PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 8 March 2016

(Extract from book 4)

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

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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.

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

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

Legislative Council committees

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

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

Legislative Council standing committees

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

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

Standing Committee on Legal and Social Issues — Ms Fitzherbert, #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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Deputy President: Ms G. TIERNEY

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

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

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

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

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

Leader of the Greens:
Mr G. BARBER

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

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

PARTY ABBREVIATIONS

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

CONTENTS

TUESDAY, 8 MARCH 2016

Tuesday, 8 March 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 people 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 on 1 March to:

Assisted Reproductive Treatment Amendment Act 2016
Kardinia Park Stadium Act 2016.

OMBUDSMAN JURISDICTION

The PRESIDENT — Order! I wish to make a short statement in regard to the Supreme Court proceedings on the basis that I have indicated to the house, as members know, that I will keep the house updated. In respect of the matters that are before the Supreme Court I would, further to my previous advice about the action I have taken in accordance with the directions of the house in relation to the Ombudsman's application to the Supreme Court, provide the following update.

The procedural hearing scheduled for today has not been required because the parties, being the Ombudsman, the Attorney-General and me, have made a consent agreement on being joined to the proceedings and the process and time lines to be followed thereafter. The court has now ordered the agreed arrangements, meaning that I and the Attorney-General are now joined to the proceedings. The consent order of the court directs that the matter be listed for hearing on 9 May. The matter will be heard by the Honourable Justice Cavanough. I will provide the house with further information as matters proceed.

JOINT SITTING OF PARLIAMENT

Senate vacancy
Victorian Health Promotion Foundation
Victorian Responsible Gambling Foundation

The PRESIDENT — Order! I indicate that I have a message from the Governor in relation to a Senate vacancy. The letter is under the Governor's hand and dated 8 March:

> I write to advise that I have been informed by the President of the Senate that a vacancy has occurred in the representation of the state of Victoria in the Senate through the recent resignation of Senator the Honourable Michael Ronaldson.
>
> Accordingly, I enclose a message to you as President of the Legislative Council in relation to this.
>
> I have written to the Speaker of the Legislative Assembly in like terms and have also informed the Premier of this correspondence.

I have also received a letter from the Minister for Health in respect of the membership of the Victorian Health Promotion Foundation. The letter was signed on 1 February 2015.

Ms Crozier — That is late!

The PRESIDENT — Order! Australia Post is not doing same-day delivery anymore. The letter reads:

> The Victorian Health Promotion Foundation was established under section 16 of the Tobacco Act 1987 to promote good health and prevent illness in the community.
>
> Under section 21(1)(f) of the act three persons who are members of the Legislative Council or the Legislative Assembly are elected as members of the foundation by the Legislative Council and Legislative Assembly jointly. A parliamentary member of the foundation holds office for three years but is eligible for re-election.
>
> Currently, there are no parliamentary members on the foundation.
>
> I would be grateful if you could place the election of three members of the foundation on the agenda for a joint sitting of both houses.

That was signed by the Minister for Health, the Honourable Jill Hennessy.

I have a further letter from the Minister for Consumer Affairs, Gaming and Liquor Regulation that I wish to bring to the notice of the house. It is also in relation to the election of members to a board, this being the board of the Victorian Responsible Gambling Foundation.

The minister wrote:

> The Victorian Responsible Gambling Foundation Act 2011 (VRGF act) provides for three members of the board of the Victorian Responsible Gambling Foundation —

thereafter known as the foundation —

> to be members of the Legislative Assembly or the Legislative Council elected jointly.
>
> Section 11 of the VRGF act provides that an elected member holds office four years after the member's election to the board or until a house of Parliament is prorogued or the Legislative Assembly is dissolved.
>
> I would be grateful if arrangements could be made for a joint sitting to occur, at the earliest time that is convenient for both houses of Parliament, to elect three parliamentary members to the board of the foundation to fill the vacancies created when the Legislative Assembly was dissolved in November 2014.
>
> I am writing similarly to the Speaker of the Legislative Assembly and will send a copy of this letter to the Acting Clerk of the Legislative Council.

This letter was signed by the Honourable Jane Garrett, Minister for Consumer Affairs, Gaming and Liquor Regulation. The date of that letter was 15 January 2015.

I have also received a message pursuant to the correspondence I have just detailed from the Legislative Assembly, signed by the Speaker on this day, 8 March. The message that has been conveyed to us is in regard to the joint sitting for the Senate vacancy, the Victorian Health Promotion Foundation and the Victorian Responsible Gambling Foundation. It reads:

> The Legislative Assembly has agreed to the following resolution which is presented for the agreement of the Legislative Council —
>
> That this house meets the Legislative Council for the purpose of sitting and voting together:
>
> (1) to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Michael Ronaldson;
>
> (2) to elect three members of the Parliament to the Victorian Health Promotion Foundation; and
>
> (3) to elect three members of the Parliament to the board of the Victorian Responsible Gambling Foundation —
>
> and proposes that the time and place of such meeting be the Legislative Assembly chamber on Wednesday, 9 March 2016, at 6.45 p.m.

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

> That this house meets with the Legislative Assembly for the purpose of sitting and voting together to:
>
> (1) choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Michael Ronaldson;
>
> (2) elect three members to the Victorian Health Promotion Foundation; and
>
> (3) elect three members to the Victorian Responsible Gambling Foundation board —
>
> and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly chamber on Wednesday, 9 March 2016, at 6.45 p.m.

Mr Drum — President, without mentioning the concept of leave, can I have some clarification as to when those letters that you read out were dated?

The PRESIDENT — Order! I have read them out; they were both early in 2015.

Mr Drum — Again, once you have finished with this work, President, I would like to have an idea of the dates of those letters that were sent to you.

Motion agreed to.

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

Mr Drum — I was wondering if you, President, could just clarify the dates when those letters from those respective ministers in the Victorian government were sent to you.

The PRESIDENT — Order! I did convey those dates in the remarks that I made detailing them to the Parliament. For the sake of clarity for Mr Drum, the letter from the Minister for Consumer Affairs, Gaming and Liquor Regulation was on 15 January 2015, and from the Minister for Health and Minister for Ambulance Services it was 1 February 2015.

Mr Drum — Can I ask: what was the process? If those letters were sent to you, President, in January 2015, why has it taken the Parliament this time to get this joint sitting put together? It is over a year ago that the letters were sent to you, President, asking for these joint sittings to take place.

The PRESIDENT — Order! At the time that those letters were actually received I did convey them to the house. We have been reminded of the need for the Parliament to actually elect representatives to each of

these boards on a number of occasions, particularly by Ms Hartland. I think that everybody in this chamber would be rather disappointed that 12 months or thereabouts has elapsed without Parliament representation on both of these boards and without bringing the perspective of legislators to the deliberations of those boards. Nevertheless, to convene a joint sitting requires the setting of a convenient date to both houses, and that has been achieved for this Wednesday.

INTERNATIONAL WOMEN'S DAY

The PRESIDENT — Order! I am sure that a number of members will refer to this in their 90-second statements, but I think it would be remiss of me as Presiding Officer in this chamber if I did not note International Women's Day and the outstanding contribution that women make as leaders within our community and as community builders. In Queen's Hall today and for the rest of this week is an honour roll of some of the tremendous women achievers in our Victorian community. I dare say that we could add to that roll many times over given the contributions that women are making right across the board. In particular I note that on those boards there are a number of women who are not just business entrepreneurs, educators and so forth but also scientists — women who are at the forefront of tackling some of the really important issues and challenges that we confront as a society.

I think it is important for us as legislators to recognise that this day allows us to stop and think about how we might continue to promote opportunities for women and particularly to ensure that there are no barriers to women fulfilling their potential and providing their perspective, their talents and their knowledge in all fields of endeavour in this state.

It is in some ways unfortunate that we have to celebrate these special days and distinguish them from other days, because in many ways every day ought to be a celebration of the contribution that all Victorians make. But on this day we certainly recognise that for International Women's Day here in Victoria there have been many who have contributed significantly and deserve to be honoured. We hope that the sisterhood around the world also makes great strides in terms of achieving improvements in many countries, some of which do not enjoy the human rights, the freedoms and indeed the living standards and so forth that we do here in Victoria, to assist the women in those countries make a contribution towards the advancement of our world.

QUESTIONS WITHOUT NOTICE

Melbourne Youth Justice Centre

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. A review of the riot at the Parkville youth justice centre in October 2015 was undertaken by Mr Peter Muir, a former director of Juvenile Justice New South Wales. What specifically has been implemented from that review?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Crozier for her question. I make the point to Ms Crozier that there has been a longstanding policy in place by successive governments that reviews dealing with sensitive security issues such as this are not reviewed publicly, and that is the case for a very good reason, given that we do not want to compromise the safety and security of these particular facilities. I make the further point to Ms Crozier that she may not be aware but certainly her leader is well aware that there were many incidents during the time of the previous government, including some very serious incidents where there were reviews of a similar nature, and those reviews were similarly not made public. In fact those incidents were of a more serious nature involving escapes, where potentially the safety of the community may have been compromised.

We did have an incident in October last year, and similarly more recently, of young people climbing onto the top of particular buildings. In response there was an independent review conducted by Mr Peter Muir, who is a very experienced individual. He was a very senior executive from the New South Wales youth justice system, and he did provide advice to my department in response to that particular incident. I have similarly asked my department to provide a similar independent review of the most recent incidents.

I am not prepared to compromise the safety and security of the community by talking about the findings and the details of those particular reviews, but I can inform the member that a number of things have been underway now for a number of months. We have had anti-climb infrastructure installed across the tops of the accommodation units, and in fact that is 80 per cent complete. The advice that I have is that that work will be completed in just a matter of weeks. In addition, there are further works that are occurring to the fabric of specific buildings and these facilities to address safety issues.

The other point that I wish to make to the member is that she may have forgotten that she was in fact a

member of a government and that she herself voted in new secrecy provisions under the Children, Youth and Families Act 2005. Her leader, as minister, introduced provisions that relate to material that may jeopardise the safety and security of youth justice precincts.
Ms Crozier may well have forgotten that it was in fact the previous coalition government that introduced new secrecy provisions in response to concerns about these matters. She in fact voted for that legislation. It is in fact prohibited for the details of this review to be publicly disclosed — under her own legislation.

Supplementary question

Ms CROZIER (Southern Metropolitan) — I thank the minister for that answer. It has been over three months since the minister received the recommendations. On radio this morning Ian Lanyon, director of secure services at the Department of Health and Human Services, indicated that recommendations of the Muir review have not been implemented — although the minister mentioned the jailbreak. Can the minister detail to the house: what has the government failed to implement and why?

Ms MIKAKOS (Minister for Families and Children) — That is just ridiculous, but I am happy to respond to it anyway. We have a shadow minister who is just so desperate to play politics with a situation that she is now verballing what Ian Lanyon said on the radio this morning. Both Mr Lanyon and I have been out today making public statements in response to this particular incident. In fact both Mr Lanyon and I have been talking publicly, as I have just now, about the work that has been underway for a number of months to improve the safety and security of buildings constructed in the mid-1990s, and which have low eaves. This is why we are putting anti-climb infrastructure on the tops of the accommodation units, to make it more difficult for these challenging young people to climb onto the tops of those buildings.

Questions interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I take this opportunity to welcome two visitors to the gallery today. We have Senator William H. Payne, the Minority Whip of the New Mexico State Legislature; and Retired Brigadier General Kenneth P. Bergquist from the United States Army. Welcome.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Melbourne Youth Justice Centre

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. On Sunday the Parkville youth justice facility was placed in lockdown after hammers, pitchforks and metal bars were stolen from a horticulture shed. When did lockdown begin and how long did it go for?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Crozier for her question. Her question relates specifically to an incident that occurred on Sunday, 6 March. The advice that I have was that a number of young people gained access to a horticulture shed from which they did take some tools and cause some property damage to buildings. At the time Victoria Police were notified. They were not required to intervene, and the incident was resolved by youth justice staff.

I take the opportunity to correct some media reports in the *Herald Sun* today. In fact all the tools were recovered after that particular incident. It is actually incorrect — the reporting that has occurred — that tools were not recovered in response to that particular incident. But in terms of the timing of the lockdown, I would need to provide the member with the details of that, but certainly the matters were resolved, on my recollection of the advice I have received, relatively quickly on the Sunday. But as to the precise times of the lockdown — when it began and when it ended — I would need to provide the member with the precise details of those precise times.

Supplementary question

Ms CROZIER (Southern Metropolitan) — I thank the minister for that answer. Can the minister confirm that the lockdown was actually lifted on Sunday night?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. It is my understanding that that was the case, but I will seek confirmation of that.

Honourable members interjecting.

Ms MIKAKOS — The incident was resolved relatively quickly on the Sunday, but as to the precise times, I will provide the member with the precise times that she is seeking.

Honourable members interjecting.

The PRESIDENT — Order! Ms Crozier has so far posed four questions — two substantive and two supplementary questions — seeking answers from the minister. In my view the minister has been attempting to respond appropriately to those questions. She does not need the assistance of a chorus from the opposition.

Melbourne Youth Justice Centre

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. What action has been taken about the ringleader or ringleaders of the riot at the Parkville youth justice facility?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Crozier for her question. She has not referred to a specific incident, so it is not very clear.

Ms Crozier — The riot.

Ms MIKAKOS — Well, it is not very clear. She has been referring to an incident on Sunday. Is she referring to the incident on Sunday or the incident on Monday? Can she perhaps elaborate on what incident she is referring to?

Honourable members interjecting.

The PRESIDENT — Order! Ms Crozier, on a supplementary question.

Ms Mikakos — Are you saying it is the Monday incident?

Ms Crozier — I am referring to the Monday riot incident, but if Sunday was a riot, I am happy for you to answer that as well.

The PRESIDENT — So that is the supplementary question?

Ms CROZIER — No, I am just clarifying.

The PRESIDENT — That is what I asked for — a supplementary question. The member should ask a supplementary question, please.

Supplementary question

Ms CROZIER (Southern Metropolitan) — In reference to the Monday riot at the Parkville youth justice facility, will the minister rule out transferring the ringleader or ringleaders out of the youth justice system and into the adult prison system?

Ms MIKAKOS (Minister for Families and Children) — Obviously Ms Crozier has sought to characterise a particular incident as a riot. It involved 6 young people out of 92 young people in this particular facility. Operational issues are matters for the management of the particular facility. I think Ms Crozier might be well aware that Mr Ian Lanyon in the media today has referred to particular individuals being transferred to Malmsbury, but Victoria Police officers are investigating the matter. It is up to them as to whether charges might be laid in response to the particular incident that occurred on Monday. I refer the member to a previous Ombudsman's report, in which the Ombudsman actually made recommendations about transfers in relation to adult prisons. These are operational issues that are matters for the management of the facility to talk about the response, but Mr Lanyon has already advised the response that has occurred in relation to this particular incident.

Melbourne Youth Justice Centre

Ms CROZIER (Southern Metropolitan) — My question is again to the Minister for Families and Children. Given there have been two significant riots and multiple other incidents in just the last five months, has the minister lost control to youth gangs at Parkville's youth justice centre?

Ms MIKAKOS (Minister for Families and Children) — I do not accept the premise of Ms Crozier's question at all. Can I just say that the incident last night was resolved peacefully, without any injury to staff, with a minor laceration to one of the young people involved because he climbed through glass in a broken window. The situation was well contained. It never posed a threat to the community. There was never any risk of these young people escaping from the facility. The priority for the staff and the management of this facility was always to ensure the safety of the young people and the staff involved.

In terms of the review, as I have said, I have asked my department to undertake an independent review of this incident to look at the circumstances that led up to the particular incident and the department's response to it. The department is having discussions with Mr Muir in relation to undertaking this review, because he is someone who is very familiar with this particular facility and he undertook a similar review late last year.

As I have explained to the member already, there has been a considerable amount of work occurring in recent months to roll out anti-climb infrastructure on the top of these buildings — measures that were not taken by the previous government. We are working with the

department to ensure that this work can be completed as quickly as possible, and the advice I have is that the anti-climb infrastructure will be fully installed in just a matter of weeks.

Can I just say that in Victoria we in fact do have the lowest incarceration rate of young people in Australia. In fact that has been a position that until now has enjoyed bipartisan support, because we have taken the view that it is best to support young people to get on with their lives in an effective way. Our government's approach is to tackle the causes of crime. The most effective way that we can drive down youth crime is to ensure that young people get an education and that they get a job. This is why we are committed to making sure that disengaged young people get opportunities through our education system and make Victoria an education state.

Can I just say that the young people that do get to Parkville, because that is the pointy end of the system, do have challenging behaviour. Many of them have had traumatic backgrounds, and so the staff that work with these young people have a challenging task. They do a very difficult job, and I want to commend them for the work that they do. But of course this review will look at the circumstances that led up to this particular incident, one that was peacefully resolved last night without, thankfully, any significant injury to anybody involved in it.

Supplementary question

Ms CROZIER (Southern Metropolitan) — I thank the minister for her answer. My supplementary question is: with her multiple reviews and implemented recommendations, can the minister guarantee that another riot, similar to what happened in October and again yesterday, will not happen again under her watch?

Honourable members interjecting.

The PRESIDENT — Order! My concern is not about whether or not the supplementary question is apposite, because I believe it is. The question is more of concern to me because it calls for speculation and asks the minister to address a matter which is possibly hypothetical. Nonetheless, given the nature of the series of questions and the minister's preparedness to share with the house as much information as she is able to on this matter, I will allow the minister to respond to that supplementary question.

Ms MIKAKOS (Minister for Families and Children) — We take these issues seriously. That is exactly why I have asked for an independent review of the incident last year and of this more recent incident. Our government and my department are committed to making sure that we provide a safe and secure youth justice system for young offenders and also to make sure that our staff are safe whilst working in that very challenging environment.

Social and community services sector wages

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Minister for Families and Children. In 2012 following a decision by Fair Work Australia about pay equality for social and community services (SACS) sector workers, predominantly women, the coalition government applied a wage increase on 80 per cent of funding provided to family services and residential care. The decision was replicated in 2013 and 2014. I ask: why in 2015 did the minister apply the pay increase to only 70 per cent of the funding, not 80 per cent, and therefore deliver a 14 per cent reduction in the pay increase for lower paid SACS workers?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Wooldridge for her question, and I am proud to be able to respond to it on International Women's Day. We know that many of the very committed workers who are working in our community services are in fact women. This is why these workers were supported by our government. We provided funding of an additional $935 million for pay increases for workers in the non-government social and community services sector for a mostly female workforce employed across the community sector in areas that care for vulnerable people in our community, whether they are people who work with the disabled, people who work with the homeless or people who work with children who cannot live with their immediate families due to abuse or neglect.

Fair Work Australia's equal remuneration order (ERO) handed down in 2012 ordered pay increases for these traditionally underpaid workers in the non-government social and community services sector. This was a landmark decision, and it allowed for pay increases ranging from 19 per cent to 41 per cent to bring workers employed in the non-government social and community services sector in line with public sector workers. Our government is proud to be supporting a fair go for a workforce that contributes so much to the people of Victoria.

I think it is unfortunate that in asking this question the member herself did not appear to understand the answer that was given by one of my departmental officials during the recent Public Accounts and Estimates Committee (PAEC) hearings. In fact Ms Crozier

incorrectly tweeted about this particular issue, because she clearly had no idea about this matter. The point is that it was in fact the previous coalition government that changed the formula and put that into the forward estimates, so we were left with the decision made by the previous government. It became evident during the PAEC hearings that it was the previous government that secretly changed the indexation formula and banked that in the savings over the forward estimates.

So here we have got crocodile tears from members of the previous government. We made sure that there was funding there over the forward estimates to ensure that this female-dominated workforce could receive a pay increase following the ERO decision. We had a situation where the previous government was not prepared to provide funding beyond one year, but we have made sure that these very committed workers in this workforce can get the benefit of the ERO decision. I am very proud of the fact that we were prepared to put that significant amount of funding in the budget last year to give the sector certainty going forward.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — I thank the minister for her answer. I think she actually contradicted herself a number of times in that answer and may wish to reflect on it in terms of whether it misled the house. But in terms of going forward on the supplementary question, the minister has walked in rallies and she has spoken in this chamber a number of times, including saying that this issue for the government is where you put your money where your mouth is, so will the minister put her money where her mouth is and return the calculation of the base to 80 per cent of funding, thereby ensuring that lower paid women receive their rightful pay increases rather than the 70 per cent that she implemented for the first time in the 2015 budget?

Ms MIKAKOS (Minister for Families and Children) — Unlike the member's government, which did not put its money where its mouth is, we delivered in the budget last year in excess of $935 million for pay increases for the female-dominated workforce in the community services sector.

