurra. Mr Barber went to great pains to say how important these large wind farm projects were to regional Victoria and to reducing the cost of fossil fuel energy, questioning how I dared to perhaps expose some of the problems associated with industrial wind farm developments.

I just want to put on the record for Mr Barber, who is apparently not listening to me, that the permit for that particular wind farm has now been alive and extended for a period of 12 years, and not one turbine has been built. So even under the previous government's guidelines in relation to that particular wind farm at Birregurra — the Mount Gellibrand wind farm, which has actually been reduced in turbines but increased in megawatts — we have not seen one sign of activity and not one turbine has been built. Yet here I was being harangued five years ago for apparently interfering and having a conflict of interest in relation to the development of that wind farm. I hope that this legislation might be one small step to enabling whoever is holding that permit to build that wind farm so it can provide all the advantages that we were told 12 years ago the developer was going to provide to the local community and also to the neighbouring farms and the farmers who are hosting those turbines, because I can tell you: they are still waiting after 12 years for any sort of investment in that wind farm.

But I am digressing. I was taking the opportunity perhaps to just give a little bit of history to the chamber in relation to accusations that were made about me in relation to residing next to this sort of industrial wind farm that is yet to be established. At the same time, I do support our position in relation to not opposing this bill. It is a great opportunity for those seeking to find small renewable projects to be able to provide their energy needs and also to be able to add value by selling into a grid that hopefully will be more transparent, less bureaucratic and easier to access.

Mr FINN (Western Metropolitan) — It is indeed a pleasure to speak on this bill, particularly following my friend Mr Ramsay but especially following Mr Barber, because when I hear Mr Barber it sometimes inspires me to rise to my feet to rebut some of the more outrageous things that he gets away with or indeed attempts to get away with. But tonight I will resist that temptation because I know there is a keenness at this late hour for members to be elsewhere — namely, in bed asleep.

I will just make a reference, and I will agree with Mr Mulino on this occasion when he says that electricity is a very important commodity in our society. In fact I would go as far as saying that without electricity we would not have the civilisation that we now have. Indeed we would not have the standard of living that we enjoy in this country.

An honourable member interjected.

Mr FINN — Indeed. Thank you, Sir John Monash.

We would not have that standard of living that we enjoy. So I have to ask why the political left in this country wants to drag our standard of living down by slapping on another carbon tax, which is a tax on electricity? This is a tax which is designed to force the price of electricity up, to provide a source of revenue for a government to redistribute to where it will, but a tax which will make life more difficult for the families of Australia.

In the state budget last week we saw this government in Victoria — and I use that term very loosely — impose its very own Victorian carbon tax. And we hear from the federal leader of the Labor Party that if he is elected on 2 July — if indeed the election is going to be on 2 July — that he will be slapping on a carbon tax as well. So lucky, lucky us! Lucky Victoria will be having a carbon tax not just from the federal government, as it had before, but a carbon tax from the state government as well.

Let us go back to 2013 when the proposition was put to the people of Australia: 'Vote for this crowd and we'll keep the carbon tax' or 'Vote for this crowd and we'll get rid of it'. The people of Australia overwhelmingly voted for the Abbott government to remove the carbon tax, and to the credit of the Abbott government that is exactly what it did. That is a legacy that Tony Abbott can be very proud of.

I have to again ask why the Labor Party, why the Greens, why the left of politics in this country want to make life difficult for families, why they want to make life difficult for businesses, for industry, for employers and indeed why they want to slap a tax on jobs — or another tax on jobs. Have they not got enough, and do they not care about ordinary Australians who are struggling to pay their bills as it is? Why do these people want to slap another tax on that will boost the cost of a basic commodity such as electricity? Of course it flows through. It is not just the electricity bill. It flows through to everything — supermarkets, you name it. Everything will be passing it on to the poor old family trying to pay their bills, so I ask the Labor Party to consider that.

I know we cannot expect common sense from the Greens. That is pushing reality out there beyond all expectation, but I ask Labor Party members in the occasional moment when they might have some common sense to put the interests of Australian families out in the suburbs and in country areas first, to turf any prospect of the carbon tax at a federal level and to do away with the carbon tax that was announced in the budget last week. That is something that would be a positive contribution to Australian life and a very positive contribution to the welfare of this nation.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

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

That the house do now adjourn.