Livestock producer compensation

Mr DRUM (Northern Victoria) — My question is to the Minister for Agriculture, and it relates to the Cattle Compensation Fund and the Sheep and Goat Compensation Fund, which manage levy funds paid by Victorian livestock producers. The minister received nominations for these fund committees on 19 November last year. Why have these new committees not been appointed so that the industry representatives can get on with managing these levy funds?

Ms PULFORD (Minister for Agriculture) — I thank Mr Drum for his question. Applications were sought, applicants were interviewed and the usual process of checking applicants, including police checks and things that are required, has been undertaken. I will be in a position to announce those appointments very soon.

Supplementary question

Mr DRUM (Northern Victoria) — In relation to this delay in announcing these committees, can the minister rule out that these delays have been due to her plans to change the rules on how the industry levies can be used or rule out that any of these funds can be used for her department?

Ms PULFORD (Minister for Agriculture) — As usual Mr Drum is confused. The appointments will be made. The arrangements will be — —

Mr Drum interjected.

Ms PULFORD — As Mr Drum would well know, there are processes involved in these appointments. Indeed the chairs of these bodies are cabinet appointments, and so there is a process that does take some time to make sure that the candidates are selected, interviewed and properly appointed in accordance with the legislation that governs these arrangements. I can assure Mr Drum that these announcements will be made in the very near future and that he can park all his conspiracy theories back on the bench.

Safe Schools program

Ms PATTEN (Northern Metropolitan) — My question is to the Minister for Education, represented by Minister Herbert. Safe schools is an extremely worthwhile program that aims to stamp out homophobia and related bullying in schools, but it has recently been the subject of some outrageous and bigoted comments from members of this house. Clearly some members have a complete lack of understanding about the issues that some young people face when it comes to gender identity and sexuality.

The Andrews government allocated an extra million dollars to the Safe Schools program in the recent budget, claiming that it would help expand Safe Schools into every Victorian secondary school.

Yesterday the government issued a statement saying that the program is compulsory but that, and I quote:

> … it's up to [schools] to decide with their communities what resources they use.

This seems like a very confused message, so I ask: will the Safe Schools program be compulsorily rolled out to all Victorian government schools?

Mr HERBERT (Minister for Training and Skills) — I thank Ms Patten for her question in regard to Safe Schools. It has been the subject of considerable debate in this chamber, and there are many viewpoints. I can say, though, in answer to her question that the Labor government's commitment that all government secondary schools sign up to the Safe Schools Coalition has not changed and that the Safe Schools Coalition is, we believe, a vital antibullying program that helps save lives and has the full support of the Victorian government.

Supplementary question

Ms PATTEN (Northern Metropolitan) — Will the minister outline for the house what steps the government is taking to ensure that all schools are safe places for children to be themselves and give an ironclad guarantee that the future of the Safe Schools program is itself safe under his government?

Mr HERBERT (Minister for Training and Skills) — I thank Ms Patten. I do not know that I can be any clearer than stating the fact that the Victorian government fully supports the program and that it believes it is crucial. There are probably a lot of measures in schools under this government to make sure schools are safe — —

Mrs Peulich — Name them.

Mr HERBERT — There are antibullying campaigns; there are all sorts of things. The reality is that the commonwealth is doing a review of this through the Prime Minister, which is a bit unusual, given that there has been bipartisan support for this program for many years. I cannot see the need for such a review, and I am not sure about the motivations of it, but I can say that in terms of the government's viewpoint it believes in and it is supportive of the Safe Schools Coalition because it is a very important antibullying program that helps save lives and helps the future of many children. It does have the full support of the Victorian government.

Commercial kangaroo shooting

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Agriculture. The minister has licensed a number of commercial kangaroo harvesting operations in Victoria and indicated those are going to continue for some time. Can she assure the house that all those operations are complying with the national code of practice for the humane shooting of kangaroos and wallabies for commercial purposes?

Ms PULFORD (Minister for Agriculture) — I thank Mr Barber for his question and his interest in this matter. Certainly to the best of my knowledge there is full compliance, but if Mr Barber is aware of information to the contrary, I would certainly want to be informed of that so that we can take appropriate action.

Supplementary question

Mr BARBER (Northern Metropolitan) — On how many nights have shooting operations occurred under these commercial permits, and on how many of those nights have the minister's departmental officers been present to supervise the operations?

Ms PULFORD (Minister for Agriculture) — I thank Mr Barber for his supplementary question. That is information that I will seek from the department, and I will provide Mr Barber with a written response by tomorrow.

Duck season

Mr BARBER (Northern Metropolitan) — My question is to the Minister for Agriculture. The minister has approved duck hunting in 2016, and that is about to start soon. One measure is that she has banned the shooting of blue-winged shoveler ducks, but when I download her Game Management Authority's mobile phone app and select these little crosshair things described as 'Hunt mode', it says:

> What will you be hunting today?

I select 'Blue-winged shoveler', and it says:

> Your hunt mode will be filled with helpful information and functions specifically for this species.

There is no helpful information there saying it is actually illegal to shoot them this season. Is this just a kind of a stuff-up? What has happened?

Ms PULFORD (Minister for Agriculture) — I am familiar with the app. As Mr Barber would appreciate, duck season has not commenced. The arrangements for

the season, which is soon to commence, have been announced. I am certainly confident that it is widely known among hunters that the blue-winged shoveler is not able to be hunted this season. By Mr Barber's own reckoning the app says that this information will be provided. I assume that that will be updated as the season opens, because there is no hunting of the blue-winged shoveler today. There is no duck hunting today.

Supplementary question

Mr BARBER (Northern Metropolitan) — Right at the end there, the minister seemed to be suggesting that she would get the department or the Game Management Authority to update the app.

Ms Pulford — It is up to date today.

Mr BARBER — Well, it is starting in a week and a half. Anybody who is relying on this information and has not had their app updated is going to be relying on false information and possibly illegally shooting a protected species. Is this app actually an authoritative source of information about hunters' legal requirements, or is it just a kind of a promotional thing?

Ms PULFORD (Minister for Agriculture) — I know the Greens would like very much for us to not have a duck hunting season, but the government is committed to a sustainable duck hunting season, and the arrangements for this year have been announced. We know that there are divergent views on this subject in the community, and some are deeply held. In fact I have had some extraordinarily offensive correspondence from people who are opposed to duck hunting — for example, 'You slag, I hope someone shoots you' and 'You've just approved something worse than the Port Arthur massacre' — so I know that there are great passions in the community about this matter. Equally there are people who are not so happy that the season has any restrictions at all, and there might even be some of those people in this chamber.

What we have done is that we have set about making the arrangements for the season based on the scientific advice and based on the advice from the Game Management Authority. The Greens will never like this and will never approve of it, but certainly the app can be relied upon.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have answers to the following questions on notice: 1307, 1553–4, 1557–8, 2009, 2458, 4733–4, 4749–53, 4758, 4767, 4770–2, 4780–1, 4784–9, 4794–5, 4798–808, 4845–6, 4849–50, 4854–5, 4858–9, 4862–9, 4884–5, 4907, 4910.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! In regard to questions today, Ms Mikakos undertook to obtain further details, and the substantive question covers both the substantive and supplementary, in regard to the lockdown times for the incident. That was in regard to Ms Crozier's second question, and that is a one-day response.

Ms Pulford has undertaken to obtain further information on Mr Barber's first supplementary question, which was the number of nights that commercial shooting had occurred and whether or not there was supervision of those undertakings. Again that is a one-day response.

Mr Davis — On a point of order, President, in the last sitting week the Leader of the Government was to provide a response to a question without notice concerning the business case for the sky rail, and I have not received that. It was a one-day or a two-day maximum, but that is certainly well past.

The PRESIDENT — Order! It is due tomorrow.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is for the Minister for Water, and it concerns the issues raised during the well-attended water meeting in Echuca last week. Just prior to her departure from the meeting the minister said the new project delivery model for the Goulburn-Murray Water Connections Project would need to match the existing business case. The problem my constituents have with this is that the government continues to refuse to release the final business case, meaning that they have no idea what the new project model needs to match. My constituents are concerned that without the release of this business case there is no transparency or accountability over the project, which is so important to their future viability and livelihood. My question to the minister is: will she

release the final business case for the Northern Victoria Irrigation Renewal Project stage 2 priority project, which was submitted to the commonwealth in 2010?

Western Victoria Region

Mr PURCELL (Western Victoria) — My constituency question is addressed to the Minister for Sport, who is also the Minister for Tourism and Major Events. Warrnambool is the biggest population centre in south-west Victoria, a vibrant and impressive rural city that has produced many AFL greats, including Jonathan Brown; the late, great Paul Couch; Jordan Lewis; Wayne Schwass, Leon Cameron — and this is just to name a few. But despite producing these greats, we do not have a sporting ground that is anywhere near AFL standard. Bendigo, Shepparton, Ballarat et cetera, which all have AFL-standard facilities, coincidently are all marginal state or federal seats. Warrnambool deserves to have an AFL-standard facility, and my question to the minister is: will he commit to providing funding to upgrade Warrnambool's Reid Oval to AFL standard?

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) — My constituency question is addressed to the Minister for Multicultural Affairs, the Honourable Robin Scott. As members would be aware, Melbourne's Western Metropolitan Region is increasing in both population and diversity. It has an incredibly diverse population that is vibrant and has so much potential, but it is also a region that has its challenges. Can the Minister for Multicultural Affairs inform me on the level of support provided to our multicultural communities in Melbourne's Western Metropolitan Region, particularly those initiatives that enhance social cohesion, inclusion and participation?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) — My constituency question is for the Minister for Planning in regard to a request sent to him by Maroondah City Council for a moratorium in the Ruskin Park region of Croydon. Residents and councillors have concerns that developments of more than two dwellings are fundamentally changing the neighbourhood character of the area. However, the strategic work to determine the best location for higher density development is still to be completed via the development of the Maroondah housing strategy, which is currently underway. At this point in time these developments are inconsistent with the existing neighbourhood character study for the Ruskin Park area. My question is: will the minister confirm he accepts and approves the request by Maroondah City Council and its residents that a moratorium be placed on planning permits for more than two dwellings in the general residential zone in the area known as Ruskin Park, bounded by Hull Road, Ruskin Avenue, Mount Dandenong Road and the municipal boundary of Maroondah City Council until such time as the council has completed the Maroondah housing strategy?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is for the Minister for Roads and Road Safety. One incident in the Burnley Tunnel this morning shut down the entire western suburban road network. The Tullamarine, West Gate and Calder freeways were gridlocked for hours. Major arterial roads throughout the west were at a standstill. Mayhem was the order of the day. Under normal circumstances it would take me 15 to 20 minutes to travel from my home in Bulla to Kings Way. Today, as I crawled past Melbourne Airport, I noted from the electronic time board it would take me 69 minutes to take that same journey. What occurred this morning is an outrage. What is a greater outrage is the lack of action by the Andrews government to prevent a repetition. Melbourne's west deserves better. I ask the minister: when will the government accept that it got it wrong by scrapping the east–west link and reverse its disastrous decision?

The PRESIDENT — Order! It is very borderline as a constituency question, I have got to say.

Eastern Victoria Region

Mr MULINO (Eastern Victoria) — My constituency question is to the Minister for Public Transport and it relates to the Andrews government's proposal to remove a number of level crossings on the Caulfield to Dandenong section of the Cranbourne and Pakenham lines. In particular I note that a number of community organisations, experts and advocates have come out in support of the project — the RACV, Bus Association Victoria, Bicycle Network, Victoria Walks and the Public Transport Users Association. I would like the minister to provide me with some analysis as to the reasons why all of these organisations have supported the Andrews government's proposal, in contrast to other parties' proposals — for example, the opposition's proposal — for kilometres of long concrete trenches. I would like an analysis as to all the reasons of these various groups so that I can convey that to my constituents who support this project.

The PRESIDENT — Order! I rule that constituency question out. As far as I know, Caulfield and those other stations Mr Mulino mentioned are not in his electorate. On constituency questions, members must refer to matters that are about their electorate, and what the member has done there is actually use locations that are outside his electorate to then try to prosecute a more general question. That is not what constituency questions are all about. I suggest he reruns it tonight as an adjournment item.

Mr Mulino — Can I make a point of clarification, President? I probably should have clarified this more in the question, but it is in relation to constituents in Pakenham, where my office is, who travel along the line on which those level crossings will be removed.

The PRESIDENT — That might be the case, but Mr Mulino did not say so, and the constituency question is ruled out. They have got to be tidy.

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is directed to the Minister for Emergency Services and relates to the promised new facility to replace the Country Fire Authority (CFA) Fiskville facility near Ballan in Western Victoria Region. There has been speculation of late in relation to the state government's new facility that there may be a need to have land compulsorily acquired as a suitable site has yet to be identified. The township of Ballan has been left in the dark, waiting for the government to get its act together about the future CFA training facility. My question is: will the minister advise whether or not the new training facility will facilitate the same number of volunteer training hours as the previous facility at CFA Fiskville?

The PRESIDENT — Order! Again, that is very marginal, in the sense that the question is about the location, but then it took a different tangent in terms of numbers of people going through the training, which is quite a different matter and not necessarily related to the member's constituency as such. It is a more general question. Mr Morris scrapes in by the skin of his teeth.

Northern Victoria Region

Ms SYMES (Northern Victoria) — My constituency question is for the Minister for Education and it relates to the Porepunkah Primary School, and I would be fairly confident there would be no students who attend Porepunkah Primary School who are not constituents of mine. What I would like to bring to the attention of the minister is that an extreme weather event in the area last year caused structural damage at the school. Emergency maintenance funds were given to repair roofing, but floor coverings were also ruined and not covered by the emergency maintenance funding. Since the extreme weather, younger students can no longer sit on the floor during story time. Porepunkah Primary School is a very small school with very limited funds at its disposal. The school and regional office have explored a number of avenues for funding but have been so far unsuccessful. I ask the minister to support Porepunkah Primary School in its efforts to obtain $4000 for the carpet replacement.

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — My constituency question is for the Minister for Planning. It is relation to the huge concerns about the rail crossing separations, in particular the sky rail option, which is dramatically impacting on the south-east — Clayton and all through Mordialloc to Frankston. Given that over successive governments there has been an attempt to increase urban densification around transport hubs and in particular at railway stations, I am asking the Minister for Planning to advise me of what advice has been received from his department or what discussion he has had with the responsible minister about the impact of elevated crossings on existing medium and high-density developments surrounding transport hubs and indeed whether there has been any attempt to reconcile the conflicts between those two policies by this government?

The PRESIDENT — Order! Do we not understand what constituency questions are? Perhaps I should put out a brief because again the member has raised a broad, general issue, and it is not good enough just to mention a place and then to go off into a broader issue, which is the problem we have had with at least three or four of these questions today.

Porepunkah was okay. I know the issues are important and I understand the members are actually trying to seek some of this information, but really the matters that are being raised are adjournment items and ought to be put as adjournment matters rather than as constituency questions, as they are a lot more precise in terms of what information is being sought or what response by the minister is being sought.

In terms of Mrs Peulich's question, it went to two government policy areas.

Mrs Peulich interjected.

The PRESIDENT — Order! Yes, it sought information on the policy areas. It did not come back to what the impact is on the initial locations mentioned, and it really just does not meet the definition of a constituency question. I ask that the member consider that as an adjournment item as well.

Mrs Peulich interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Mrs Peulich

The PRESIDENT — Order! We will not be seeing Mrs Peulich for another half an hour. The member probably had that as an intention anyway, but at any rate it is half an hour.

Mrs Peulich withdrew from chamber.

CONSTITUENCY QUESTIONS

Questions resumed.

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) — My constituency question is for the Minister for Sport. I refer to recent reports of the alarming statistics of girls not participating in sport, particularly girls between the ages of 15 and 17. Being part of a team has so many benefits, let alone the health and wellbeing benefits of any of the physical activity aspects that participating in sport provides. The previous coalition government from the Premier down took a very strong stance on promoting sporting activities amongst our communities. Former coalition sports ministers Delahunty and Drum, who both played sport at the very highest levels, understood only too well the benefits of promoting sporting activities and would often encourage Victorians to be 'more active more often'.

In my electorate of Southern Metropolitan Region the Grass Ceiling campaign is promoting female sporting facility availability, and this issue has been raised with me by a number of sporting groups and women involved in those sporting activities. My question to the minister is: given the recent statistics outlining that 60 per cent of girls aged between 15 and 17 do not regularly participate in sport, what is the Andrews government doing to encourage those facilities to become available in my electorate?

The PRESIDENT — Again! I do not get it. It is not good enough to fleetingly refer to some place. It has got to be a question that comes specifically back to a member's electorate and not a broad, general government issue, which is the way the rest of that presentation was made.

We have been dealing with constituency questions now for over 12 months. It is fairly clear, the difference between a constituency question and an adjournment matter. I ask members to reflect on how they put those issues.

Mr Davis — On a point of clarification, President, I think Ms Crozier was referring to a very specific program, the Grass Ceiling program, which is within her electorate. She may not have made that as clear as perhaps she should have, but I can vouch that it is a program quite specific to that electorate.

The PRESIDENT — Order! So too did Mr Mulino's question refer to something that is happening in his electorate. The problem is that he put it in a context which referred to the rest of Victoria as well. The same thing has been going on time after time today. Members have got to get those tighter.

Mr Drum — President, can I suggest that maybe we receive some very clear guidelines?

The PRESIDENT — Order! I am happy to circulate the guidelines again on what a constituency question is all about.

PETITIONS

Following petitions presented to house:

Elevated rail proposal

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

We, the undersigned citizens of Victoria, call on the Legislative Council of Victoria to note:

the Victorian government has announced plans to construct concrete pylon sky rails on long sections of the Dandenong–Pakenham lines as a cheaper alternative to traditional methods of delivering its level crossing removal election commitments;

that affected local communities were not properly consulted in the development of these plans, with reports that those residents most affected by the imposition of sky rail were purposefully excluded from what limited consultation actually occurred; and

that affected residents are completely opposed to the construction of sky rails along the Dandenong–Pakenham lines, with their inherent greatly increased visual impact and noise pollution and greatly reduced residential amenity and privacy.

We therefore demand the Andrews Labor government abandon its cheap and nasty sky rail plans and instead proceed with a rail under road solution to level crossing removals as has been so successfully implemented at Burke Road, Glen Iris.

By Mr DAVIS (Southern Metropolitan) (694 signatures).

Laid on table.

Elevated rail proposal

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

We, the undersigned citizens of Victoria, call on the Legislative Council of Victoria to note:

the Victorian government is actively advancing plans to construct concrete pylon sky rails on long sections of the Dandenong–Pakenham and Frankston lines as a cheaper alternative to traditional methods of delivering its level crossing removal election commitments.

that affected local communities were not properly consulted in the development of these plans, with many only hearing about it for the first time in a recent article in the *Herald Sun* and subsequent media coverage; and

that affected residents are completely opposed to the construction of sky rails along the Dandenong–Pakenham and Frankston lines, with their inherent greatly increased visual impact and noise pollution and greatly reduced residential amenity and privacy.

We therefore call on the Daniel Andrews Labor government to hold off announcing a preferred tenderer until such time as thorough consultation with affected communities has been undertaken and the depth of the community's opposition to any sky rail proposal is properly taken into account in its transport planning.

By Mr DAVIS (Southern Metropolitan) (132 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 3

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 3 of 2016, including appendices.

Laid on table.

Ordered to be published.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 2 March 2016 giving approval to the granting of a lease at Albert Park.

Emergency Services Superannuation Act 1986 — Report on the Actuarial Investigation of the Emergency Services Superannuation Scheme as at 30 June 2015.

Falls Creek Alpine Resort Management Board — Minister's report of failure to submit 2014–15 report to the Minister within the prescribed period.

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

Ballarat Planning Scheme — Amendment C186.

Baw Baw, Frankston, Melbourne, Monash, Port Phillip and Stonnington Planning Schemes — Amendment GC41.

Banyule Planning Scheme — Amendment Cl0l.

Benalla Planning Scheme — Amendment C31.

Brimbank Planning Scheme — Amendment C166.

Buloke Planning Scheme — Amendment C29.

Cardinia Planning Schemes — Amendments C189 and C207.

Casey Planning Scheme — Amendments C215.

Darebin Planning Scheme — Amendment C133 (Part 2).

Frankston Planning Scheme — Amendment C109.

Golden Plains Planning Scheme — Amendment C70.

Greater Geelong Planning Schemes — Amendment C333.

Greater Shepparton Planning Schemes — Amendments C143, C162, C180, C181 and C183.

Knox Planning Scheme — Amendment C147.

Manningham Planning Scheme — Amendment Cl10.

Melton Planning Scheme — Amendment Cl38.

Mitchell Planning Scheme — Amendment C92.

Monash Planning Scheme — Amendment C122 (Part 2).

Moonee Valley Planning Schemes — Amendments C149 and C154.

Murrindindi Planning Scheme — Amendment C46.

Nillumbik Planning Scheme — Amendment C85.

Northern Grampians Planning Scheme — Amendment C44.

Strathbogie Planning Scheme — Amendment C70.

Whitehorse Planning Scheme — Amendment Cl83.

Wyndham Planning Schemes — Amendments C183 and C199.

Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria, 2014–15.

Statutory Rules under the following Acts of Parliament —

Children, Youth and Families Act 2005 — No. 7.

Fisheries Act 1995— No. 8.

Subordinate Legislation Act 1994 — No. 6.

Water Industry Act 1994 — No. 5.

Working with Children Act 2005 — No. 9.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 6 to 9.

Legislative Instrument and related documents under section 16B in respect of Gambling Regulation Act 2003 — Notice fixing the value of the supervision charge for 2014–15, dated 16 February 2016.

Proclamation of the Governor in Council fixing an operative date in respect of the following act:

Gambling Legislation Amendment Act 2015— Part 4 — 2 March 2016 *(Gazette No. S34, 1 March 2016).*

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, 9 March:

(1) notice of motion 228 standing in the name of Ms Wooldridge relating to the continuing failure of the government to comply with certain orders for the production of documents;

(2) order of the day 2, resumption of debate on the Upholding Australian Values (Protecting Our Flags) Bill 2015;

(3) order of the day 33, resumption of debate on the motion relating to community consultation for sky rail; and

(4) notice of motion 223 standing in the name of Mrs Peulich calling on the Labor Party to return donations received from the Construction, Forestry, Mining and Energy Union.

Motion agreed to.

MINISTERS STATEMENTS

Kindergarten funding

Ms MIKAKOS (Minister for Families and Children) — I rise to update the house on how the Andrews Labor government is working to lift participation in kindergarten, particularly for vulnerable children. Last week I attended the A. G. Leech Kindergarten in Maryborough to launch a statewide pilot to pre-purchase kindergarten places for children who need them most. Victoria has a high kindergarten participation rate of 96.4 per cent.

Kindergarten is a critical educational milestone. It prepares children for school, and it helps them do better throughout school. But children experiencing vulnerability and disadvantage sometimes miss out. This could include families facing employment instability, transience or cultural and language barriers to enrolment and participation. Aboriginal and Torres Strait Islander children are also more likely to miss out, with only 80 per cent of four-year-old children enrolled in kindergarten in 2014. For three-year-old children the rate of participation in Early Start Kindergarten is lower still, at 37 per cent in 2014. We also know that foster carers and kinship carers can have trouble finding a kinder place when a child comes into their care later in the kinder year.

While a number of grants to support these children to attend kindergarten already exist, there are not always local places available if they enrol late. Some families are turned away because there is no kinder place available. This is just not good enough. The pilot is addressing that barrier to participation. We want all of our children to participate in kinder and never to have a child turned away. As part of the pilot we have secured enrolment spots for children who have the most to gain from a high-quality early childhood education but are most at risk of missing out. There are more than 560 places in nearly 200 services across 42 local government areas.

My department will be working closely with the kinders in the pilot, local councils and key agencies such as Child FIRST to ensure that these places are accessed by the children who need them most. Our vision for the education state starts with giving children the best educational opportunities right from birth, and it is about making sure that every child can access the best educational opportunities regardless of their background or their family circumstances.

MEMBERS STATEMENTS

Female jockeys

Ms LOVELL (Northern Victoria) — In the last sitting week I made a statement that called on the Minister for Racing to ban the use of the honorific 'Ms' in front of female jockeys' names in the form guide. Unfortunately the minister just wiped his hands of the issue, saying he has no power to do it. He did not even agree to lobby Racing Victoria or Racing Australia. Racing Victoria says it is not them and that it is Racing Australia, which in turn just says it is not a big issue. However, as a result of my statement the media has agreed to stand up and take some leadership on this, and in yesterday's *Age* newspaper sports editor Chloe Saltau said the *Age* will move to end this. I have also spoken with Shaun Phillips, sports editor at the *Herald Sun*, who has also agreed to review this practice.

On 3 November last year Michelle Payne won the Melbourne Cup, an achievement that has eluded many thousands of so-called champion male jockeys over the years. After her win Michelle was vocal in reminding us just how chauvinistic the so-called sport of kings is. I again call on the minister to stand up for female jockeys and to use his position as minister to advocate for an end to this draconian practice and other chauvinistic attitudes in the racing industry.

Shepparton Festival

Ms LOVELL — It is a really exciting time to visit the City of Greater Shepparton for the 20th annual Shepparton Festival, which will run through to 20 March. This year's festival has 49 fantastic offerings, and the theme is 'Be consumed'. Some of the offerings over the coming weekend include Opera in the Orchard, Re-imagining Ned, the Cornucopia exhibition at Shepparton Art Museum, the textile art exhibition and workshops, and the woodworking show at the Eastbank Centre. I encourage all members to visit Shepparton over the long weekend to enjoy our festival, and I congratulate the festival committee — —

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

Tuxedo Tuesday

Ms PULFORD (Minister for Agriculture) — Today is 35 degrees, but it is Tuxedo Tuesday, and that is an important day. Coincidentally today, on International Women's Day, Tuxedo Tuesday supports an organisation called Fitted for Work, which since 2005 has assisted 21 000 women experiencing disadvantage to get a job and keep it by providing work clothes, interview training, work experience, mentoring and other support. Each $115 raised helps a woman experiencing disadvantage to find work. It is a worthwhile cause and one I am very happy to support.

Women in Agriculture Forum

Ms PULFORD — On another matter, similarly appropriate with International Women's Day being this week, it was my enormous pleasure yesterday to join 60 women leaders in agriculture in this very chamber for a forum to discuss rural women's leadership. We had women from all regions in Victoria, all ages and all commodity groups represented, and all were passionate about rural leadership. It was an absolute delight to host this magnificent group of people here in the Legislative Council. They have made me a big, long list of things to do, but at the top of the list is the reactivation of the Rural Women's Network as well as a host of other fabulous ideas.

International Women's Day

Ms SPRINGLE (South Eastern Metropolitan) — As has been noted, today is International Women's Day, a day that started over a century ago in the US and Europe as a recognition of women's working rights and a demand for women's suffrage. Within a couple of years the first rallies emerged to continue these demands, including access to vocational training and an end to workplace discrimination.

In some countries the whole month of March is designated as Women's History Month. When 50 per cent of the population is only represented in around 0.5 per cent of recorded history, there is a clear need for public focus on this out of dire necessity rather than mere celebration. Commemoration of women's contributions to society are of course an important part of public discourse and an active reminder to take stock of the progress that we have made in relation to gender equality as well as an opportunity to show our gratitude to women everywhere, but these occasions highlight how very far we have to go.

Someone asked me this morning what International Women's Day means to me. There is no doubt that I cherish seeing the great progress of women's empowerment in so many ways, but when female wages are still, 115 years later, only 87 per cent of the average male wage, when one in five employed women with dependent children work without any paid leave entitlements at all — twice the rate of men — and when there are still so few women at CEO or board level and

there are such disparate numbers of women in every level of government, I cannot help but note our continuing quest for genuine, sustained economic equality.

Pakenham indoor shooting range

Mr BOURMAN (Eastern Victoria) — Last night I had the pleasure of attending the Cardinia Shire Council offices in Officer to hear the council planning committee deliberate and vote on an application for a new indoor shooting range in Pakenham. The range has been planned by Chris Moore of Southern Cross Firearms to fulfil the needs of shooters in the area. Chris approached us early in his crusade. From the start I could see he was approaching this correctly by engaging all the responsible authorities early and ensuring that his plans complied with everything required. By chance I have actually visited the facility that Chris modelled his range after. It works very well and has had a fantastic response from local shooters.

But back to last night, it was a pleasure to hear the council committee unanimously recognise the legitimacy of recreational shooting and pass the application. There was a large round of applause after the decision, and once Chris's supporters left the room went from being full to the point of people having to stand to only three people remaining to watch. It was a magnificent example of how shooters can come together when required.

I look forward to letting more than a few shots off once Chris's range is finally opened and servicing the area. Chris's success may well even encourage other people to give the concept a go. A job well done to Chris Moore.

Safe Schools program

Mr FINN (Western Metropolitan) — I stand in this house today as a father representing parents all over the state. I have a message for the Andrews government, and I hope it will listen. The parents of Victoria do not want our sons to be taught how to tuck their penises. We do not want our daughters taught how to bind their breasts. We do not want our children being taught to question their gender. The parents of Victoria do not want their children prematurely sexualised. We want our kids left alone to be kids. We want childhood protected and the innocence of our children respected.

What we do not want is to be branded as bigots because we love our kids. What we do not want is millions of our dollars being spent exposing our children to concepts and thoughts that threaten their normal development. What we do not want is our role as parents usurped by programs based in radical social engineering. What we want is for this and other governments around Australia, particularly the federal government, to scrap the so-called Safe Schools program, and we want it scrapped now.

Honourable members interjecting.

Mr FINN — Sorry, the Nazis are in town.

Ms Hartland — On a point of order, Acting President, we were just referred to as 'the Nazis in town', and I would ask Mr Finn to withdraw that comment.

Mr Dalidakis — On the point of order, Acting President, I share Ms Hartland's concern. I believe the comment was made to all of us. Obviously everyone is well aware of my family dying during the Holocaust, and, being Jewish, it is highly offensive. I suggest that Mr Finn withdraw unreservedly.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I believe Mr Finn's comment was unparliamentary.

Mr FINN — Well, yes, it probably was unparliamentary, and I withdraw it on that basis. But I also suggest — —

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Mr Finn knows the procedure.

Ms Shing interjected.

Mr FINN — She's a disgrace.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I ask Mr Finn to withdraw.

Mr FINN — I withdraw.

Ms Shing — On a point of order, Acting President, was that withdrawal directed to me, given that Mr Finn pointed his finger at me and said I was a disgrace?

The ACTING PRESIDENT (**Mr Elasmar**) — Order! That is right; that is what was withdrawn.

Ms Shing — And was that on the basis that it was a homophobic slur?

The ACTING PRESIDENT (**Mr Elasmar**) — Order! A withdrawal was made, and that is the end of the story.

International Women's Day

Ms SYMES (Northern Victoria) — I would like to use my members statement today to celebrate International Women's Day and perhaps bring some positivity back into the house. I would firstly like to congratulate the Matildas on qualifying for the Rio Olympics overnight. Their 2-1 win over North Korea ends a drought of several years in making the Olympics. This is off the back of a stellar performance at the world cup, where they made the whole of Australia proud and had my four-year-old declaring that when she grows up she wants to be a princess, a fairy or a soccer player. This year's International Women's Day theme is 'Pledge for parity', and it is a timely reminder that there is much to be done to address the stark and unacceptable pay gap between our talented sportswomen and their male counterparts.

I would also like to bring to the attention of the house a wonderful street art mural in Collingwood which is on the side of the member for Richmond's electorate office. It is of three emerging local female artists — Miso, Bianca Chang and Hana Davies — and is also in celebration of the 2016 International Women's Day. Graffiti management agency Juddy Roller commissioned the internationally acclaimed street artist Rone to complete the art.

Like me, Shaun Hossack of Juddy Roller grew up in Benalla and is also responsible for the fantastic Wall to Wall street art festival in Benalla to be held on the weekend of 18 March. In its second year we will see an equal representation of female artists in the festival program. The organisers wish to highlight the significant role that female artists have played and continue to play in the richness and diversity of our artistic culture and practice, while also shining a light on the need for gender balance and equality within the broader community. I am honoured to have been asked to launch the festival on the 18th, and I am sure it will again be a great success and attract many thousands of people to my home town of Benalla.

Safe Schools program

Ms HARTLAND (Western Metropolitan) — I would like to talk about the Safe Schools program today. I am in my late 50s. I remember a time when, if you were gay in primary or high school, it was standard practice to take you behind the shelter sheds and beat you. For people who are transgender, this was an impossible situation. These people have struggled all their lives. I have several friends who have transitioned in their adult lives and have seen the amount of pain and suffering that occurred because of that. What I see in the Safe Schools program is a place where young people can actually understand who and what they are and do so in safety.

I do not believe that the Liberal Party actually supports the incredibly homophobic and anti-transgender statement that we just heard from Mr Finn, but it would be really good if the Liberal Party could clarify what its position is — —

Mr Finn — On a point of order, Acting President, Ms Hartland has just made a statement — —

Mr Dalidakis — A statement of fact.

Mr Finn — You are a boofhead; you are a fair dinkum boofhead. That minister, fair dinkum, is a moron; he really is a moron.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! What is Mr Finn's point of order?

Mr Finn — The point of order is that Ms Hartland has directed unparliamentary words towards me to describe me, and I ask her to withdraw.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I do not believe Mr Finn has a point of order, and I am not going to uphold it. Has Ms Hartland finished her members statement?

Ms HARTLAND — I would like to add a few more words because I have a very close friend who transitioned in his adult life, and I know the pain that that caused him and his family, but that family has remained together. They are a loving family. I think we should look at families in different ways. I was raised by dysfunctional heterosexuals, and I see a lot of my gay friends doing a much better job than my parents did.

Susanne Lafontaine

Mr O'DONOHUE (Eastern Victoria) — All of us in this place are lucky to be supported by our hardworking electorate officers. Those of us who have been lucky enough to have other positions have also been supported by ministerial staff and parliamentary secretaries. Indeed we are incredibly lucky to have the staff of the Parliament. I wish to acknowledge one of my electorate officers, Susanne Lafontaine, who is retiring at the end of March. Susanne commenced her working life in the private office of Henry Bolte when he was the Premier of Victoria. She has worked for Mr Rich-Phillips and Mr Boardman, a former member of this place, and she has now worked for me for nine years. Susanne has done an outstanding job as an

electorate officer and has many skills. She has been loyal to the Liberal Party, loyal to me and extremely dedicated in working for my constituents and responding to their issues. I wish Susanne and her husband, children and many grandchildren a very happy and successful retirement.

International Women's Day

Mr MELHEM (Western Metropolitan) — Today we celebrate International Women's Day. International Women's Day has marked the plight and achievements of women for more than a century and is now looking ahead to the world's gender equality goals. The Andrews Labor government this year is pledging for parity.

The United Nations-backed event celebrates women's rights in more than 40 countries. It was first celebrated on 8 March 1975, and each year it has given focus on women's status around the globe. Over the years the UN and its technical agencies have promoted the participation of women as equal partners with men in achieving sustainable development, peace, security and the full respect for human rights. The empowerment of women continues to be a central feature of the UN's efforts to address social, economic and political challenges across the globe.

The Andrews Labor government is establishing a Victorian gender equality strategy, which will guide our actions to ensure all women have the opportunity to become the people they are meant to be. The strategy will challenge gender stereotypes and the gender pay gap and further explore the link between family violence and inequality.

Aside from the older motivations surrounding political office and the pay gap, there is also increasing awareness of the disproportionate amount of abuse women suffer at the hands of others. More than one-third of women worldwide have experienced physical or sexual violence at some point in their lives. The Andrews Labor government is committed to changing that.

In conclusion, let us celebrate the social, economic, cultural and political achievement of women but also be aware that progress has slowed in many places around the world. Urgent action is needed to accelerate gender parity, and leaders around the world are encouraged to — —

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

International Women's Day

Ms BATH (Eastern Victoria) — When Ecuadorian schoolteacher Rosa Schirato arrived with her Italian husband in the tiny but beautiful Gippsland town of Erica in 1971 she cried for two years because she missed her homeland. With the kindness and friendship of local ladies, Rosa learnt English and went on to teach English as a second language. She became one of the founding members of the Latrobe Valley-based, but Gippsland-wide, International Women's Group.

On Sunday I had the pleasure of attending the 20th anniversary celebration of the International Women's Group, which was held at the Morwell Greek Hall. Representing more than 20 cultural backgrounds from across the globe, including Greece, the Philippines, Italy, Ecuador, Indonesia and many more, these wonderful ladies embody all that is good in our communities by enriching each other's lives, sharing stories and friendship, laughing together, learning from each other and, importantly, showing society how things can be between different cultures and nationalities. Learning and understanding bring not only a greater sense of tolerance but also love and lasting friendship.

Throughout its 20 years the group has won many community service awards. It has produced a book telling the stories of 19 amazing women and continues to serve the community through a public internet access program to assist those who might not otherwise have access. Rosa and the Latrobe Valley International Women's Group are a perfect example of how women can inspire other women to achieve their full potential, and on International Women's Day this is a message we want to encourage. On Sunday we danced, sang and celebrated their incredible achievements. I congratulate president Soula Kanellopoulos, Christina Richardson and Amparo Miller on their warm welcome.

Geelong Awards for People with a Disability

Ms TIERNEY (Western Victoria) — I rise to give my congratulations to some particularly special local achievers in my electorate. The Geelong Awards for People with a Disability, run by local service provider Karingal and the City of Greater Geelong, took place at the fantastic new Geelong Library and Heritage Centre earlier this year. Some exceptional individuals were recognised in seven categories for demonstrating that a disability is not a barrier to achievement or to living a happy and fulfilling life.

Artist Liam O'Neil, who has autism, was recognised for his incredible painting ability. His works have been

exhibited numerous times, with funds raised from the sale of his art going to charity. Paralympian Sam McIntosh was recognised in the sporting category. Sam recently set a new Australian record for the wheelchair 100-metre sprint, and I wish him all the best for the Paralympics in Rio de Janeiro later this year. Tamika Simpson was recognised in the volunteers category for dedicating her time helping out at the local op shop and with youth gymnastics.

Lynne Foreman, an Australian of the Year nominee this year, was recognised for her leadership and advocacy for people with disabilities in the Every Australian Counts campaign. Kylie McCutcheon was recognised for her achievement in advocating for herself with the National Disability Insurance Agency. Sarah Foley was recognised in the outstanding employee category for her work as a chef. And last but not least, Tyson Bell, 9, and Cooper Hall, 10, were both recognised as young achievers for overcoming challenges at school to achieve academically and socially.

Paul Couch

Mr DRUM (Northern Victoria) — I would like to take this opportunity to remember Paul Couch, who passed away on Saturday, 5 March, while riding his bike. I first met Paul in hospital in 1984 when we were both having some minor operations. There was this young kid in the bed next to me whom I could not believe was actually 19, and he was incredibly excited about the opportunity to come down and try out for Geelong the following year. No-one would have realised that this bubbly little kid was going to end up playing over 250 games, be in four grand finals, win three best and fairests, be in three All Australians and win the Brownlow Medal in 1989.

Paul had a smile that you could not jump over, and he absolutely giggled at everything that happened around him. In his early twenties he married Geraldine, and only weeks ago in an interview he noted how lucky he was to have married Geraldine and how proud he was of his four kids. In 1999 Paul stood for The Nationals, and he continued to support country representatives, including David O'Brien at last year's Polwarth by-election. He is going to be deeply missed by his friends, and I cannot imagine the loss felt by his family. I wish Geraldine, Tom, Jess, Molly and Joe all the best.

International Women's Day

Mr MULINO (Eastern Victoria) — I start my member's statement by acknowledging the importance of International Women's Day and expressing my support for all the statements from members on all sides of the house today in support of that day. I also wish all those throughout my electorate who are celebrating it — women and men — well today and throughout the week.

Economy

Mr MULINO — I want to make a few observations on a matter that is a little drier and probably a lot more boring than a lot of the discussion that has gone on today, and that is the national accounts that were released on 2 March. Nonetheless, they are very important numbers in that they reflect the overall health of the economy and indeed matters such as overall employment levels and the welfare of our community as a whole.

It is worth noting that Victorian final demand expanded by a strong 1.2 per cent — the strongest of any state — to be 4.6 per cent higher over the year and that we are doing far better than New South Wales, for example, and indeed any other state. The components of that were household final consumption expenditure, dwelling investment and public demand — all of those are critical parts of the economy and critical drivers of employment.

I think it is also worth noting that the last time Victoria grew by at least 1.2 per cent for four or five quarters was in fact over 10 years ago, not coincidentally during the previous Labor administration. I think it is important to celebrate the importance of this measure, and I am confident that it will feed through to greater employment and greater overall welfare.

Women's participation in sport

Ms CROZIER (Southern Metropolitan) — I raised this issue earlier in my constituency question, but I would like to reiterate it in my members statement because I was alarmed recently to learn that according to recent research the majority of teenage girls and nearly 60 per cent of girls aged 15 between 17 report doing little or no exercise. The majority of teenage girls in Australia — nearly 60 per cent of girls, as I said — do not do any exercise. So I would like to commend the federal Minister for Health, Sussan Ley, for taking this issue extremely seriously by launching the Girls Make Your Move campaign. The campaign highlights to girls and their parents how their decision to opt out of regular exercise can have lifelong impacts.