Goulburn Valley Health

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Health, and it is regarding interim service and capacity measures required for Goulburn Valley Health's (GV Health) Shepparton hospital between now and the recently announced redevelopment, which is not due for completion until 2020. My request of the minister is that she, as a matter of urgency, devise interim measures to alleviate the pressure Shepparton hospital is under across a number of critical service areas, such as the emergency department and renal dialysis, between now and the completion of the redevelopment, which is four long years away.

While I join the Goulburn Valley and wider community in welcoming the funding commitment towards the redevelopment of Goulburn Valley Health's Shepparton campus, the government has not outlined what action it will take to immediately alleviate the pressure that is on the critical service areas currently overwhelmed by demand, such as the emergency department and renal dialysis. The construction of the redevelopment project is not due for completion until 2020, but the capacity limits currently faced by the hospital cannot wait four years to be addressed. The problems that have been plaguing our health service, such as extreme wait times in the emergency department and overwhelming demand for renal dialysis, will not be immediately fixed by a redevelopment that is not even due to start construction until 2018.

The staff at GV Health are doing a tremendous job to provide high-quality care in inadequate, outdated and inefficient facilities and need more support. The

emergency department, which is currently operating well beyond its capacity, has been rated as the worst performing emergency department in the state in the past two Victorian health services performance reports. The December 2015 report showed that only 50 per cent of patients treated were treated within an acceptable time. Although the March 2016 report, released last Friday, showed a small improvement to 54 per cent treated within time, unfortunately this result was once again the worst in the state by a significant margin.

Over the past few months I have outlined many horror stories of patients forced to wait unreasonable times for treatment at GV Health's emergency department. I have spoken of children and teenagers forced to wait in pain or fasting for many hours. I have spoken of people who have been injured in workplace incidents who have also had to wait many hours to be seen. I have spoken of people who have been sent away and told to come back because the diagnostic services they required were not available. This situation cannot be allowed to continue for another four years.

Renal dialysis is another area under extreme pressure at GV Health, and twice last year I spoke in Parliament of the need for an immediate increase in renal dialysis services at Goulburn Valley Health. At the time, I raised the issue that there was a waitlist of 32 patients. After I raised the matter in Parliament additional nocturnal services were added to the dialysis roster, which saw a very short term reduction in the waitlist. However, since then the waitlist has exploded out to around 52 patients, 6 of which I am informed are classified as being in immediate need. With an ever-increasing population and a community with overwhelming ill-health concerns, there is clearly an increasing need in our community that cannot wait until 2020 to be addressed, and therefore the government needs to advise my community of what will be done to address demand in the meantime.

Plenty Road upgrade

Mr ELASMAR (Northern Metropolitan) — My adjournment matter is for the attention of the Minister for Roads and Road Safety. I was very pleased to hear that as part of the recent Victorian state budget the Andrews government is providing at least $101 million to upgrade Plenty Road between McKimmies Road and Bridge Inn Road. The project will see the widening of Plenty Road from four to six lanes for 2.8 kilometres and include new pedestrian signals between Childs Road and Centenary Drive, improved facilities for cyclists, better lighting and investigation into potential treatments for the Plenty Road boulevard. This project will increase safety by reducing the risk, severity and frequency of crashes along Plenty Road as well as by improving travel times and reducing congestion, which will make it easier for local residents to access local employment, education and social centres within nearby communities.

With increasing congestion on Plenty Road — a key link through Melbourne's outer north-east — resulting in extensive traffic delays on both Plenty Road and other major arterial roads, this project will go a long way to dealing with outer suburban traffic congestion in the north of Melbourne. I ask: can the minister join me on Plenty Road to see for himself the positive impact this project will have on the north of Melbourne?

Country Fire Authority enterprise bargaining agreement

Ms BATH (Eastern Victoria) — My adjournment matter this evening is for the Minister for Emergency Services, the Honourable Jane Garrett, and the action I seek from the minister is that she meet with the Gippsland delegation of the Country Fire Authority (CFA) to express her support for the CFA remaining autonomous and independent as an entity.