Reports suggest that obesity amongst women is becoming a very real problem. Women are more likely than men to be overweight from their teenage years, with 43 per cent of women aged 18 to 24 either

overweight or obese. As we know, chronic disease as a result of obesity causes conditions such as diabetes, depression and cardiovascular disease, and they can be avoided if we get more girls and women playing sport.

The issue I raised earlier about the Grass Ceiling campaign — a campaign running in my electorate of Southern Metropolitan Region which calls for more female change rooms and sporting facilities — is to be commended. On International Women's Day then, where the theme is gender parity, I am calling on the Andrews government to ensure that girls and women are just as able to play sport and be engaged with the sport of their choice. After all, a lot of netball courts can fit into a footy oval or a cricket field.

Simone Carson

Ms FITZHERBERT (Southern Metropolitan) — On International Women's Day I want to acknowledge and congratulate all those who have been inducted this week into the Victorian Honour Roll of Women, and in particular I want to pay tribute to one woman whom I know reasonably well — that is, Simone Carson. Ms Carson has been recognised for her role in setting up SecondBite in 2005. She started this after growing increasingly frustrated by watching people go hungry while good food went to waste. She started off with her husband, Ian Carson, taking some donated fruit and vegetables from the Prahran Market in her own car down to Sacred Heart Mission in my electorate, which I visited last week.

Today the organisation that became SecondBite has 70 employees and 1000 volunteers and helps approximately 1200 community food programs. It has distributed some 20 million kilograms of food nationally, which adds up to more than 40 million meals. I regularly see the SecondBite trucks around my neighbourhood going between different shops and so on, and whenever I do I think of Simone and Ian Carson and the very good work they have done in their community. Inductees to the women's honour roll are judged to have contributed lasting change in Victoria. Simone Carson has certainly done this, and I congratulate her on this recent recognition.

EDUCATION AND TRAINING REFORM AMENDMENT (VICTORIAN INSTITUTE OF TEACHING) BILL 2015

Second reading

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

Mrs PEULICH (South Eastern Metropolitan) — I wish to speak on the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015, noting, of course, that the shadow Minister for Education, Nick Wakeling, spoke on this in the lower house. From the outset can I say that the opposition has some serious concerns about one part of the bill — that is, the composition of the Victorian Institute of Teaching (VIT) council — but it certainly supports the ability to suspend teachers about whom there may be concerns in relation to the risk to their young charges. We do have, to that effect, also a series of amendments to reflect that position.

As a former schoolteacher — and Ms Bath on our side is also one — my service predated the VIT, but I note that it has done some good work from the date of its introduction in 2002, which is evident from its annual report 2013–14. Currently the council is comprised of 12 members. Six members are elected by teachers, five members, including the chairperson, are appointed by the Governor in Council, and the 12th member is the Secretary of the Department of Education and Training or their nominee. The composition of the council was introduced by the former Labor government following a review of the VIT undertaken in March 2008 by FJ and JM King and Associates, and I will refer to that a little later.

Basically the amendments in the bill are designed to empower the VIT to suspend the registration of teachers and early childhood teachers where it is necessary for the protection of children, and that is obviously in line with a legal duty of care that schools have — and, by extension, the department has — through vicarious liability, to exercise the same level of care towards children as that of a reasonable parent. A significant aspect of this bill is to show that the department takes seriously any serious misconduct issues which place children at risk.

The second part of it is that the bill changes the membership requirements of the council of the institute, and I just read out its composition. Predominately, instead of those who are elected by teachers to represent them on their registration body, being the VIT, the power swings back to the union movement. The unions are selecting their nominees, passing them on to the minister, and the minister is ticking off on that, basically enshrining the power of the unions and winding the clock back. Rather than reflecting the types of reforms that many of these professional bodies have been reflecting through the evolution and enhancement of their governance practices, this government has chosen to wind the clock back to the good old 1980s when, if you wanted to make any sort of

decision-making structure, you had to have your union representative there.

The institute's functions, as they stand, include registering teachers and early childhood teachers as well, inquiring into teachers' conduct, competence and fitness to teach, and taking action against a teacher as a result of the findings of an inquiry. Currently there is no capacity for the VIT to suspend teachers prior to an inquiry taking place as a way of minimising risk. Obviously this is not a power that should be taken lightly, and I am sure Ms Pennicuik will probably raise some of those issues and we will consider them in committee.

So to enable the government to fulfil its legal obligations, the institute is given a range of powers, including the ability to suspend the registration of a teacher or early childhood teacher if a person has been charged with a sexual offence. Secondly, the institute can currently only suspend a registration or take other action after conducting a formal investigation and hearing in relation to a registered teacher. So there is no capacity by the VIT to minimise the risk that may occur during that period of investigation, which clearly the department has a legal obligation to do under its vicarious liability so that it can exercise that duty of care.

Obviously this creates a level of risk if the VIT is unable to suspend a teacher who is posing a risk. It does create an unacceptable risk of harm to children in Victorian schools and the early childhood area, particularly if there is an obvious significant delay between the times that the allegations are made against a registered teacher when they first arise and the institute being able to take action to suspend or cancel the teacher's registration. In the past the delays have occurred when a criminal investigation into the matter has commenced and Victoria Police has asked the institute to defer any inquiry into the matter until the police investigations are concluded so as not to prejudice criminal proceedings, so that side of the equation is something that I think most people would welcome.

I think there is a legal obligation to put in place a mechanism to minimise the risks to children in those circumstances, but the second part raises substantial concerns, and some of those are also acknowledged in the Charter of Human Rights and Responsibilities statement of compatibility and certainly also raised in the *Alert Digest* put out by the Scrutiny of Acts and Regulations Committee. Part 3 of the bill changes the composition of the council by increasing the total number of members of the council from 12 to 14 — something that goes against the recommendations of the King review back in 2008. The council of the institute is responsible for the management of the affairs of the institute. It is, as I mentioned, constituted by 12 members, 11 of whom are appointed by Governor in Council, based on the recommendations of the Minister for Education, and the Secretary of the Department of Education and Training or a nominee of the secretary is the 12th member.

When recommending persons for appointment the minister is required to consider certain classes of people specified in section 2.6.6B of the principal act, which includes registered teachers in government, independent and Catholic schools; registered early childhood teachers; parents of children in schools or early childhood services; employers of teachers and early childhood teachers; and providers of education to registered teachers. If you actually have a look at the membership online at the VIT, you see that all of those categories are ticked off, but at the same time more than 50 per cent of the members are elected by the teaching body. I have done some quick calculations to show that the representation of union membership is substantially loaded by this new regime. I think it loads it up to 52 per cent, when the total number of people they represent is below 50 per cent.

Apart from that, a lot of teachers become members of a union not necessarily because they believe in the ideology of unionism. In fact I used to be a member of the Victorian Secondary Teachers Association (VSTA). In fact I was a branch president of the VSTA, but when I found out that it donated money to the Labor Party without the authority of its members, I forthwith resigned. I thought that was immoral and an abuse of its duties. But most teachers become a member of a union because of their concerns should a legal situation emerge, should allegations occur or should the teacher face some sort of investigation. It is an insurance policy rather than a belief in or being totally sold on the union ideology, so I think even making the assumption that somehow teaching unions are fully representative is a retrograde step. It certainly loads up union power, and as I said before it does not include all of the stakeholders.

Certainly the concerns of the principals in the sector have also been heard loudly. They have requested that the Australian Principals Federation be included as a represented body on the board, as well as parents — all the stakeholders and consumers. This is the modern way that these bodies should be formed; they should actually represent the stakeholders and not necessarily load up the power of this very important body that does very good work.

My little sojourn in the gallery has meant that I have not been able to reassemble my notes very quickly, but we will continue with this. In relation to the suspension, I think some of the steps that have been built into the reform are necessary, in particular the periodic review of the interim suspension required within 30 days. The requirement to notify the teacher under investigation, as well as the employer, is necessary. Protecting the individual's right to make a submission during that period of time is absolutely critical if indeed natural justice is going to be protected to the extent that it is.

One concern that has been raised by the Scrutiny of Acts and Regulations Committee — and it leaves it open for the Parliament to debate — is the publication of that information before an investigation is concluded. These are serious matters, which obviously the VIT in using those powers must give consideration to. The Scrutiny of Acts and Regulations Committee report into the bill basically states that it does engage a number of rights, and they are also identified by the Charter of Human Rights and Responsibilities statement of compatibility that was tabled along with this bill, and they are: the right of every child to such protection as is in his or her best interest and is needed by reason of being a child, as under section 17(2) of the charter; the right of families to be protected by society and the state, section 17(1); the right to privacy and reputation, section 13; the right to a fair hearing, section 24(1); the right to freedom of association, section 16(2); and the right to take part in public life, section 18.

In relation to the process of suspension and the publication of this information on the VIT website, clause 5 of the bill amends the act to require the institute to notify a teacher's employer if that teacher's registration has been suspended, and whenever the institute suspends a teacher's registration the institute is required to record that fact on the register of disciplinary action. The notification and the published record will contain personal information by virtue of identifying the individual and noting the fact that their professional registration is suspended.

This is pretty serious. I did have the opportunity of getting onto the VIT website to see how many names are published, and I was relieved and gratified that there is not an extensive list of names, but nonetheless it is obvious that the consequences of that could be quite substantial. The minister argues that there is no unlawful interference with this right, because of course it becomes enshrined in legislation, so therefore it is not summary. You end up assuming a legislative basis for the institute's actions.

The notification and publication requirements in the bill are obviously critical to ensure employers and potential employers are aware of the current registration status of individual teachers. I am not exactly sure who can access the register — perhaps in the committee stage that can be answered — but I think, as I said, people can still be presumed to be innocent, and should be presumed to be innocent, notwithstanding the fact that we need to mitigate the risks to children in these circumstances.

Under legislation the institute is still required to act on a reasonably formed belief. The use of those terms implies a recognition that ultimately, should that be challenged, the courts will form a view on whether it was a reasonably formed belief about the gravity of a risk that a teacher poses to children. The institute is authorised by law to suspend that teacher's or early childhood teacher's registration if the institute forms the belief on reasonable grounds that the teacher poses an unacceptable risk to children. The minister in the statement of compatibility does concede that clause 5 may limit a person's right to a fair hearing, under section 24(1) of the charter, but considers the limitation to be reasonable and proportionate in accordance with section 7(2) of the charter.

As I said before, I think it is important for a registered teacher who is subjected to that process to have the opportunity to be heard and make submissions, but clearly that is not possible before the suspension of the teacher's registration. However, it is possible during that suspension period. The purpose of clause 5 of the bill is to ensure that the institute has the power to take immediate action, as I said, in a potentially serious situation. Currently there is not an opportunity to do so.

In relation to the engagement of section 16, freedom of association, the minister talks about how the charter provides that every person has the right to freedom of association with others, including the right to form and join trade unions. I would argue that every person has also got the right not to; freedom of association means also being free to not join a union. If you morally or politically object to a union passing on your hard-earnt membership money as a donation to the Labor Party or a party that you may not support, I consider this to be grounds for people not joining a union. In actual fact, as a professional, I would like to see some registration body or some legal body providing professional insurance to teachers so that the option of not being a member of a politicised union can be exercised by those who need the legal protection but do not want the political agenda that goes along with it.

This bill, which now loads up the membership in favour of the unions, is contrary to the freedom of association provisions of the charter because it means that only those teachers who are members of a union have a say — or rather it is the unions that do; it is their nomination — and the general teaching body, the registered teachers, lose their voice. This is actually a diminution of their rights to be represented on a body that is responsible for registration and for hearing of disciplinary matters, as well as of course accrediting teacher training and professional development.

Clauses 15 and 16 of the bill amend the act to require the minister to recommend for appointment to the council of the institute persons nominated by the Australian Education Union (AEU) and the Independent Education Union (IEU). The minister claims that this is a right to freedom of association under section 16 of the charter. I contend that it is the reverse — that teachers are denied the opportunity of being represented by people that they, not the unions, elect directly to represent them on this body, because not all teachers are members of the unions concerned.

Participants in the education industry are broader. There is a broader range of stakeholders. There are parents, the students themselves and principals, who should all be represented on a professional body such as the VIT, not just union mates and union hacks. The representation on the council, the minister claims in his statement of compatibility, would not be the sole or determinative factor, nor does the bill prevent a person from choosing a union other than the AEU or IEU. Well, of course it is not, but it is not clear exactly what factors the minister will be taking into consideration. We can tease those out further in the committee stage of the bill.

The minister also claims in the statement of compatibility that these other stakeholders may be one of the government's six remaining appointments. However, clearly their status is not secured. The union interests are secured, and there is a concern about whose interests the unions are there to represent. Is it the general teaching body or is it just the industrial agenda? Where does their loyalty lie?

Section 18 is also identified as an area where there may be an engagement with the charter — that is, taking part in public life. Section 18(1) of the charter provides that:

> Every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.

In actual fact this is contrary to that charter. Only those who are represented by unions will be able to be directly represented. Those who are not members of the unions will not be taking part in public life by being able to be elected to this body. I see this as a diminution of rights rather than a protection of rights. The right to participate in public affairs is something that is a right for everybody, not just for those who are represented by the unions.

I turn now to clauses 15 and 16 of the bill, and our amendments go to negating these changes. Here we have the facts: 53 000 out of 125 000 registered teachers are represented by unions, yet 54 per cent end up holding the VIT council positions despite only representing 46.4 per cent of the teachers. It is a loading, and I think it is an unfair loading. It is just a typical Labor Party agenda. Seven out of the 13 will be basically union representatives — that is, the majority. The question has to be asked: who will they be there to represent? The underlying objective of the institute's functions is actually strategic and representative, and therefore a range of education sector stakeholders currently have and should continue to have a role on the council. This will now be turning the clock back to the 1980s.

Lastly, in relation to the statement of compatibility, the appointment of six other people who meet the criteria set out in sections 2.6.6A and 2.6.6B of the act will be the ministerial appointments. The statement claims that the minister retains the flexibility to ensure that the council has the right balance of skills, experience and qualifications and represents a range of interests from the education sector. In my view, this should apply to every single appointment to the VIT council. The appointments should cover the breadth of the education sector, including employers of early childhood teachers along with the independent schools sector, the Catholic schools sector, the tertiary and higher education sector and parents of students. It should not just be union hacks and union buddies.

I would like to quote from a couple of small sections in the *Review of the Victorian Institute of Teaching* of 2008. In the executive summary on page 1, under the heading 'Background', the fourth paragraph states:

> With hindsight, it appears that the legislation was less suited —

and this reflects on the entire legislation —

> to the education sector than the health sector on which it was based. In addition, the health sector legislation has recently been reviewed and significantly amended.

So governance structures across many of these bodies change and evolve and are very different beasts now in the 21st century than they were in the 1970s or the 1980s. It seems that the education unions and the Labor Party want to turn back the clock. The review goes on to say:

> Given these factors, and the significant changes taking place within the teaching profession and the broader environment, it is very timely to review the role and functions of VIT and its enabling legislation.

Of course the Labor Party has decided that it will review it and go back to the 1970s.

In the summary of recommendations, under 'Governance', the review suggests that consideration be given to:

> Appointment of individuals to the council be based on the skills and experience required to direct the strategic direction and operations of VIT. That there be no explicit organisational or positional representation requirement for council membership.

We made the changes while we were in government, and this now turns back the clock even further. It is contrary to the review of the VIT dated March 2008 undertaken by FJ and JM King and Associates.

As I mentioned before, the *Alert Digest* also raises a number of these concerns and suggests that those issues should be debated in this chamber.

The amendments that I will soon be moving in my name seek to negate the proposed changes to the composition of the VIT council, which seek to increase the number of council members from 12 to 14, ensure that an employee and an employer representative from the early childhood sector be included and require the minister to recommend five registered teachers, of whom at least one must be an early childhood teacher and nominated by the AEU and two must be registered teachers nominated by the Independent Education Union. The nominees of the Australian Education Union and the Independent Education Union will require the skills, experience and qualifications to enable the council to exercise its powers and perform its duties and functions in accordance with existing sections 2.6.6A(a) of the principal act.

It will be interesting to see how the minister is planning to exercise that obligation. In my view the number of nominees recommended by the unions should be in the multiples so that the minister has the power to veto anyone who he deems not to have the skills and the experience in order to fulfil that role.

Opposition amendments circulated by Mrs PEULICH (South Eastern Metropolitan) pursuant to standing orders.

Mrs PEULICH — Section 2.6.6A(b) of the principal act will continue to require the minister to ensure that the council provides persons with knowledge of or experience in management, finance, law and corporate governance. If you only have a single nomination from the union in the number required, as opposed to several for the minister to consider, I am not sure how this requirement can be fulfilled by the minister and how he can actually acquit his responsibilities under the legislation. I suggest that as he has required in some of the TAFE appointments, and I think Mr Herbert would know some of those that I am referring to — —

Actually, no, it was multicultural affairs. Previously the Ethnic Communities Council of Victoria was required to submit a nomination for the Victorian Multicultural Affairs Commission.

This time around the minister has required two nominations, so he has got to exercise a power of veto. I presume it is some sort of political purge or cleansing or whatever, but again I cannot see how the minister can acquit his own responsibilities under legislation unless he has more nominations from the union, which we of course oppose because we think it is a retrograde step. Also it goes against the government's own review. It goes against the evolution of governance practice that has been more a feature of the 21st century than the dinosaurs of the union movement. I would suggest that perhaps the minister can explain in committee how that might be acquitted and how he is going to guarantee that the union reps will have all of the skills that he is obligated to consider under this legislation.

Of the remaining six government-appointed members, the minister apparently will continue to consider recommending for appointment people from the classes set out in section 2.6.6B of the principal act to ensure that a cross-section of the education sector is represented on the council, including registered teachers from government, independent and Catholic schools; registered early childhood teachers; employers of teachers and early childhood teachers; higher education providers; and parents.

As I mentioned before, the issue of the VIT's board size and membership was examined by the 2008 review, and that review made 38 recommendations to the Minister for Education. They included that consideration be given to modifying the governance structure of the council and to options such as

establishing a smaller board of no more than 12 members. That was recommendation 32(i). Recommendation 32(iii) was that consideration be given to the appointment of individuals to the council being based on the skills and experience required to direct the strategic direction and operations of the VIT. The then Labor government failed to do that, but we did it. Anyone who has a look at the most recent annual general report on the web can see that the VIT has fulfilled its role well and has undertaken some very useful work. That review did not recommend an explicit organisational or positional representation requirement for council membership — obviously that is a preferred model of the ALP.

The concerns of principals and the concerns about union representatives on similar bodies in other states basically go to the question of dual loyalty, and we are certainly concerned that these union-nominated council members will be nothing more than union mouthpieces rather than being there to advance the interests of all registered teachers as well as those who are in the education sector and those who are seeking registration in terms of pre-education training and professional development. There is a whole range of matters that are of much broader interest than just the industrial focus of the education unions, which really have prevented the advancement of education in Victoria for much too long.

The Auditor-General's report on a longitudinal study looking at education expenditure, especially in the areas of literacy and numeracy — and I will just deviate a little — concluded that despite the investment of a huge amount of public funds, literacy and numeracy have flatlined for the last 10 years. They have failed to improve. That is a travesty. I can see Ms Pennicuik frowning. I can assure her that the report — I think she was there, actually — —

Ms Pennicuik — I'm always there.

Mrs PEULICH — She was there when that Victorian Auditor-General's Office report was being presented. There are other examples. There was the manner in which the Building the Education Revolution funding was administered. It was a huge waste of public funds. The non-government school sector managed to basically rebuild its facilities with well-administered management of the money that was provided without being hampered by the same conditions that were imposed on the government school sector, which delivered 33 per cent less in value and spaces that are often proving to be quite problematic. The shared spaces and the open classrooms are proving to be significant challenges. They may look good, but they certainly have not been assessed for the manner in which they meet the needs of students with disabilities, including those with attention deficit disorders or auditory challenges. None of that has been considered in the design of the classrooms. I am aware that teachers are now having to be miked up in these larger spaces because their voice cannot be carried. There are students who are having to get listening devices so that teachers can be heard. There is often a blurring of responsibilities and roles.

When you look at the construction of buildings and the way money for capital works is being spent, you see there is often a gobbling up of space in our schools, which means that when the school eventually either grows or contracts and it either loses or acquires the old portables, there is a misuse of space. There is an inability to consolidate open space, and in an urbanised, densified environment we have got to maximise open space. We have got to consolidate buildings to create as small a footprint as we possibly can. As was mentioned by Ms Crozier earlier, young people need more physical activity and the opportunity to play, and school is a very, very important source of that daily activity, especially for primary school children, but it is also the case for secondary school students.

When we look at the major trends that have impacted education, we find that one of these is the small class sizes debate. When I was the member for Bentleigh in the Assembly, in a speech that was published in *Hansard* I quoted extensive research which showed that the idea that small class sizes are better — that they somehow deliver better outcomes — is a myth. This idea was not substantiated by very extensive academic research. What this research showed was that what is most important in order to be able to deliver better outcomes is good quality teaching and learning. Small class sizes were then a populist policy, and at the end of the day that has not delivered the improvements in literacy and numeracy that were promised.

These major trends, all of them driven by the education unions, have prevented the Victorian education sector from improving its performance, improving its buildings and the way they are used, and improving the quality of learning and teaching. Whilst every union has a legitimate role to play in representing its members, the union movement has stymied and hampered the education sector, in particular the public schools sector, and prevented it from achieving far better results than it has. I see this as again the union movement using its political masters to muscle up in the VIT, to control the agenda and to yet again be another cog in the wheel of

a sector that desperately needs to be further professionalised. You cannot serve two masters. Either you are there to represent the interests of teachers and the various stakeholders or you are there as union representatives. There is a different forum for union reps to sit on. They do not need to be equal partners in absolutely every single structure that exists.

With those few words can I say that I look forward to asking some more detailed questions in relation to some of the provisions in this legislation, in particular on ministerial power and how the minister would be enabled by the provisions in this bill to decline a nomination or deem a nomination to be non-eligible as per new section 2.6.6AC. When the new membership of the VIT council comes into effect, all sitting members will cease their positions, regardless of when they were appointed or how long remains on their term of appointment. Dare I say, I think this is just a ruse for cleaning out anyone who the Labor Party does not want. It is very good at doing that. It did that with all of the water authorities, and now we know why. It is going to turn on the desalination plant, and we are all going to be stung with even more money so the Labor Party can shamefully pursue its own agenda.

This will cause a clean-out of some very credible and effective members of the VIT council. A number of them are union members. It will be interesting to see whether all members, not just those from unions, are invited to reapply. I will follow that with great interest. Will these previous members be given the opportunity to reapply, and will their applications be given due consideration? I suspect that I know the answer.

Our response in relation to this is that, yes, we support the increased ability of VIT to deal with the suspension of teachers under investigation, but we certainly oppose the retrograde change to the structure and composition of the VIT council, which I think is going to be bad for the sector, bad for teachers but most importantly bad for children and for primary and secondary schools. What we need to do is lift our education performance and lift the performance of students and teachers, not wind it back to the 1980s and 1970s as a result of the unions muscling up to their political masters on these positions and being the mouthpiece and spokesman for union members alone rather than for all teachers, many of whom are not represented by the unions, which have been given inordinate power and representation on this VIT council. With those few words, I look forward to other members' contributions.

Ms PENNICUIK (Southern Metropolitan) — I am very pleased to speak today on behalf of the Greens on the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015. This bill proposes amendments to the Education and Training Reform Act 2006 to provide the Victorian Institute of Teaching (VIT) with the power to temporarily suspend the registration of a teacher or early childhood teacher or the permission to teach if VIT has a reasonable belief that that person poses an unacceptable risk of harm to children and that this is necessary to protect children.

The bill also proposes changes to the membership requirements of the Victorian Institute of Teaching. It will enable nominations from the Australian Education Union (AEU) and the Independent Education Union (IEU). It will enable those two unions to nominate people for appointment to the council of the Victorian Institute of Teaching, and it will also increase membership of the council from 12 to 14 members.

The Greens will be supporting the bill, but I do raise some concerns, particularly with the part of the bill with regard to the temporary suspension of teachers. Those concerns go really to the ability of the Victorian Institute of Teaching and its council to fulfil those functions, given that they are quite specific legal requirements, in particular the establishment of a reasonable belief or reasonable grounds.

It is worth saying what the VIT actually does. Its functions are mainly that it reviews teacher education courses and the qualifications and criteria for teacher registration; maintains the register of teachers; develops professional standards and the professional learning framework for continuing the education and professional development of teachers; investigates the conduct and competence of teachers and imposes sanctions on teachers, including suspension, refusal or termination of registration in certain circumstances; conducts research into education; and provides advice to the minister. They are the main functions of the Victorian Institute of Teaching. It has evolved in its functions over time. It is more focused on those functions that I have just referred to. Earlier it was more involved with representing teachers — it was more teacher focused than regulatory and standard focused. But that is where its functions are now, and that is the context in which we are looking at this particular bill today.

The former government, in its Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Bill 2014, moved from having elected members on the VIT council to having ministerial appointments. At that time I moved an amendment to remove part 4 of that bill, which proposed that ministerial appointees would replace elected teacher representatives on the VIT

council. Of course the government did not support the amendment to remove that part of the bill, because clearly that was part of its intention — to remove the elected teacher representation on the council — but it was supported by the then opposition, the Labor Party. It would not be any surprise, then, that the Greens will not be supporting the amendments circulated by the coalition and will be supporting the changes proposed by this bill.

Currently the council comprises 6 professional and 5 employer representatives and the chair is appointed by the minister. Under this legislation representatives from the AEU will increase from 4 to 5 members to include the early childhood sector member, the Independent Education Union will nominate 2 representatives and the minister will determine the other 7 positions. As I said, that will increase the number from 12 to 14 members. The Greens are supportive of those amendments.

The bill under clause 5 inserts a new division, division 8A, into the act with regard to interim suspension of registration. Under that particular new division, under new section 2.6.28(1):

> The Institute may suspend any or all registrations held by a person under this Part if the Institute reasonably believes that —
>
> (a) the person poses an unacceptable risk of harm to children; and
>
> (b) the suspension is necessary to protect children.

Of course we understand the very serious matter of the protection of children in schools and that if a person is posing an unacceptable risk of harm to children and a suspension is necessary to protect children, that should occur to protect children. The paramount goal there is to protect children in schools from inappropriate people — people who are posing an unacceptable risk to children and could harm children. We know that that type of harm — abuse, including sexual abuse — has happened in schools at the hands of teachers, so this is a very serious matter. But we do have some concerns regarding the natural justice implications of the way this is being set up under clause 5 and the particular provisions in that clause, which put in the new division 8A and quite a large number of sections, which go to some five pages of the bill.

One of those is that, given the composition of the council, which is mainly educators, teacher representatives and principals from all the different sections of schooling — there is the public and the independent sector and teacher educators et cetera — I think it is important to ensure that the members of the council fully understand the legal test of reasonable belief when making a decision to suspend any or all registrations held by a person with reference to paragraphs (a) and (b) of new section 2.6.28(1). Our concern is whether the VIT council has the appropriate expertise and/or training to do this. I will certainly be raising this issue in committee with the government so it can clarify whether that training and expertise will be there for the council members in terms of them understanding the legal test of reasonable belief. It is extremely important, because to suspend someone temporarily, for a start, will have immediate employment implications for that person and for the school at which that person is teaching. So you need to be very sure when implementing an interim suspension on reasonable grounds, and it is necessary to understand how the institute could come to that conclusion that there are reasonable grounds to suspend a teacher, even temporarily, particularly if the fact that the teacher has been suspended temporarily becomes public knowledge, because that will have an implication on their future employment.

So there is the need to balance the protection of children with natural justice for a person, particularly because this temporary suspension of registration will occur before there is any conclusion to any investigation as to whether or not a teacher who has been suspended is in fact an innocent person. It is a very grave matter to suspend someone and to basically imply guilt before there has been any investigation either by the police or the Victorian Institute of Teaching as to the veracity of any allegation against a person who has already had their livelihood and their registration as a teacher suspended. Notwithstanding that, of course, the bill does require the institute of teaching to review a suspension every 30 days while it is in place, and that is a good thing. It is not just a matter of putting it in place and leaving it there; a suspension has to be proactively reviewed every 30 days.

I would suggest in the first instance that that review and the commencement of any investigation by the Victorian Institute of Teaching takes place forthwith, so that nobody is suspended temporarily for longer than they need to be, particularly if it is found that there is no ground or reasonable grounds following an investigation by the VIT or the police. As Mrs Peulich mentioned, if there is a police investigation underway, the VIT would not be carrying out a parallel investigation. So there are quite a lot of issues raised by the provisions in this bill, and they were of course raised by the Scrutiny of Acts and Regulations Committee as well.

The other issues with regard to this are under the new section 2.6.28A(f) and also another new section to be inserted later by that clause — and I do not have the number now. The issue really is that a person who has been notified that their registration will be temporarily suspended under paragraph (f):

> … may make written submissions to the Institute at any time regarding the continuation of the suspension.

I raise the concern that wherever the person referred to in the bill is to make a submission to the institute, it must be in writing. I wonder why there is not a provision for an oral submission as well as a written submission. I raise a query as to why it is very specific that any submission with regard to that suspension has to be written. That is another question that I will be asking the minister in committee.

They are the main questions that we have with regard to that. I also seek clarification as to the time period between the suspension of the teacher and the commencement of any investigation by the Victorian Institute of Teaching into the reasons for that suspension. That is certainly an issue that was raised by the Independent Education Union.

One other issue the IEU raised with us concerns clause 11, which provides the delegation of powers. Clause 11 allows the institute to delegate:

> the power to suspend registration, continue to suspend registration or revoke the suspension of registration under Division 8A …

I will be querying the minister as to why that delegation is in the bill, because it seems to me this is a very serious issue that one would presume is not going to happen too often, and as to why this power should not stay with the council and be delegated elsewhere in the Victorian Institute of Teaching.

Those are the issues we raise with regard to the interim suspension of the registration of teachers. We are supportive of the changes to the composition of the council of the Victorian Institute of Teaching. We make the point that this will bring the act into line with other states in terms of naming unions as part of the council. Victoria is in fact the only state that does not name unions as part of its council. We believe it is vitally important that the council has the direct voice of the teaching profession, which brings a perspective to the institute that other people cannot bring and maintains a professional voice at a professional level.

The AEU has indicated that it expects its elected members would reflect the breadth of the profession — for example, special school, primary, secondary, early childhood and a principal representative. We did have some conversations with the AEU with regard to the suspension of teachers and the issue with regard to reasonable belief. I think it is fair to say that the union would say what I said: that there is a very serious issue associated with looking after the welfare of children and also protecting the rights of teachers and not prejudging someone, as Mrs Peulich said in her contribution. I agree with her that a person is innocent until proven guilty. So in some ways this is pre-empting that, but it is a difficult balance. I think the union would agree that the balance is probably about right, but we will see what the minister says about the issues I have raised.

I do not agree with Mrs Peulich with regard to her comments that union representation disenfranchises teachers. In fact the bill that was introduced by the Liberal-Nationals coalition government in the last Parliament did that. It disenfranchised teachers by allowing the minister to appoint people to the Victorian Institute of Teaching council. She also described this bill as a retrograde step; I would describe the other bill as a retrograde step, which is why I moved the amendment to remove the whole of part 4 from the bill at the time. Mrs Peulich was talking about turning us back to the 1980s. Of course the Victorian Institute of Teaching was established in 2001 and really was the model for similar institutes around the country. It was the first of them, but they were all established in the early to mid-2000s.

Lastly, I have heard from, as everyone has, the Australian Principals Federation. The federation raised its concern that it has not been specifically named as an organisation that can nominate a member to the VIT council.

Other acts around the country do not name similar organisations, they name the teaching unions, so the bill is in keeping with that situation around the country. There is no reason why, in appointing the other seven members of the council, the minister could not appoint someone from the Australian Principals Federation if it put someone forward for one of those other positions. Our main concerns are with how the Victorian Institute of Teaching establishes a reasonable belief on which it will temporarily suspend the registration of a teacher, and those are the issues I will be pursuing with the minister in the committee stage.

Mr MELHEM (Western Metropolitan) — I also rise to speak on the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015. As the previous speakers have outlined, the bill does three things. One is to empower the Victorian

Institute of Teaching to immediately and temporarily suspend the registration of a teacher or early childhood teacher where the teacher poses an unacceptable risk of harm to children and the suspension is necessary to protect children. The bill will also alter the composition and method by which members are appointed to the council of the institute.

The bill talks about the interim suspension order or power, which I think is a very important one. The bill is designed to look at striking a balance between — more importantly — putting the safety of children first and also trying not to unnecessarily undermine or destroy a reputation of a particular teacher. Therefore the test is for the acceptable risk of harm to children, and that is taken into account by the school or the institute — I think it has to have that in mind — when it is considering suspending a teacher. It is to make sure the school or institute looks at the judgement of the risk to children but also takes into account not unnecessarily destroying someone's reputation for no reason. On that, as I said earlier, the whole intention here is how to protect our children.

I think there was a particular case in 2013 where the current system did not allow the flexibility for the suspension or interim suspension of a teacher when there was a suspicion that a person was putting kids at risk of harm, including sexual activities. The matter has to go to the police, which could take a considerable period of time, and during that period we could be putting our kids or these children at risk. The bill provides that flexibility to suspend when an allegation is made and get an investigation occurring immediately.

There are various elements here that create an obligation for the Victorian Institute of Teaching when it suspends a teacher's registration pending an investigation. The institute must immediately commence that investigation; it cannot just sit on it. The institute must conduct the investigation as quickly as is practical while having regard to the nature of the matter being investigated. The obligation to conduct an investigation expeditiously is an existing requirement in the Education and Training Reform Act 2006 and applies to all institute investigations. Also the suspended teacher will have the right to make a submission to the institute at any time after being notified of their suspension.

If at any time the institute changes its position on whether a suspended teacher poses an unacceptable risk to children, the institute must revoke the suspension immediately. Therefore, because the investigation found on prima facie evidence that the matter should go no further, it should not sit on its hands and leave the teacher in limbo. There is an obligation there for the institute to actually deal with that and lift the suspension. The institute must also review the continuation of the suspension every 30 days as part of this review. That is another safety check to make sure that the suspended teacher gets a fair hearing. The bill, as I said, offers protection.

I think there is a general agreement about that part of the bill, from listening to previous speakers, and the new powers given to the institute in relation to suspending teachers when children are likely to be harmed. I believe the balance is there. For example, the current practice is that the notification will only provide that the teacher's registration has been suspended. The institute will not publish any details about the reason for the suspension. That also gives some protection, because the last thing you want to do is try to tarnish someone's reputation. I agree with Mrs Peulich there; you are innocent until you are proven guilty. That is our whole system in this country, and I think that is very important. While I do support that you play it safe — better safe than sorry — because we need to protect the children, we should not use that to unnecessarily damage someone's reputation, because they have not been proven guilty.

When a teacher is temporarily suspended, for example, that will be on the register, and there will be checks and balances there. If that teacher wanted to go and get employment elsewhere, the employer can check whether that teacher has valid registration or not. The institute will advise the employer that the teacher's registration is temporarily suspended, but it is not to give the employer the reason why the suspension has taken place. I think that it is important that it does not give that information, because the privacy of these people is important.

But going back to the main reason for the change, it is simply to protect children at school from any potential predators in a situation where teachers might be suspected of harming a child. The current process could lead to a disaster where it could turn to sexual harassment or sexual or physical harm, or any harm really. As I said earlier, it is better to be safe than sorry, and I think the checks and balances are in place. Like everything else when you put these things into action, I am sure this will be subject to review. If it needs to be refined down the track, I am sure the appropriate minister and government at the time will have a look at that.

The second part was in relation to the composition and the method of appointing members to the institute council. There has been a bit of talk about that, and

particular attention has been given to the representation on the council of the Australian Education Union (AEU) and the Independent Education Union. I just want to address that. Under the current system my understanding is that there are 12 members of the council, of whom 6 are members of the AEU or the Independent Education Union. Under the current system, these two unions run a ticket to fill the positions, so that new system really does not change much. It is basically talking about — —

Mrs Peulich interjected.

Mr MELHEM — The AEU, at the end, nominates people for election, and they get elected. The AEU and the IEU nominate to the Governor in Council or to the minister the membership — —

Mrs Peulich interjected.

Mr MELHEM — I will come back to that in a second.

Basically the only difference is having to run an election, but in reality that is exactly what was the case. If those on the other side bothered to read the statement of compatibility, they would see that under 'Freedom of association' it clearly spells out that there is no discrimination in relation to that process. Also, to look at what is happening in other states and how they conduct themselves, for example, New South Wales has a 23-member board — and I think we have 14 — and they are fully appointed. Of these members 13 are nominees of various educational bodies, including the New South Wales Teachers Federation and the Independent Education Union, New South Wales, and 6 are selected by the minister. Similarly, in Queensland unions nominate members of the board. The same thing happens in the ACT, the Northern Territory, South Australia, Tasmania and Western Australia. The minister still has the flexibility to appoint 6 members.

I take a bit of offence at the credibility of the Australian Education Union being attacked. Members of that union are teachers. They care about kids, and they care about teaching kids. It is really offensive to basically attack the credibility of these fine teachers and principals. Let me say, 2000 principals are members of the Australian Education Union. They are the educators; they are the people who educate our kids. Because of their union membership, their credibility is being questioned, and I think that is appalling. I think it is important to put that in context. These changes are really to reflect what was happening previously.

The other reason for going from 12 to 14 — and I think this was mentioned earlier — is in relation to the King review in 2008. Its key recommendation was to review the functions of the council, the size of the council, the skills of its members et cetera. It is true council membership was reduced from 20 to 12, but the reason for change here is, because there have been some changes since 2008, to enable representation of early childhood educators taking into account that they now have to be fully qualified teachers. In order to accommodate that, the decision was made to increase the size of the council from 12 to 14 members. In comparing that with the other states which I mentioned earlier, obviously it is lower than the number the other states have in place.

The bill, in my view, strikes the right balance — —

Mrs Peulich interjected.

Mr MELHEM — Absolutely not. I have got absolute confidence in the Australian Education Union and the Independent Education Union. They put their members, the children, the city and the state first, second and third, before any other activities.

Mrs Peulich interjected.

Mr MELHEM — Let me tell you, if you were a member of those unions, you would know that is their top priority. I stand here commending their work over the years, and I hope they continue to do their good work for many, many years to come. The only problem members on the other side have is that they would like to see the end of unions. They want to go back to the master-servant relationship, because they do not like anyone saying anything different from them. Everyone who dares dispute the conservative forces in this country becomes someone alien or illegal — 'We should get rid of them'. That is not the way to go.

With those comments, I think the bill strikes a fair balance. I am sure there will be some questions asked of the minister in committee. I am sure he is more than capable of answering all those questions and setting the record straight. I commend the bill to the house.

Ms BATH (Eastern Victoria) — For the last 10 years I have been a member of the Victorian Institute of Teaching (VIT) and a member of the teaching fraternity in the secondary school system, and like 125 000 other Victorian teachers I have met its qualifications each year. I have undergone professional development and met the standards required to be part of the teaching fraternity. For the record, for all that time I was not in the union. I met excellent standards, as do all those other 53 000 people who are also not in a teachers union, whether it be the Australian Education

Union (AEU) or the Independent Education Union (IEU).

The Victorian Institute of Teaching is the regulatory body. It was established in 2001 and operates under the Education and Training Reform Act 2006. It is the statutory body that regulates all teachers, whether they be in government or non-government schools, and its functions include registration, investigation, professional development and ensuring that professional practice standards are maintained.

At present the VIT is governed by 12 council members. One acts as the secretariat, which leaves 11 elected members. VIT governance includes the accreditation of teacher education programs and, importantly, panels to conduct hearings into a teacher's conduct, competence, fitness or ability to teach. In 2011 an Auditor-General's report said that overall the VIT was a sound regulator and that its regulation practices give a high level of assurance that only those teachers who meet the regulations are registered and that those teachers who do not are identified.

There are two main purposes of this bill. The purpose of the first part — and I think there is a general consensus and agreement that this is important — is that the VIT has expanded powers to suspend a teacher if there is an unacceptable risk of harm to children. However, I have some issues with the second amendment, which looks to change the membership requirements of the council of the VIT. The coalition has proposed some amendments in relation to that.

The first change is appropriate. The bill seeks to expand the institute's existing powers to suspend the registration of a registered teacher or early childhood teacher on an interim basis, pending the outcome of an inquiry, if the institute forms a reasonable belief that the teacher poses an unacceptable risk of harm to children and the suspension is necessary to protect children. On the flipside, this amendment gives some protections to the teacher in question by providing them with the ability to make submissions about the continuation of the suspension at any time after being suspended; requiring that the institute immediately commence an investigation into the substantive allegations and that the investigation be conducted as quickly as practicable; requiring the institute to immediately revoke the suspension if it no longer holds a reasonable belief that the teacher poses an unacceptable risk of harm to children and the suspension is necessary to protect children; and requiring that the institute review the continuation of the suspension at least once every 30 days.