As a member of The Nationals I support the work of all firefighters, both career and volunteer. I respect the work done by career firefighters, and I am not against people receiving decent wages and decent working conditions. However, the CFA volunteers have long been held in the highest regard by our communities for their professionalism, dedication and selfless contribution to society, and they deserve to remain part of an independent entity. It is the world's largest volunteer emergency services organisation, with 60 000 volunteers and 1180 brigades. Victoria's CFA is the backbone of our small rural communities. It is comprised of men and women who give their own time and use their individual expertise as well as their professional training to protect our lives and our property.

Part of the proposed enterprise bargaining agreement (EBA) contains a clause where a veto occurs. It is called the veto committee, and it vetos CFA operations, including equipment, vehicles and clothing issued by the CFA. This goes against the Country Fire Authority Act 1958, which states that all brigades shall be under the order and control of the chief officer. Taking control away from the CFA will crush the organisation and deter volunteers. These changes have been made so that Mr Andrews can pay back favours done for him during the election. Many of my constituents who volunteer

their time have come to me, and I will quote from a couple of them:

> As a CFA volunteer of 10 years I would like to add my voice to the recent action taken by so many volunteers statewide in asking you to support our CFA volunteers in the upcoming EBA decision. Volunteers devote their time and effort to supporting and protecting their community, and many of the UFU's demands threaten the autonomy and efficacy in which we can continue to do this job.

Another constituent writes:

> I am a proud volunteer firefighter with … 40 years experience. I have attended over 2000 incidents in my volunteer career and I know what the CFA is.
>
> The UFU should have no expectations that they can override the CFA board, the CEO, the chief officer or operational, resourcing or equipment decisions. Their EBA should not include anything that directly or even indirectly discriminates against volunteers or prevents the CFA from effectively supporting or deploying volunteers.

The message is clear. I ask the minister to come and meet with the Gippsland delegation to show her support.

Morwell high-tech precinct

Ms SHING (Eastern Victoria) — I rise this evening to put a question to the Minister for Industry and Minister for Energy and Resources in the other place, Ms D'Ambrosio, and it relates to the recent budget announcement which has provided $40 million to create a high-tech precinct in Morwell. This high-tech precinct will assist with the transition of the Latrobe Valley from its current reliance on coal-fired power and industries which have been operating in the valley and in Gippsland more broadly for a significant period of time, and it paves the way for the creation of new jobs and industry in the area which will enable communities in the valley and Gippsland more broadly to thrive.

To this end the question I pose to the minister is: how will the framework for the high-tech precinct be developed and to what extent will the community be involved? I ask for her input and information in relation to involving the community so that the high-tech precinct, delivered as part of the Andrews Labor government's commitment to improving lives, opportunities and potential for the valley and for Gippsland, can be maximised.

Geelong-Bacchus Marsh Road

Mr RAMSAY (Western Victoria) — My adjournment matter tonight is for the Minister for Roads and Road Safety, and it is in relation to the Geelong-Bacchus Marsh Road, which is now one of the deadliest in this state. Seven drivers have been killed over five years on just one 12-kilometre stretch, 50 have been injured and there have been 88 collisions. This is a two-way road, and most of the collisions appear to have been caused by drivers crossing the centre line.

The road is in terrible condition. I have travelled on it many, many times between Geelong and Bacchus Marsh. There are many corners and bends. There are only small sections of straight road. There is obviously a lot of traffic going past the prisons, and also given the finishing of the Anthonys Cutting project, where a lot of the traffic comes from the Western Highway across to Bacchus Marsh Road, for heavy vehicles going to Geelong it is now becoming a road that needs a significant upgrade.

I congratulate the *Geelong Advertiser*, which only today in its editorial raised the issue of the road and the number of deaths on the road — the number of collisions, the number of injuries and the fact that the road is in terrible condition. What I am worried about is that the solution seems to be VicRoads running some community consultation meetings, but my view is we are far beyond that. That is why I am asking the minister to take action in relation to prioritising and funding this road for an immediate upgrade so that drivers can traverse safely from Geelong to Bacchus Marsh without risk of life, which currently, given the statistics, is not the case for many commuters using this road.