I believe these changes are reasonable and appropriate. The teaching profession is a wonderful profession, but it is also entails great responsibility. It is the responsibility of every teacher to keep the classroom safe and happy and to create an environment that is conducive to learning. These extra measures extend the power of the VIT to provide a safe working environment for both students and teachers.

However, the second part of the proposed changes is concerning to me. Clause 15 of the bill requires that there now be 14 members of the VIT council; 5 of them must be registered teachers nominated by the Australian Education Union, and 2 must be nominated by the Independent Education Union, so 7 out of its 13 members must be selected from these two unions.

In *Alert Digest* No. 16 of 2015, the Scrutiny of Acts and Regulations Committee (SARC) also identified some concerns. It said:

> The committee refers to Parliament for its consideration the questions of:
>
> > whether or not clause 15, by requiring that half of the members of the council of the Victorian Institute of Teaching be nominated by the Australian Education Union or the Independent Education Union, reasonably limits the charter's right to have the opportunity to participate in public affairs without discrimination on the basis of membership or representation of a particular union.

In this case it is about not being in a union.

The statement of compatibility accompanying the bill says that the minister must consider those people nominated by the AEU or the IEU for 7 of the 13 positions on the council. The fact is that in Victoria there were approximately 125 000 registered teachers and early childhood educators as at September 2015. The AEU and IEU combined have a membership base of approximately 73 000 teachers and early childhood educators. The remaining and substantial number of 53 000 teachers who are not members of a union are left out of the process. Considering that remaining council members must be drawn from employers, teachers and parents, where does this leave those registered teachers who have full qualifications in terms of being appointed to this board?

SARC also noted that section 18(1) of the charter act provides that:

> Every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.

I could also go on to talk about how discrimination applies to 'industrial activity'.

SARC has asked Parliament to consider the questions of whether or not clause 15, by requiring that half of the members of the council of the Victorian Institute of Teaching be nominated by the AEU or the IEU, limits the charter's right to have the opportunity to participate in public affairs without discrimination on the basis of membership or representation of a particular union and, if so, whether or not the clause reasonably limits that right to achieve the purpose of ensuring that the interests of a majority of teachers who are represented by the AEU and IEU are represented on the council.

Another issue that has previously been raised by Mrs Peulich is in regard to the King review. In 2007 the Bracks-Brumby government requested a review of the VIT, which was conducted by FJ and JM King and Associates. The issue of the VIT's board size and membership was examined, and a report was handed to the minister in 2008.

The King review provided a number of recommendations — 38 of them in fact — but I will just consider recommendation 32. It states:

> That consideration be given to:
>
> (i) modifying the governance structure of the council and consider options such as: (a) establishing a board comprising no more than 12 members …

At the time it was 20 members. Recommendation 32(ii) reads:

> modifying the process for appointment to the council to occur via ministerial nomination to Governor in Council.

Recommendation 32(iii) — and this is the interesting one — is that consideration be given to:

> appointment of individuals to the council be based on the skills and experience required to direct the strategic direction and operations of VIT. That there be no explicit organisational or positional representation requirement for council membership.

So the Brumby government accepted recommendation 32(i) and reduced the board from 20 to 12 members; however, the government rejected recommendation 32(iii). The Liberal-Nationals coalition government implemented recommendation 32(iii) in the Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Act 2014. So here we have a government that has hand-picked the recommendations from an independent King review. The Nationals would certainly support the governance recommendations consistent with the independent King review. To be truly representative of those 125 000 teachers there should be representation from the 53 000 VIT registered members who are not in the unions. They all meet the criteria, as I have stated before.

Both the Australian Principals Federation and individuals have also raised concerns about the reintroduction of AEU and IEU representatives on the board, and many principals have also requested that the Australian Principals Federation be included as a representative body on the board. In considering other jurisdictions we can look at the Health Services Act 1988 or the Ambulance Services Act 1986, which do not mandate a specific union representation to a board. So why does it need to happen within the education sector?

I will take up one point raised by the Minister for Training and Skills. He made a comment before that members who are not in the union also received a wage increase. I would just like to raise the point that under the Bracks and Brumby Labor governments Victorian teachers in this state became the worst paid teachers across Australia. Under 11 years of the Bracks-Brumby governments we went to the bottom of the pay scale. So it sticks in my throat a little bit when I get a lecture or a response that somehow the 53 000 members who are not registered in the union do not deserve a pay rise. I take up that point and identify that we became the worst paid teachers in the country under the Bracks and Brumby governments, and under a Baillieu government that was comprehensively redressed.

In closing, I would suggest that the first part of the bill — to give more security around safety with children — is a vital part of this bill. But the second part, where we are giving representation to the union — and it is not an argument of whether to be in the union or not; that is not what I am arguing here — is a disproportionate representation. I certainly commend the amendments to this bill. With that, I will close my contribution.

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015. The bill proposes amendments to section 2.6 of the Education and Training Reform Act 2006. New division 8A establishes an amended legislative framework for Victoria's teacher and early childhood teacher regulator, the Victorian Institute of Teaching. The intent of the bill is to lawfully permit the institute to temporarily suspend the registration of a teacher or early childhood teacher pending an investigation into

serious complaints or allegations of wrongdoing or when the institute holds a reasonable belief that the teacher poses an unacceptable risk of harm to children.

In the interests of natural justice the maxim that has always been applied is that everyone is innocent until proven guilty. However, in this instance the paramount concern is and should always be the safety of our children. The bill will put in place an immediate procedure or mechanism to protect children at risk of harm. This immediacy provision does not exist in the current legislation. However, in order to ensure procedural fairness the act contains a provision that will require the institute to straightaway investigate all substantive allegations quickly, and if complaints or allegations are groundless, the institute is able to lift the suspension immediately.

The tenor of the investigation comprises a hearing into a teacher's conduct, competence, fitness to teach or ability to practise as a teacher. As it stands the institute does not have the power to suspend a teacher's registration prior to an investigation, even where there are serious allegations about the risk that teacher poses to children and the police are investigating those allegations.

We cannot afford to allow these teachers to be re-employed at another school, continuing to harm or hurt their pupils. The amendments are sensible and logical and are an extra measure to protect vulnerable children from risk or exploitation. I know the opposition has circulated amendments, and they will be dealt with in the committee stage. I support my colleague Mr Melhem in what he said, and I commend the bill to the house.

Mr MORRIS (Western Victoria) — It is with great pleasure that I rise to make my contribution to the debate on the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015. I initially mention that it is great to hear contributions from other teachers on this side of the house, in the full knowledge that they have the experience of knowing exactly what it is like to be a teacher. Those who are teachers know that teachers are in a class by themselves. The teaching profession is a great profession, and I thought I would begin my contribution by declaring that I am a member of the Victorian Institute of Teaching (VIT), the institute with which this bill deals.

As a teacher up until recently I have maintained my registration, and I think I was one of the first teachers — I was in the second year — in the VIT rollout of registration requirements for new teachers. I believe that would have been back in 2005. It was a good process to go through — to understand what is required of new teachers — and the VIT certainly did a good job of that. I take this opportunity to thank all of the teachers throughout this great state of Victoria, whether in government or independent schools, for the great work that they do.

Mrs Peulich — Even those who are not members of unions.

Mr MORRIS — Indeed, those who are not members of unions, because I found, having been a non-union member of a school, that there were great opportunities for non-union members. I actually found myself as principal for a day when I was a mere, lowly physical education teacher at Darley Primary School. There was some stop-work action, and I was one of the very few teachers who decided, rather than going into the city to march somewhere and have coffee in cafes, to go to work and teach children, which I thought was an important role in being a teacher.

This bill is in two halves. The first part of the bill is to protect students by ensuring that any teacher who is not merely charged, as has been the case in the past, but also under investigation for potentially committing an offence can have their registration suspended. I think that is very important because ensuring that our students are kept safe is of the utmost importance. The old provisions required a teacher to be charged, so this is something that is welcomed by the opposition.

However, the adding of two union representatives to the VIT board, effectively stacking the VIT board, is something that I fail to understand, unless there is a reason that we are not aware of — a deal that has been done behind closed doors, perhaps. The VIT board is there to ensure the running of the Victorian Institute of Teaching, and to then say for some reason that we are going to have union representatives on this board does not stack up for me. Therefore I wholeheartedly support Mrs Peulich's amendments, which remove those particular provisions from the bill. It is wise and sensible to do so. We have seen in the past that the VIT has done a very good job of ensuring that our teachers are of a high standard and that they are delivering good education for students here in Victoria; however, I fail to see how stacking the board with union members will ensure a better education for students here in Victoria into the future or maintain the high regard that the teaching profession is held in at the moment.

One of the points that Mrs Peulich did make is one of dual loyalty. I think that is a very good point. When these additional representatives from the Australian

Education Union and the Victorian Independent Education Union are appointed to the council, what are they there for? Are they there to support the VIT in the important work it does, are they supporting teachers in the work they do or are they there merely to extol the virtues of unions and to look after the interests of the unions? Are they effectively mouthpieces of the union, or are they looking after the best interests of teachers? It is of great concern. We have a council — a board, effectively — that is running quite well with the 12 members that it has now. Stacking it with two additional union members I cannot see being in the best interests of the VIT, of students, of teachers or of Victorians overall.

In conclusion, I certainly acknowledge the first significant part of the bill, which is protecting students from situations of potential harm. This is something the opposition certainly supports, but going to the issue of the appointment of union members to the VIT council, I support Mrs Peulich's amendments wholeheartedly.

Mr EIDEH (Western Metropolitan) — I am delighted to make a brief contribution and speak on the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015. Protecting children and ensuring their safety are paramount in any circumstances. It should be the collective responsibility of all those within the community, none more so than within the school community, where parents, guardians and families entrust their children five days a week. Under the current legislation there is a loophole which has the potential to expose children within schools to a teacher facing an investigation. This bill will enable the institute to suspend a teacher's registration where a teacher poses an unacceptable risk of harm to children and where the suspension of that teacher's registration is necessary to protect children.

Protecting children's physical, psychological and emotional wellbeing is of the utmost importance. This bill will allow the institute to take immediate action against allegations of sexual abuse or exploitation, be it physical, psychological or emotional abuse or serious neglect. Currently the institute can only suspend a teacher's registration if they have been charged with a sexual offence or if the institute has conducted an investigation and hearing. The Andrews Labor government recognised that this gap in the institute's powers created an unacceptable risk of harm to Victorian children. We are proud to say that we have acted swiftly to address this loophole to ensure that the necessary action can be taken immediately to protect the safety and wellbeing of all children in Victoria.

The Victorian Institute of Teaching (VIT) is the regulator of Victorian schoolteachers and early childhood teachers, and it plays a critical role in ensuring the safety and protection of more than 915 000 children in Victoria's schools and early childhood centres. This legislation will make the VIT even stronger, and we are proud of that. This bill also delivers on the government's commitment to restore teachers' representation to the council of the Victorian Institute of Teaching. The council governs the VIT and is responsible for the management of the institute's affairs, and therefore it is only right that teachers sit on that council to protect grassroots issues. We on this side of the house are very proud that we have made Victoria the education state, and this will further build on our record changes.

Unlike the previous government, we listen to and trust our state's teachers, principals and educational leaders. We recognise the important impact they have on our kids' futures. Under the previous coalition government, funding was slashed to vital infrastructure, and members of the previous government said they had funded Gonski when they had not. In building the education state, we have funded Gonski for 2015, 2016 and 2017. We have restored regional support and provided resources to support teachers and principals in their work — $747 million in extra funds over the next four years, with billions of dollars already flowing into the education system to improve buildings and improve young lives.

We have set ambitious targets to improve student outcomes in a range of areas to give our kids the skills they need for their best shot in life and to set expectations of excellence and equity in our schools. This will be a very important year for education in Victoria, and we are proud of that. I wish this bill a speedy passage.

Ms FITZHERBERT (Southern Metropolitan) — I am pleased to be able to speak on this bill, although not as a former teacher, as with three other coalition speakers on this bill. I speak on it from a slightly different perspective. As we have heard, there are two main parts to this bill, or two main effects: one is to change the circumstances in which a teacher's registration may be suspended, and the second is to alter membership of the council of the Victorian Institute of Teaching (VIT), which among other things has the power to suspend a teacher's registration. It is of course not possible for someone to teach without being registered, so it is an extremely serious thing to revoke that registration. The coalition supports the first part of this bill but has reservations about the changes to

membership of the council and proposes some amendments, which I strongly support.

I look at the circumstances in which someone may find their registration suspended now by the VIT, and that is when they have been charged with a sexual offence. I have been involved in situations where employers have had to investigate allegations of sexual assault in the workplace, and it is a long and fraught process in very, very difficult circumstances. It means that you are dealing with extremely serious allegations, and you have a duty of care towards people in your organisation — in this case, children — which needs to be taken very, very seriously and given the strongest possible support, but you also need to be fair to the person who has been accused of something which is enormously serious, has potentially criminal consequences and may be the subject of further legal action.

I note that there are some protections for people whose registration has been suspended. Others have spoken of these, and they are the ability of the person to make submissions about the continuation of the suspension at the time; the requirement that the institute immediately commence an investigation into the substantive allegations and that the investigation be conducted as quickly as practicable et cetera; the requirement that the institute immediately revoke the suspension if it no longer holds the reasonable belief that the teacher poses an unacceptable risk of harm to children; and the requirement that the institute review the continuation of the suspension at least once every 30 days. I think that these are reasonable protections for someone who is apprehended to pose an unreasonable risk to children but has not yet been found guilty of any crime. The difficulty is that if employers wait until someone is found guilty of a crime or indeed charged, it takes a very, very long time, and in the interim, if they have a reasonably held belief that children are at risk, they do have another obligation to act to protect the children in question.

Part of the reason why there is a difference in timing with these things is that criminal charges where someone has, for example, committed a sexual offence need to be found beyond all reasonable doubt. When you are looking at issues in relation to employment, the test is on a balance of probabilities. So it is reasonable, for example, for an employer to suspend someone from their work while they conduct an investigation.

One thing that could possibly happen is that someone could be even dismissed from their job on the basis of an apprehension of acceptable risk to children. They may resign, they may be dismissed or they may simply leave and go and find work elsewhere, and they would be able to do that because there had been no change to their registration, and I think that is one of the circumstances that this change addresses. When there is a very serious cloud over somebody's head — when it is reasonable to think that they are a risk to children — it is too high a test for it to be the case that they have been charged with a sexual offence. I think it is reasonable for the VIT to be able to look at that person's registration and say, 'In all the circumstances, in order to protect children, we are going to revoke that registration', subject to the protections that I outlined earlier.

The second part of this bill goes to the issue of membership of the council of the Victorian Institute of Teaching, and a number of my colleagues have made comments about this. I simply make the point that I do not think that any reasonable case has been made as to why there needs to be an increased number of people on the council or why they must be union members. I have seen no good reason offered for this change. I think it is reasonable for there to be people who are on the council who are outstanding in their profession, who are expert in teaching, who are experienced in governance and who have been involved in issues to do with administering registration of teachers who have been involved in circumstances like those that we are contemplating today — that is, where someone is believed to have committed or been charged with a very serious crime against children. So I think the issue here is not which organisation you are a member of but what your skills are and what you bring to the job. That is one reason why I very strongly support the amendments that have been circulated today by Mrs Peulich.

Mr HERBERT (Minister for Training and Skills) — Firstly, I thank all speakers for their contributions. Once again, as with many of the bills that I seem to have coverage of, there has been a bit of elasticising. People stretch it one way or the other, and we will land somewhere it has been stretched to.

This bill is relatively straightforward. It is a bill that amends the Education and Training Reform Act 2006 to empower the Victorian Institute of Teaching (VIT) to do two things. One, it covers a loophole in the current legislation and enables the VIT to suspend a teacher's registration when it considers that there is the potential for harm to occur to a child. We have had speakers talk about the incident in Berwick which exposed the loophole. As it is, the VIT cannot currently suspend a teacher's registration until the police have charged them with an offence. Sometimes there is a fair bit of time between an incident occurring and a charge being laid,

and sometimes incidents need to be investigated but may not lead to charges being laid.

The bill gives the VIT the powers to immediately suspend a teacher's registration following an incident and immediately begin an investigation. It is important that occurs because you do not want a teacher suspended for a long time before there is an investigation. We are not anticipating this will happen an awful lot, I must say, probably a couple of times a year. If an incident occurs, the VIT can suspend the teacher, begin an investigation immediately and do it promptly, unless of course the police request that it does not because they are beginning an investigation straightaway and the VIT investigation could jeopardise how their investigation is treated in the courts, and that is a fair thing. It is a safeguard that we need to put in place. It is a loophole in the legislation that needs to be closed. I know there will be concerns about that, and I guess when the house goes into committee some issues will be raised about that, but we believe this is a duty of care issue to protect those most vulnerable.

There are protections in the bill for teachers who are suspended. The range of protections is what you would expect to have, such as an investigation occurring immediately, a mandatory 30-day review period and the ability of the teacher to put a submission into that investigation; indeed the teacher would be expected to and is allowed to put submissions into that investigation. These are things that do not necessarily occur right now. Of course, if there is no evidence of wrongdoing following the investigation, the suspension will stop immediately and the teacher will resume teaching with no detriment to that teacher's professional standing. We believe they are appropriate safeguards, and we believe that these measures will address an important loophole. It is simply not good enough that when incidents occur of a serious nature the VIT cannot suspend a teacher until charges have been laid.

The second part of the amendments changes the membership requirements of the council of the VIT to bring it into line with other teacher regulation boards across the country. I first looked at this issue in 2002 to 2003, when as a newly elected member I was made chair of the parliamentary Education and Training Committee. We looked at this issue and spoke to other registration boards that existed at the time. There has been huge growth in this area. While the legislation was introduced in 2001, we did not start registering teachers until 2003. The importance of this whole thing is that it is a teachers registration board, teachers pay for it and they need to be represented properly on it. We believe that restoring appropriate representation in the form set out in the bill is an important factor that makes sense, quite frankly. It gives broad coverage to the stakeholders — government employees, Catholic employees and independent school employees. We also think that since the legislation has been changed to include early childhood education it is important that there is representation of that sector. If we accept the opposition's amendments, that would delay any chance of that occurring, and we do not accept that.

The Australian Education Union (AEU) and the Independent Education Union (IEU) are by far the largest representative bodies of registered teachers. It is not like there are millions of different unions that represent the cohort of teachers; it really is just the AEU and IEU, and it makes sense that their nominees should be in there. You could have elections, but it would cost several hundred thousand dollars, and experience shows you get the same result, to be perfectly honest. We believe that the changes are appropriate, that they actually meet the needs of the profession and that they provide good representation for stakeholders, particularly teacher representation. I know there will be a difference in philosophical viewpoints on this. We accept that. However, I do believe these are appropriate measures. It is an important piece of legislation, and I commend it to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

The DEPUTY PRESIDENT — Order!
Mrs Peulich has previously circulated a number of amendments to the bill. The majority of the amendments relate to the removal of part 3 of the bill relating to the membership requirements of the council of the Victorian Institute of Teaching (VIT). If successful, the amendments will change the purpose clause and the long title. We will go to clause 1 first. As I understand it, Ms Pennicuik has some questions in relation to other clauses further on. I call on Mrs Peulich to move her amendment 1, which seeks to remove subclause (b) of the purpose clause. I consider this amendment to be a test for Mrs Peulich's amendments 2 to 8 and 10.

Mrs PEULICH (South Eastern Metropolitan) — I move:

1. Clause 1, lines 4 to 8 and page 2, lines 1 to 3, omit all words and expressions on these lines and insert "**Education and Training Reform Act 2006** to provide power for the Victorian Institute of Teaching to suspend the registration of a registered teacher if there is an unacceptable risk of harm to children.".

In many regards it is also relevant to other clauses, because basically all of our concerns and amendments in relation to this bill go to the composition of the Victorian Institute of Teaching council. Amendment 1 basically seeks to strike out clause 1(b) of the bill, which is to change the membership requirements of the council of the VIT; it seeks to delete that from the purposes clause. It goes to the issues that we have covered previously in the debate, and I would like the minister to answer this question, which has also been signposted in the Scrutiny of Acts and Regulations Committee (SARC) report. The report says:

> The committee refers to Parliament for its consideration the questions of whether or not clause 15 —

which we seek to delete through the amendment to clause 1 —

> by requiring that half of the members of the council of the Victorian Institute of Teaching be nominated by the Australian Education Union or the Independent Education Union, reasonably limits the charter's right to have the opportunity to participate in public affairs without discrimination on the basis of membership or representation of a particular union.
>
> The committee notes that clause 15, amending existing section 2.6.6, provides that, of the 14 members of the council of the Victorian Institute of Teaching, 5 must be registered teachers nominated by the Australian Education Union and 2 must be nominated by the Independent Education Union.
>
> The committee observes that the effect of clause 15 may be that only members of those two unions will be considered for appointment to half of the available positions on the council of the Victorian Institute of Teaching.