Footscray Hospital

Mr FINN (Western Metropolitan) — I wish to raise a matter this evening for the Minister for Health. I refer to the recent state budget, which did make an allocation for the Footscray Hospital, but this was a mere drop in the bucket compared to what is desperately needed to make this hospital of the standard that it should be.

I have raised this matter in the house before. I recall very early in my tenure as a member for Western Metropolitan Region visiting the Footscray Hospital and being absolutely shocked at what I saw and what I experienced, because I have to say to you that despite the best efforts of doctors and the nurses, who all do a wonderful job, what they have to work with there is not a lot better than what one would see in a Third World country. That is something that I think we should be ashamed of — that we would have a hospital serving a community which quite frankly should be bulldozed and rebuilt. It long ago outlived its usefulness. I refer to the building. As I say, the standard of care and the standard of healing and specialty offered to patients is

right up there with any other hospital in the state. But the nurses and the doctors are working under some extraordinarily difficult circumstances because of the state of this decrepit hospital. It is something that I have to say we as Victorians should be ashamed of.

I ask the minister, given that the state government is apparently rolling in money, as it should be given the number — —

Mrs Peulich — Rivers of gold.

Mr FINN — Rivers of gold indeed, Mrs Peulich — as it should be, given the significant tax increases that we saw in the state budget. Given that the state government has all this money, I ask the Minister for Health to allocate the money necessary to rebuild the Footscray Hospital. It is about time that Labor governments in this state stopped taking the people of the western suburbs for granted. To leave the Footscray Hospital in the state it is in is shameful and a clear case of taking these people for granted. I ask the minister to make the allocation, pull that hospital down, rebuild it and give us one that we deserve.

Cowes police station

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Acting Minister for Police. It relates to the announcement that the Cowes police station will be rebuilt. The action I seek is that he provide me with information about the timing, location and cost of the proposed redevelopment of the Cowes police station.

The rebuild of the Cowes police station is something which the member for Bass, my friend in the other place, has campaigned for significantly since his election in November 2014. I joined him in visiting the Cowes police station last year — I have been on several occasions in that vicinity — to understand some of the challenges the current members confront in working in a building that is over 20 years old, that is no longer fit for purpose and that does not reflect the challenges of modern policing. It does not accommodate the police numbers required during peak tourist season and when major events are on the island.

The commitment to rebuild the police station is one that is warranted. I have some concerns, however, that from a $36.8 million package a number of new police stations are to be delivered. I trust from the language of the minister's press release of 18 April that the police station rebuild will honour the words 'new police stations to replace outdated facilities' at locations including Cowes. I would seek the minister's advice about the timing and location and a guarantee that the scale required to accommodate peak tourist period police numbers will be incorporated as part of this project.

Ballarat West police numbers

Mr MORRIS (Western Victoria) — My adjournment matter this evening is for the attention of the Minister for Police, and I note that the Ballarat West emergency services precinct is listed in the 2016–17 Victorian budget as being due to be completed prior to 30 June 2016, having been funded by the former coalition government. I note that there was a strong commitment to this particular project by the former coalition government prior to the November 2014 election and that in the state of Victoria presently we have fewer police officers keeping our communities safe than we did prior to the coalition leaving government — prior to the November 2014 election. The action I seek of the minister is that as soon as the new police station in Ballarat West is completed it receive the appropriate allocation of police officers to open and to ensure that families in Ballarat's fastest growing suburbs are kept safe.

Monash City Council

Mrs PEULICH (South Eastern Metropolitan) — The matter I wish to raise is for the attention of the Minister for Local Government. It is in relation to a vacancy that has been created in the City of Monash following the resignation of Cr Stefanie Perri, who as mayor has resigned given her candidature as the federal Labor candidate for Chisolm. I have worked with Stefanie, and she is quite a nice person, and we have had a pretty good relationship. I was disappointed, however, to see Cr Perri failed to vote against sky rail on the last night before her resignation, despite the vehement opposition to sky rail of her community. The issue I wish to raise is the need — —

Ms Mikakos — On a point of order, President, the member is referring to the voting patterns of a particular local councillor, and I cannot see how that is within the portfolio responsibility of the Minister for Local Government, who does not have the ability to direct councillors as to which way they vote on particular issues.