Can the minister confirm that, and can the minister also explain what the impact will be in relation to the number of union representatives on the VIT council as it currently stands and as the new model proposes?

Mr HERBERT (Minister for Training and Skills) — In regard to the issue of the charter of human rights we do not believe this is the case. Firstly, regarding the issue that the member has raised, the unions are the most representative bodies in the teaching workforce, both the Australian Education Union (AEU) and the Independent Education Union (IEU), and as such they are the appropriate bodies in terms of that. Of course there are other positions that the minister can put in in terms of that board, so we do not accept that. Can I just say that it is also fair to say that these provisions are consistent with the nomination models of teacher registration boards in other states and territories — all except South Australia.

Mrs PEULICH (South Eastern Metropolitan) — I thank the minister for his answer, but he has not commented on the first part of my question, which was regarding a matter referred to this Parliament for debate by the SARC report. It states that it is up to the Parliament to consider the question of whether this provision limits the charter's right to have the opportunity to participate in public affairs without discrimination on the basis of membership or representation of a particular union. Clearly registered teachers who are not members of a union will not be able to directly apply for one of these nominated positions. Therefore, in my view, it is deductive reasoning to conclude that they are indeed discriminated against on the basis that not being a member of a union prevents them from applying for these positions on the VIT council.

Mr HERBERT (Minister for Training and Skills) — I understand the member's position. Firstly, the Parliament is looking at this matter right now; we are discussing it. In terms of that issue, there are a whole range of people who are members of those unions — employers, principals, early childhood professionals and independent chairpersons — and there is scope for those who are not necessarily an AEU or IEU member to be on the board; 7 of the 14 can fit into that category, I would have thought.

Mrs PEULICH (South Eastern Metropolitan) — Can the minister confirm — we just want it on the public record — that registered teachers who are not members of unions will not be able to apply and will not be eligible for nomination for 7 out of the 13 positions, excluding the chair, on the VIT council?

Mr HERBERT (Minister for Training and Skills) — The legislation is quite clear that the teacher unions will nominate 7 — 5 AEU and 2 IEU. They may nominate their own members, and presumably they would, but presumably they could also nominate others.

Mrs PEULICH (South Eastern Metropolitan) — The minister mentioned earlier in his summing up that the reason that using union representatives was an efficient measure — and I would certainly argue against that — was that it would cost thousands of dollars to have an election conducted by the unions. There are other methods of applying for these positions,

and they include direct application to VIT or the department for short-listing, which would not cost thousands of dollars. The minister is saying that the unions may or may not insist on their members being the nominees. Have there been discussions about this, and is it likely that the unions will invite all registered teachers to nominate for these positions on the VIT council?

Mr HERBERT (Minister for Training and Skills) — I think it is fair to say that this is about getting representative teachers back on the VIT council, and the largest representative groups are in fact the AEU and the IEU. I know Mrs Peulich has a different view on this. The government's view is that this is about bringing representatives back onto the VIT council. You would have to be foolish to think the AEU and the IEU are not going to nominate their own members, but they could nominate other people. It will be up to the minister to look at those nominees.

Mrs PEULICH (South Eastern Metropolitan) — Let me have this clarified: is the minister aware, or is the government aware, of any stipulation by the AEU or IEU that their nominees to the minister will only be union members or could these nominees be any registered teachers, including non-union members? Is there some information on this issue or has some discussion been held on it?

Mr HERBERT (Minister for Training and Skills) — Representative nominees will be representative nominees, but I am not aware of any discussions on that specific point.

Mrs PEULICH (South Eastern Metropolitan) — Is the minister able to explain the government's rationale as to the purpose of this council-stacking exercise and the government's desire to deliver a permanent union-controlled majority of appointed members of the VIT?

Mr HERBERT (Minister for Training and Skills) — It is not a council-stacking exercise at all. It is about bringing representatives of the main teaching bodies, which are the AEU and the IEU, back onto the VIT. It is an election commitment.

The VIT goes back a long way. Labor introduced it. Mary Delahunty was the minister back in 2001. There has been a long history of discussion about it with union members, union associations and principals. I think it was brought in in 2003. I was in the Parliament at that time, and I looked at how other state jurisdictions dealt with this issue. It is our view that we want teachers to come on board, and they have. We believe very simply that there should be teacher representatives on the VIT council, and the most appropriate representatives are those from the AEU and the IEU, which represent the vast majority of teachers in our schools.

Mrs PEULICH (South Eastern Metropolitan) — The minister has made reference to ministerial discretion, and it is the Minister for Education's responsibility to make the ultimate determination in relation to the ministerial appointments. The bill states that:

> Section 2.6.6A(b) requires the minister to ensure that the persons recommended for appointment … have knowledge of, or experience in, management, finance, law and corporate governance.

Is the minister able to explain how the government is going to determine its appointments to the council, given the criteria that are listed?

Mr HERBERT (Minister for Training and Skills) — The legislation is the legislation. If it gets passed in this house, they are the criteria that we would like to see used to decide the 14 members of the board. The minister will take those criteria into consideration in making those appointments. There are any number of mechanisms that could be used to ensure that happens. I surmise that discussion with the various bodies is probably a good start, but that will be a mechanical exercise which will come from this legislation. The legislation outlines both the composition of the board and the skills requirements, and the government will look at how that is implemented to make sure the legislation is in fact enacted as it is passed.

Mrs PEULICH (South Eastern Metropolitan) — Will there be scope for the minister to reject union nominations on the grounds that he has formed a view that the nominees do not have the requisite skills as per his judgement and the requirements under the legislation?

Mr HERBERT (Minister for Training and Skills) — I understand that in terms of the legislation the minister has the capacity to reject any of the nominees, either from the unions or from the other group, based on his belief about their capacity to do the job and to help the VIT run smoothly.

Mrs PEULICH (South Eastern Metropolitan) — In order to facilitate the minister fulfilling that responsibility and obligation under the legislation, will he be requiring more than the requisite number of nominations so that he has got that flexibility? Is the government going to go into a ping-pong exercise if

someone is deemed to be inappropriate or it is going to have some other nominations? Would it not be much more efficient to invite more nominations and give the minister the latitude to make the most appropriate appointments within this system, which we obviously do not support?

Mr HERBERT (Minister for Training and Skills) — I understand that in regard to that matter essentially the issue is whether the minister will request multiple names, five names or just one name, depending on which is the nominating body. I understand that within the legislation the minister has the capacity to ask for more than one name, and that will be a matter he will be considering in regard to the implementation of the intent of this legislation.

Mrs PEULICH (South Eastern Metropolitan) — Further exploring some of those matters, just so that we can get some clarity, I ask if the government is aware that the Australian Principals Federation (APF) has put out a statement on the legislation, declaring that it sidelines the APF and ignores the high level of knowledge and input available from its ranks. It has been suggested that the minister could appoint the APF from his nominations. He equally could not. That decision needs to be enshrined in legislation to give it any certainty. Does the government intend to appoint representatives of the APF to the council?

Mr HERBERT (Minister for Training and Skills) — My understanding is that the Australian Principals Federation has never had a representative on the VIT under any government, neither her government nor my government. I guess it is possible, but I do point out it has never had a representative, under any government, on the VIT. If we look at representation of principals in terms of major organisations, I understand that the AEU has coverage of something like 2000 principals and the federation has coverage of about 900. I surmise there might be some crossover on those two.

Mrs PEULICH (South Eastern Metropolitan) — Does the government plan to invite a representative from the Catholic education office of the Melbourne archdiocese to become a council member?

Mr HERBERT (Minister for Training and Skills) — I understand that the Catholic education office would be the nominating body and it would be someone from one of the dioceses.

Mrs Peulich — Will be nominated?

Mr HERBERT — From one of the dioceses.

Mrs PEULICH (South Eastern Metropolitan) — I thank the minister for the answer. Will the Victorian Principals Association (VPA) rate such an invitation from the government?

Mr HERBERT (Minister for Training and Skills) — No, I do not believe so. The VPA is an organisation, not an industrial body.

Mrs PEULICH (South Eastern Metropolitan) — In relation to non-union stakeholders in the education sector, does the government plan to invite a representative from the independent schools to become a council member?

Mr HERBERT (Minister for Training and Skills) — Yes. A representative of the independent schools employers, yes.

Mrs Peulich — Sorry, I did not hear that.

Mr HERBERT — So there are two from the IEU, the Independent Education Union, and of course there is a representative from an independent schools employer body.

Mrs PEULICH (South Eastern Metropolitan) — It will be a union nomination?

Mr HERBERT (Minister for Training and Skills) — No, sorry; I should have been clearer on that for Mrs Peulich. Independent Schools Victoria, the employer of the independent schools, will be nominating someone.

Ms BATH (Eastern Victoria) — In my contribution I raised the point that there are other jurisdictions that do not have specific union representation. So in relation to the Metropolitan Fire Brigades Act of 1958, is it not true that that act contains no similar provision stipulating union-nominated members for the Metropolitan Fire and Emergency Services Board?

Mr HERBERT (Minister for Training and Skills) — I will seek some advice. That is a little bit beyond my remit there. Let me see if I can get an answer for Ms Bath.

No, I cannot answer that. I do not know. It is not particularly cognate to this particular bill. I do not have that answer, sorry.

I do not have that information at hand regarding those other non-education bodies. But can I just clarify something, and it is not particularly relevant to this particular part, although I assume that in terms of the member's belief, it is. I did make a mistake before. Can

I just say that when I said our nomination model is consistent with all other teacher registration boards in other states I said except for South Australia. That should have been Western Australia — except for Western Australia. So I apologise for that.

Ms BATH (Eastern Victoria) — I am going to ask about the Ambulance Services Act 1986 and the Health Services Act 1988, and I am assuming that the answer would be that the minister may not have the knowledge of whether there are union representations on those boards. The point I raise with that is that the VIT board union representation is different to a number of other situations across Victoria. So the question would be: is it also true that the Ambulance Services Act and the Health Services Act have no similar provisions for union representation?

The DEPUTY PRESIDENT — Order! The minister is free, obviously, to answer the question, but I am finding it a bit difficult to follow this line of questioning, given that the line of questioning is about a series of acts other than what we are dealing with here tonight with this bill.

Mrs Peulich — If I may just comment on that, Deputy President, I understand where Ms Bath is coming from because it went to the next question that I was going to ask. I just raise that so that in forming a judgement you are cognisant of it. I guess our concern is that many of these other governance bodies do not have enshrined within their structure and their composition union representation, for the reason that unions, of course, pledge to defend their members on any work-related matter, including allegations that may arise as a result of them undertaking their duties, and in particular where there are fit and proper person requirements — for example, with this legislation, as stipulated under the Children's Services Act 1996. What it does do is create a conflict of interest, and I think what Ms Bath was attempting to portray was that many other governance structures avoid that conflict of interest coming into play because it does not enshrine union representation into their structure, like this bill does. So it goes to the question of: why are we moving to a governance structure that enshrines and creates a conflict of interest where union members will be required to adjudicate on questions of teacher registration and on questions of ethics and professional standards to which, as their industrial arm, they are pledged to defend their members on?

Mr HERBERT (Minister for Training and Skills) — I am not quite sure whether that was another question or that was to your ruling, Deputy President, and I had not really got to Ms Bath's point.

Mrs Peulich — It was to assist the Deputy President with understanding the direction of the question.

The DEPUTY PRESIDENT — Order! Yes, I understand the context. Does the minister want to respond?

Mr HERBERT — Yes. There are probably any number of representative groupings, advisory groupings and ministerial bodies where there is union representation and where there is not union representation. In terms of this particular bill I am not going to go into either the ones that do or the ones that do not — not that I would even have that capacity, quite frankly — across the whole legislative landscape. What I will say, however, is that we have nearly 1 million — well over 900 000 — children in our schools across Victoria. The VIT plays a very important role. There is a particular duty of care with children and early childhood that teachers have in terms of looking after them. There is a high expectation on it. So I think the VIT really is different to many of the other groups the member has spoken about. It is not that they are not important, but the VIT has a particular role in terms of that duty of care. When parents hand over their children they have high expectations.

There needs to be the utmost protection and scrutiny in there. It goes to the first part of this bill. There are probably other factors in many of the various groups — a couple of the groups the member has mentioned or other groups that are enshrined in legislation here — but I do not believe there is a conflict here, and I think those compositions pertain and, strictly speaking, are relevant to this bill.

Mrs PEULICH (South Eastern Metropolitan) — Can the minister therefore confirm that the government has no concerns about the fundamental conflict of interest that may arise as a result of union representatives being appointed to the VIT to adjudicate on questions of ethics and professional standards, when indeed they are pledged as the industrial representatives to defend their members when such allegations arise? Is the minister confident that no conflict of interest will come into play?

Mr HERBERT (Minister for Training and Skills) — I have absolute confidence in the AEU and the IEU on this matter. I have always found them in their interests and the interests of their members to have the utmost probity and standards of behaviour in support of their members. It is the whole basis of the teaching profession, and no, I do not have an issue with this. Quite frankly, when I have a look at the previous government's six appointments, four of them were

previously elected AEU members. I know one of them — I will not go into who — and they are a very decent person. I would have absolutely every faith in him, and I have faith the AEU will put up the most prominent, qualified people in terms of the roles they have in the VIT outside of any industrial agenda they may have as a union to represent the interests of teachers, because it is in the interests of the representation of teachers. Teachers would expect to have high probity. No teacher wants to see the teaching profession or children in any way endangered by a poor decision when it comes to the duty of care.

Mrs PEULICH (South Eastern Metropolitan) — The minister's response goes to the nub of the difference between the current government's arrangements and what he is trying to do. The coalition government did not believe that just because someone was a member of a union they should be discounted from being considered. It was one of the many criteria of experiences that are considered in making those appointments, and wisely so, but it should not be a specially designated category that stands above all others. That is the contrast between the coalition approach and the Labor Party approach. That goes to my final question. Does the minister think it is appropriate that 53.6 per cent of the registered teachers are unrepresented because of the union stranglehold that he will now introduce to the VIT composition by this bill?

Mr HERBERT (Minister for Training and Skills) — No, I do not agree with Mrs Peulich. However, she is quite right that it will be up to this chamber to decide on her position in terms of non-union appointed positions and our position of representatives nominated from the AEU and the IEU. I do not believe that will be significant. I do not know where the 53 per cent number comes from. I do not know whether it represents any permanent full-time or part-time teachers. I am not sure what the capacity is — mainly IEU or AEU membership. I am sure it is all varied in there. What I do know is that I have every faith that the people put forward will do their job in the most diligent manner and according to the legislative requirements we have before us.

Mrs PEULICH (South Eastern Metropolitan) — Just for the sake of clarity, although I have extrapolated the percentages, those numbers are drawn from the statement of compatibility that was tabled with the bill.

Mr HERBERT (Minister for Training and Skills) — I thank the member for that clarification. I guess what I should really have said, when we are talking in emotive language, is that the AEU and IEU are certainly not affiliated with the ALP. They are not part of the industrial arm of the Labor Party whatsoever.

Committee divided on amendment:

Ayes, 20

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

Noes, 20

Barber, Mr	Mikakos, Ms
Dalidakis, Mr	Mulino, Mr
Dunn, Ms	Patten, Ms
Eideh, Mr	Pennicuik, Ms
Elasmar, Mr	Pulford, Ms
Hartland, Ms (*Teller*)	Shing, Ms
Herbert, Mr	Somyurek, Mr
Jennings, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr (*Teller*)	Tierney, Ms

Amendment negatived.

Clause agreed to; clauses 2 to 4 agreed to.

Clause 5

Ms PENNICUIK (Southern Metropolitan) — I have a number of questions on clause 5, which I did foreshadow during the second-reading debate, with regard to the new division which allows for the interim suspension of the registration of a teacher where the institute reasonably believes that the person poses an unacceptable risk of harm to children and that the suspension is necessary to protect children. While we are fully cognisant of the overarching and paramount need to protect children from harm in schools, I am also wanting to question how the institute is going to establish a reasonable belief, which is a test under law, as opposed to anybody being able to make an allegation against a teacher. There could be a rumour. I am not presuming that the Victorian Institute of Teaching would be suspending someone temporarily based on that, but I think it is very apposite that the committee should know how the Victorian Institute of Teaching and the council — which is made up basically of teachers and not legal professionals — will establish and what criteria would be used to establish a reasonable belief in order to take this step, which is a very serious step, to suspend someone's registration.

Mr HERBERT (Minister for Training and Skills) — I firstly say that the Victorian Institute of Teaching anticipates that the summary suspension powers would be used very rarely — once or twice a year, that sort of number.

It is intended that the institute will form a reasonable belief based upon the facts before it — and it was a reasonable belief that Ms Pennicuik alluded to; the common test — and it will have access to legal advice in making that decision, which I think is pretty important. Clearly if it is going to suspend a teacher, there will be evidence. It has the capacity to make that decision, and in many cases it would seek legal advice on it. At any point following the suspension the teacher can make a representation on that. The legislation does not preclude the teacher from making an oral submission. It does not necessarily have to be a written or legal submission, as I understand it. And of course the institute can take into consideration other relevant matters in making its determination.

I know that Ms Pennicuik is after a list of specifics, but in terms of harm these are broad things that could relate to anything from serious sexual misconduct to a whole range of other areas. We know about allegations of upskirting and a range of things. It is hard to put every single factor into it. But the institute has to make a determination that it has a reasonable belief — and a reasonable belief is a common test — and it can be based on legal advice it gets. It has to investigate straightaway. The teacher can make an oral submission. If at any point the institute believes the teacher no longer constitutes a risk to children — and of course that is what this is about: a risk to children — it can lift the suspension. If the suspension is lifted, of course the record is removed from the register also, which is important.

Ms PENNICUIK (Southern Metropolitan) — How should I put it? If a person is temporarily suspended prior to any investigation, it begs the question: if there has been no investigation, how can any evidence have been gathered that would establish a reasonable belief? I think that is where there is an issue with the way this is expressed. In new division 8A of the bill it is about a reasonable belief, and later on it is about 'This happens before there is an investigation'. It can happen in some cases before there is an investigation, because later on in the bill it says the investigation will proceed as soon as is practicable, which is different from what the explanatory memorandum says. The explanatory memorandum says 'immediately', but actually the bill does not say that.

It does also say unless there is an investigation underway, but it does mean that the temporary suspension can come into place before there is an investigation. So how can a reasonable belief be established if there has been no investigation to gather evidence that there is reasonable belief? That is a concern that I do not think the minister has totally answered for me.

Sitting suspended 6.32 p.m. until 8.04 p.m.

Mr HERBERT (Minister for Training and Skills) — From memory Ms Pennicuik's question related to two aspects. One was about the type of information the VIT would require in terms of suspending a teacher and ordering an investigation. That is a very good question. The second was about the timing issue, delegations et cetera. I will attempt to answer those questions with the caveat that there is no point-by-point on these matters and with another caveat that it is not anticipated that the VIT would do this 1000 times a year. We are talking about serious conditions; it estimates two or three times.

For instance, the sort of evidence the VIT would need would be if there was an incident witness, so if someone actually witnessed an act by a teacher that was deemed to be of possible harm to a child; irrefutable evidence of an unacceptable risk; confessions of a teacher; or a documented threat made by that teacher, so there would be some actual documentation about it. A police investigation into the conduct of a teacher could be part of it or a principal or employer notification to VIT of concerns based on observed behaviour. This is one of the points that was made over the break. In many cases it is principals who have this information, and they would refer it on.

This brings forth other matters about the capacity of principals to do that in their in-service, which is clearly an issue for the broader context, but they are the types of information we would think the VIT would use in terms of ordering a suspension — an incident was directly witnessed, irrefutable documented evidence, a police investigation or a principal who has serious concerns and some evidentiary information. I think everyone in this house has had instances of unsupported, anonymous allegations that have gone nowhere. As I have just indicated, the VIT would look to more evidentiary information.

I would also say that, on the timing, one of the issues alluded to in the questions is that the VIT council does not meet every morning at 9 o'clock, so it would be anticipated that there would be some delegated powers to the CEO. Those delegated could impose conditions

on the delegation to the CEO in terms of when there is a need for immediate action or at least when there is a need for an immediate investigation. This would be in terms of immediate implications for the safety of children against the timing of a council meeting within a requisite quorum. Obviously the intent of the legislation is to do it quickly; the intent of the legislation is that the VIT would act on an evidentiary basis. I hope that helps clarify the question.

Ms PENNICUIK (Southern Metropolitan) — It does flesh out some sort of basis for the VIT council to come to a position that it reasonably believes the person poses an unacceptable risk. I would still say that it is hard to establish in the absence of any fulsome investigation that that is the case, but we could go around and around on that.