Mr Finn — On the point of order, President, I think if Ms Mikakos had given Mrs Peulich the time to explain the position — had given her a little bit more time and actually listened to what Mrs Peulich was about to say — then she might not have had any need to raise such a point of order.

Mrs PEULICH — On the point of order, President, I am sure that once you hear the full matter you will see the relevance. It is very appropriate that it is raised with the Minister for Local Government.

The PRESIDENT — Order! I am obviously not in a position to adjudge where the matter itself is going, but certainly the member is entitled to provide any context to her point that she wishes. She certainly has not transgressed standing orders in any way in what she has said to this point. I do not uphold the point of order.

Mrs PEULICH — The matter that I particularly wish to raise is that Cr Perri was actually elected in a by-election, so this is the second by-election for that particular ward and there is some uncertainty as to how the vacancy will be filled. The vacancy does, however, need to be filled as soon as possible and there is uncertainty as to whose preferences will be redistributed in order to again elect a replacement. This needs to be done as soon as possible. There are critical matters afoot in relation to sky rail and other matters on which the local community needs that representation. The Labor Party, which has a stranglehold on the City of Monash, should not delay the filling of the vacancy so that it can use its numbers to elect a mayor before the vacancy is filled.

I call on the minister to ensure that Local Government Victoria and other agencies under her control which have a relevant role to play here, such as the Victorian Electoral Commission, ensure that this vacancy is filled as quickly as possible so that critical representation of the local ward is not compromised. Furthermore, I understand that the resignation of Cr Klisaris, who is the Labor candidate for the federal seat of Aston, is being delayed to facilitate the installation of another Labor mayor, thereby creating a stranglehold again.

The critical issue here is sky rail. The community deserves robust and authentic representation, and I call on the minister to ensure that a replacement is elected as soon as possible and that matters in relation to how this is done be her priority, especially in relation to sorting out how it is to be done.

Ms Mikakos — On a point of order, President, I am obviously not intimately familiar with the issues around Monash City Council, but I understood the member was posing issues of casual vacancies needing to be filled on council and seeking for those matters to be expedited. I presume, as the member was suggesting, these are matters for the electoral commission rather than the Minister for Local Government. I am seeking your guidance as to whether the minister would need to respond to this matter, as it would not appear to be within her portfolio responsibility.

The PRESIDENT — Order! In respect of this matter it is my understanding that the responsibility is totally within the control of the City of Monash and that in matters of local government — and yes, there is some variation in terms of the way in which some of the councils conduct their elections — my understanding is that the new councillor would be elected on a countback which the council would seek to facilitate. In other words, the council would look at the votes from the last election, and there would be a countback. The next person after Stefanie Perri in this case, the City of Monash councillor, would be declared elected. To my understanding the minister would not get involved, nor would the Victorian Electoral Commission. Nonetheless, on this occasion I could stand to be corrected, and the minister might well advise us of any alternate process that is involved. However, I do think this is likely to be resolved locally. I will not stand in the way, though, of the question being put to the minister.

West Gippsland Healthcare Group

Ms FITZHERBERT (Southern Metropolitan) — My adjournment matter is for the Minister for Health in the other place, and it relates to the review of the West Gippsland Healthcare Group that has been conducted by the Andrews government and the budget allocation of $1 million in planning funds.

I visited the West Gippsland Hospital in Warragul with Ms Bath on 19 April. We inspected the hospital facilities, which are now very dated — I think that is a kind way of putting it. Over the years there have been a lot of additions to the buildings, some more successful than others. There has also been a lot of renovating to help the hospital keep up with the demands of the local community, and the hospital uses increasingly inventive ways to create more parking for patients and staff.

It is clear that the current facilities struggle to keep up with demand, which reflects the excellent reputation that the hospital has locally, especially as a provider of obstetric services. Warragul hospital has a very fast growing community, new housing developments are springing up everywhere and the West Gippsland Healthcare Group has the highest number of births in the Gippsland region, with 974 babies delivered in 2014–15.

The Andrews government has undertaken a review of the West Gippsland health service, but while completed, it is yet to be made public. The review is

intended to assess community needs and how the hospital is currently placed to respond to these. The release of this report is the logical starting point to redevelop the hospital, which the board and leadership of the hospital are very keen to do. In fact it is the major strategic goal for the hospital.

The hospital owns a 58-acre parcel of land located between Warragul and Drouin that has been identified as a site for a potential new hospital. The land was paid for by a generous donation. Various estimates have been made regarding what would be required for a feasibility study, business plan et cetera.

I note that the 2016–17 budget shows that the service has been allocated $l million for planning as part of the Regional Health Infrastructure Fund. The action I am seeking from the minister is to clarify the timing of the three major parts of the redevelopment process: the release of the review report, advice as to when the necessary planning work can commence following the release of the report, and the anticipated time frame for redeveloping the land between Warragul and Drouin as a new hospital site.

Centre Road, Bentleigh, level crossing

Ms CROZIER (Southern Metropolitan) — My adjournment matter this evening is to the minister responsible for public transport and the removal of level crossings. It relates to the reduction in parking spaces at Bentleigh railway station on Centre Road in Bentleigh.

I note that in response to previous questions that I have asked the minister in relation to level crossing removals she has come back in a number of answers saying that the coalition did not support the removal of level crossings, which is completely and utterly ludicrous since it was the coalition that undertook, budgeted for and planned for a number of rail-under-road level crossing removals, such as at North Road in Ormond.

However, as I said, this particular matter that I want to raise with the minister relates to the Bentleigh area. It is concerning that a number of traders along that shopping strip have been severely affected. One of my constituents, who is one of the traders there, has spoken about a huge reduction in parking spaces. His particular retail outlet provides paint, and of course those containers can be very heavy, so being able to carry containers of paint to a car or truck is very important for his consumers accessing those goods. With the reduction of parking spaces consumers have had to park some distance away, and due to the effect of having to park so far away he has had a severe reduction in trade.

The action I seek from the minister is to provide me with information in relation to any surveys that were conducted of the impacts of parking at that particular rail station and along the parking strip where it is taken up by workers working on the level crossing removal, whether a survey was undertaken prior to the commencement of the project or during the project and what the results of the survey were on the impact of a reduction of parking on the traders within that particular shopping precinct.

Responses

Ms MIKAKOS (Minister for Families and Children) — This evening I have received adjournment matters from Ms Lovell directed to the Minister for Health, from Mr Elasmar directed to the Minister for Roads and Road Safety, from Ms Bath directed to the Minister for Emergency Services, from Ms Shing directed to the Minister for Industry, from Mr Ramsay directed to the Minister for Roads and Road Safety, from Mr Finn directed to the Minister for Health, from Mr O'Donohue directed to the Acting Minister for Police, from Mr Morris also directed to the Minister for Police, from Mrs Peulich directed to the Minister for Local Government, from Ms Fitzherbert directed to the Minister for Health and from Ms Crozier directed to the Minister for Public Transport. I will refer all of those adjournment matters to the relevant ministers for response.

In addition, I have written responses to adjournment debate matters raised by Mrs Peulich on 23 February; Mr Davis, Mr O'Donohue and Mrs Peulich on 8 March; Ms Crozier, Ms Dunn, Mr Melhem, Mr Morris and Mr Ramsay on 9 March; Mr Bourman, Mr Leane, Ms Lovell, Mr Mulino and Mr Purcell on 10 March; Mr Davis, Ms Lovell, Mr Ondarchie, Mr Purcell and Ms Shing on 22 March; Ms Bath, Mr Bourman, Mr Eideh, Ms Lovell, Mr Ondarchie, Mrs Peulich, Mr Ramsay and Mr Somyurek on 23 March; Dr Carling-Jenkins, Mr Leane and Mr Ramsay on 24 March; Mr Finn and Ms Lovell on 12 April; and Ms Lovell on 13 April.

The PRESIDENT — Order! On that basis the house stands adjourned.

House adjourned 10.55 p.m.