I just wanted to pick up on a couple of things the minister said. The minister referred to a principal witnessing behaviour or being concerned about behaviour that meant the person was an unacceptable risk to children. Would the principal not then refer that behaviour to the police in the first instance?

Mr HERBERT (Minister for Training and Skills) — I will get some specific advice on that, but clearly if it is an illegal activity there are reporting requirements under the legislation that we probably all passed in this place in terms of people in positions of responsibility and referral, but there are many other areas that are perhaps more grey, where the principal might seek to go to the VIT in terms of that level of risk. I am happy to seek a little bit more clarity on that point if Ms Pennicuik would like, or is the member happy with that?

Ms PENNICUIK (Southern Metropolitan) — Yes, I just want to clarify with the minister in what instance something would be reported to the VIT rather than to the police and therefore it would undertake an inquiry. While the minister is there, he might find out who actually undertakes the inquiry. Who is trained and has the expertise to do that in the VIT?

Mr HERBERT (Minister for Training and Skills) — In response, if there was a clear criminal issue, a breach of law here, then you would expect the principal to refer it on to the police. But there are many incidents, particularly psychological threats, where it is not just a physical threat. A principal might consider the teacher has a form of mental illness or an aggressive inability to control her emotions that they think is a threat to students. That would be something that they would probably refer on to the VIT because they consider it needs to be dealt with and investigated quickly.

In regard to the investigation, essentially the VIT would work with the employer in terms of that investigation. So if it was with the education department, I think there is a memorandum of understanding between the VIT and the department about investigations. It is probably the same with the Catholic Education Office and the independent schools body, but I am advised basically the VIT would then work with the employer in terms of it doing the investigation.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister for those answers; they are very helpful. Before this bill VIT would do an investigation anyway into misconduct or the competence of a person, which is okay if you are working with the employer, the department et cetera, but I think this is a bit of a step up in terms of harm to children. You are saying, 'We're working with the employer, perhaps with the employer or the representative bodies in the department', but undertaking an investigation to gather evidence to establish a reasonable belief is something that, say, the police are trained to do. I am just trying to flesh out who in the VIT or in the school or even in the department is actually trained to gather evidence to that standard of a reasonable belief. That is my question.

Mr HERBERT (Minister for Training and Skills) — I am not sure that it makes much difference to current practice. The purpose of this bill is to address that gap, particularly in the case of Berwick that was highlighted where there was inappropriate behaviour happening. It was pretty well documented, I think, or caught by evidentiary means, but the VIT could not suspend the teacher or act until there were charges laid. The whole purpose of this is to cut that type of circumstance out. I understand the issues Ms Pennicuik is raising there — they are more than legitimate issues — but it is not anticipated that this is going to happen every second day with every second teacher. It really is anticipated by the VIT that this will be a rare occasion. I can seek some specific answers if I can get them for that, but I do say that component of this bill is about cutting out that loophole, as opposed to rewriting the operational procedures. Let me come back.

Ms PENNICUIK (Southern Metropolitan) — It is important because the bill says there must be a reasonable belief established, so I am asking: how is that going to be established? What expertise is there to actually gather evidence to that standard?

Mr HERBERT (Minister for Training and Skills) — I am advised that principals in themselves

have a legal duty of care, which I am sure Ms Pennicuik is aware of, in terms of having to act in circumstances they think they need to. In terms of the specifics of it, I do not have chapter and verse, but I am aware that the department and the VIT have a huge number of investigators who are trained up in these matters. Principals should be trained in terms of their duty of care and should have knowledge of it, and a whole range of investigators at the VIT and the department are used in these matters. It is not a sort of 'Bring Joe Blow in to have a bit of a look at it' situation. They are professionals here who have clear guidelines about what to look at. There is health and safety, there is a whole range of issues that they are au fait with and trained and expert in.

Ms PENNICUIK (Southern Metropolitan) — I do not want to go around and around, but it is just that because the bill is establishing this 'reasonable belief' test I am basically testing whether the expertise is there for that, because it would seem to me that if someone was suspended and the VIT had not established reasonable belief reasonably, then there would be grounds for appealing that, I would say.

Mrs PEULICH (South Eastern Metropolitan) — Could the minister just clarify, in light of the questions and answers given, what the principal's obligations are once they become aware of, say, a sexual offence having been committed? Can the minister confirm that they are bound by mandatory reporting obligations and that principals are sufficiently trained up to understand the processes which need to be followed?

Mr HERBERT (Minister for Training and Skills) — It is an excellent question. Yes, principals are of course subject to mandatory reporting requirements in terms of those serious offences, and they are required, if they have any issue outside of those types, to report it to the VIT, as we went through before. There are a range of issues that they may be concerned about in terms of a teacher in their classroom over and above the mandatory reporting. In regard to their capacity to undertake that, certainly principals are expected to undertake training — I guess one would say it is training; it is certainly online courses — about their responsibility. There are in-service activities, and in terms of government schools particularly but also in terms of the other schools systems there are usually a whole heap of legal departments that they can go to, and they can pick up the phone to get that advice.

It is a good question because there needs to be that sort of support for principals. We would all hope they are fully trained up and fully knowledgeable about procedures and what to do and how to pick up on issues, but we know that in the real world they do need training and they do need the capacity to speak to someone and get some proper legal advice.

Mrs PEULICH (South Eastern Metropolitan) — I certainly agree that it is a very important process, both for the possible victim or even the alleged perpetrator if in actual fact it is not an allegation that is ultimately founded. I am happy for the minister to take that on board. It is a serious question and it is a little bit outside the scope of this bill, but what are the consequences for principals who do not follow mandatory reporting requirements, given the serious nature and compromise of evidence and the opportunity for people to be found either guilty or innocent because evidence may be compromised?

Mr HERBERT (Minister for Training and Skills) — I might get a formal answer to that, if Mrs Peulich can give me a moment, but basically is it cases where they fail to undertake their duty of care as prescribed by the law or by the expectations of their employer?

Mrs PEULICH (South Eastern Metropolitan) — It needs to be more formal than that.

Mr HERBERT (Minister for Training and Skills) — In the case of mandatory reporting, if they fail to do that, then that is a criminal offence under the laws we have here in Victoria. In the case of a non-criminal offence but where there were clear signs that they needed to act and did not, then it is principally an issue for their employer to investigate and take action on. I would imagine that the VIT would have that capacity too, given that they are a registered person under it.

Ms PENNICUIK (Southern Metropolitan) — The minister made a remark in answer to a question earlier, before the dinner break, in relation to one of the issues I raised in the second-reading debate about a person being able to make a written submission to the institute at any time regarding the continuation of a suspension, and that is mentioned under new section 2.6.28A(f) and 2.6.28D. The minister mentioned that a person could make an oral response, but the bill does not actually provide for that. It just says they may make written submissions. Could the minister just clarify that a person is able to make an oral submission?

Mr HERBERT (Minister for Training and Skills) — It is a good point. Section 2.6.28D does in fact refer to the fact that a person whose registration has been suspended may make a written submission to the institute. That is correct. But 2.6.28E(3) states:

> The Institute may take into account any matter it considers to be relevant in determining whether or not to continue the suspension.

It is in that context that an oral presentation can occur. It may be that an investigator goes out, talks to the teacher, gets information or has a discussion, finds out the information and makes recommendations that the suspension should not occur or that VIT should actually enact on it. So it is within that section 2.6.28E that there is the capacity for someone to make a verbal submission, I guess, or provide evidence verbally in terms of why the suspension should not be continued or should be cancelled.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister for his answer. That would not have been immediately obvious to me, necessarily, or to anybody else who is reading the bill, so I suppose that is a welcome clarification for anybody who finds themselves in this situation and wants to refute any allegations made against them.

The only other question on this clause is in the next section — 2.6.28B, which is about notifying the employer but also about whether the information about the temporary suspension of the person is made public. So there is notifying the person and there is notifying the employer, and I ask this because if somebody is permanently deregistered for some reason, that is one thing, but if it is temporary and the person is then found to be innocent, the fact that their name has been publicised when in fact they have not done anything is an issue.

Mr HERBERT (Minister for Training and Skills) — Yes, the name of the person under suspension goes on the register, so it is public information. However, details of what is involved do not, no. The reason for this is to account for if a teacher is suspended while an investigation goes on, for cross-sector issues or for if they are operating as a tutor, when parents might want to know that, so the name of the person under suspension is made public on the register. But as soon as they are found not guilty or the suspension is lifted, then it is wiped completely. I understand the member's point; it is a balance between letting people know — and we have all heard of instances in the past of people shifting across various sectors in education — and the rights of the individual.

Ms PENNICUIK (Southern Metropolitan) — Just one more on that. Would the register say it is a temporary suspension or just a suspension?

Mr HERBERT (Minister for Training and Skills) — Another excellent question. I cannot provide exact clarity on this, but what I can say is that that will be something we will take on board in discussions with the VIT. It could be registered as, say, an interim suspension, which I think is the intent of the member's question, but it is not something I can give an absolute, crystal clear response on at this point. We will have discussions with the VIT about how it puts that up.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister because I think it is an important point, because it is in fact an interim suspension. It is not a suspension. I understand the minister's point, but it is a fine balance, especially if somebody has been falsely accused of something. Bearing in mind there is no other information, if it is to say 'interim', it is true to what has happened, so I suggest that should be what happens. I do not have any further questions on clause 5.

Mr HERBERT (Minister for Training and Skills) — That is a good point, and it is taken on board. I cannot give the member a definitive answer now. I am not the minister, nor the VIT, but it is something we will take into consideration.

Clause agreed to.

Clause 6

Ms PENNICUIK (Southern Metropolitan) — Just briefly, it has been raised with us, and possibly with the government too, with regard to the powers of the inquiry and the wording in new section 2.6.30(1B), that the institute must commence an inquiry into a matter referred to in subsection (1A) 'as soon as practicable', and I suppose we all know what that means. I think we all know what the ordinary meaning is, but the minister I think just needs to provide some reassurance to the union that has raised it, or both unions — all unions — and all teachers that there would not be any undue delays in commencing an inquiry to follow an interim suspension.

Mr HERBERT (Minister for Training and Skills) — I thank the member for her question. It is clearly the intent of the legislation to do it as quickly as possible and for the very reasons that the member has outlined. That is why I alluded a little bit earlier to the fact that there may be a need for delegation powers to the CEO if there are timing issues and quorum issues with meetings, and that will be addressed, but clearly the intent is as soon as is practicable, unless the police ask them not to because they are about to undertake an investigation or they are undertaking an investigation and it could jeopardise what happens before the courts. But, yes, I can give the member assurance that the

whole intent of this is that it happens quickly, happens efficiently and happens effectively for both the interests of the students and the school and also the interests of the teacher.

Clause agreed to; clauses 7 to 10 agreed to.

Clause 11

Ms PENNICUIK (Southern Metropolitan) — Clause 11 goes to the issue of delegation, which the minister was just referring to, so it is a bit of a segue there. Again, there have been concerns raised with us by the Independent Education Union particularly about this delegation clause. The minister was mentioning just in terms of timing that there may be a need for a delegation because of difficulties in getting the council together in a quorum, but I am just wondering whether in such an extraordinary or exceptional circumstance the council could be brought together to make the decision to conduct an inquiry.

I would not want to see the decision to conduct an inquiry to be delegated to the CEO. It should be more of a formal decision-making power for such an exceptional set of circumstances as we are referring to here. I think that is the issue that has been raised by the union too. Surely even having people in this day and age electronically present for a quorum to make a decision on something like this to suspend someone from their duties and from their employment is possible. I do not know that that should be delegated to the CEO; perhaps other functions could be, but could we have some clarification on what is actually meant here?

Mr HERBERT (Minister for Training and Skills) — I guess it is a point of view and once again it is a balancing act. They can only delegate to the CEO. It is a 14-member council; I am not quite sure what the quorum would be. They have to meet in person. I understand it is probably a bit like this place: why can we not vote in our office? Unfortunately we cannot, although some parliaments do have press-button voting et cetera. The board can withdraw the delegation at any point. The aim really is, in circumstances where quick action is needed, for the CEO to do it if it is not feasible for the board to come together to meet and to get a quorum. It is a balancing act between doing this quickly and efficiently and having an investigation quickly and efficiently or getting the board together. I guess there would be different points of view about which is the best approach to take.

Ms PENNICUIK (Southern Metropolitan) — I do have some concern about that, because basically that is vesting the power of making the decision to suspend a teacher on an interim basis in one person, who may or may not have any of the expertise required to make that call. I think these decisions are probably best made with a few more heads around the table than by just one person. I could be wrong — and the minister might want to correct me on this — but, as I mentioned, I would have thought the appointment of a person as the CEO would be based on their having the skills to carry out the functions of the VIT as listed in the second-reading speech, which do include investigation. But this is a step up from what does exist, and I am concerned. Could that mean that the board would not get involved in this at all if the CEO has taken the decision?

Mr HERBERT (Minister for Training and Skills) — It is not envisaged that this would be a daily occurrence, quite frankly. It is probably more of a rarity. I would have thought the CEO of the VIT would be more than capable of knowing what constitutes the necessary requirements to suspend a teacher. Every CEO I have known has been very aware of the fact that even though they may have delegated powers, the board is the substantive decision-making body. The board of course can revoke them at any point, which should be a salient point, I would have thought, for a CEO. I understand Ms Pennicuik's point, but once again there is a balancing act here and under the circumstances where a quick action is needed and it is not feasible, the CEO would need to take action and then they would be accountable to the board for that action.

In terms of them having nothing to do with it, I would have thought that if a teacher was suspended the board would know about it and act fairly quickly. This is not a frivolous matter. This is a serious matter, and that is part of the due diligence of members of the board in terms of their responsibilities under this legislation.

Ms PENNICUIK (Southern Metropolitan) — If I could just clarify that when I said the council would have nothing to do with it, I meant that it would have nothing to do necessarily with making the original decision. The CEO therefore would notify the council at the earliest opportunity, then it could decide whether that was the correct decision or not and revoke it if it was not. Just to clarify, I was not trying to cast any aspersions on the CEO, it was more just the decision-making process of having more than one person involved in making such a decision. I think if that was the case, they would then notify the council straightaway of the decision they had taken and the council would look at that decision. That does assuage some of my concerns there.

Mr HERBERT (Minister for Training and Skills) — I never thought that the member was casting nasturtiums at the integrity of the CEO!

Clause agreed to; clauses 12 to 17 agreed to.

Clause 18

Mrs PEULICH (South Eastern Metropolitan) — I move:

9. Clause 18, line 3, omit "1 December 2017" and insert "the first anniversary of its commencement".

As mentioned, this amendment seeks to amend the commencement of the bill from 1 December 2017 and to insert 'the first anniversary of its commencement', and it is simply a legislative housekeeping provision.

Mr HERBERT (Minister for Training and Skills) — The government does not support the amendment per se. This clause was written by a parliamentary draftsperson, who put in the appropriate date. It is intended that the proposed changes to the composition of the VIT council if passed will be commenced as soon as possible once the appropriate arrangements for nomination are made. The default commencement date is 1 December 2016, and it is therefore appropriate that the automatic repeal of the amendment act be 1 December 2017. This is drafted according to a parliamentary draftsperson, and we support the bill as it is.

Ms PENNICUIK (Southern Metropolitan) — As I understand it the amendment is not about the commencement of the bill or the provisions of the bill, it is about the repealing of this bill or this act, which is a standard clause now in all bills. In probably the majority of bills the whole of the bill comes into effect at a certain time, whereas this bill has different staged approaches, and that is why I would understand that particular date of 1 December 2017, which is one year after the last possible day that parts of the bill can come into operation. Therefore it seems to me that that is an appropriate repealing date.

The DEPUTY PRESIDENT — Order! The member is correct; it is about the repeal of the bill.

Amendment negatived; clause agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

CHILDREN LEGISLATION AMENDMENT BILL 2016

Second reading

Debate resumed from 25 February; motion of Ms PULFORD (Minister for Agriculture).

Ms CROZIER (Southern Metropolitan) — I am very pleased to rise to speak this evening on the Children Legislation Amendment Bill 2016. I do so because I believe that all members in this house would want to see the best possible outcomes for some of the most vulnerable members of our community. When looking at this particular piece of legislation we are really dealing with some of the most vulnerable children that reside within our community. I think it is with that intent that the legislation has been brought into the house. It is to improve the outcomes for children in state care who are potentially going to be under particular child protection orders from the courts. We know that this is becoming a regular occurrence for far too many children. As I said, I think it is the intention of all members that we give the most vulnerable children the greatest protection and enable them to be safe at all times.

This bill contains a number of technical amendments. The main purposes of the bill are to amend the Children, Youth and Families Act 2005 to improve the operation of the act and to amend the Commission for Children and Young People Act 2012 in relation to disclosure of information under that act. I will speak a little bit further about the sharing of information, but the amendments to the Commission for Children and Young People Act 2012 will enable the legal sharing of information by the Secretary of the Department of Health and Human Services with the Commission for Children and Young People on serious adverse events involving young people within the out-of-home care and youth justice settings.

As we know, the former coalition government undertook significant reforms in relation to the child protection area. That followed two Ombudsman's reports and the Cummins inquiry, Protecting Victoria's Vulnerable Children, which was an extensive inquiry that had far-reaching recommendations. There were around 90 recommendations in the report of that inquiry, many of which have been implemented. We have made great advances in relation to protecting children and ensuring that agencies and those who look after children have safeguards in place so that adverse events are kept to a minimum or do not occur. We would like that to happen of course, but we know that is not always the case. There are very complex issues in

relation to some of the children who come to the attention of the department or the courts, and much needs to be done to ensure their future and give them every possible chance to thrive using their own abilities.

As I said, the bill contains a number of technical elements. These go back to the 2014 legislation, which was brought into the house by the former minister, Ms Wooldridge, who undertook significant reform, as I have mentioned. This was a very complex piece of legislation. At the time of that legislation coming to the house there were a number of drafting elements. A lot of this bill relates to those issues and those technical amendments. Clauses 2 to 16 relate to inadvertent errors relating to the secretary's ability to prepare case plans and ensuring that for court orders that have a cumulative period a transition occurs so that we are not having people, and children in particular, languishing in the system while a decision is being made.

Of course Ms Wooldridge, in relation to her piece of legislation, wanted to ensure stability for children in order to give them that security of having permanency, if you like. There was a streamlining effect that was to be undertaken with that piece of legislation to enable the department, the agencies and all those people looking after these vulnerable children to have that decision-making in place.

At the time that legislation was being debated the then shadow minister, Ms Mikakos, said she would reverse some of the amendments made by the 2014 legislation. Last year we had the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015 come before the house, followed by an inquiry that was undertaken by the Standing Committee on Legal and Social Issues. I have spoken about the report of that inquiry in the past. I want to again place on record my acknowledgement of and thanks to the members of that committee for thoroughly looking at the piece of legislation that was brought before the house last year, and I want to have a look at some of the issues that surround particularly the making of care orders and how that would apply, the concerns that various people had and the reinstatement of various sections in the Children, Youth and Families Act 2005 and to really look at how that piece of legislation might have an effect.

The various orders that I am referring to include family reunification orders, care by secretary orders and long-term care orders. There are also the permanent care orders, which are more frequently referred to. As I said, I think many of the technical aspects that we are debating in this legislation this evening possibly could have been addressed when that 2015 legislation was put into place. I think that demonstrates that there were a number of drafting errors in the 2014 legislation, and it was remiss of the government not to have picked up those errors last year when it brought before the Parliament the restrictions on the making of protection orders bill. It could have looked at those drafting issues and how that would have applied, and it possibly could have prevented a lot of the issues we are seeing with the 1 March commencement date.

As we know, the 2014 legislation came into effect on 1 March. It is now 8 March, so it came into effect last week. A lot of this bill addresses issues around the transition of court orders during that time. We want to see that there is no interruption in those court orders. We want to make the system as smooth and workable as possible, and unfortunately, because that was not picked up last year, we are facing this situation here this evening. As I said, a number of the orders that did come into place on 1 March under the 2014 legislation need that continuity and ability to transition accordingly.

If you look at the bill, clauses 2 to 16 mainly deal with technical amendments, but clauses 4, 5 and 6 have elements that relate to care plans and the ability for a person who is caring for a child to have authorisation to make decisions. I think that is a very important aspect of the legislation. It provides for those people who have responsibility for these children the ability to make some of those decisions that might be going toward the day-to-day care of the child, whether that be a medical decision or some other decision that the carer needs to make on behalf of that child. This is a common-sense element. It enables that carer to have that responsibility and to make those decisions in a timely fashion rather than having to go back to the various authorities and get unnecessary orders for such issues.

Members might also remember that in 2012 the former government brought in the Carers Recognition Act 2012, which addressed many of the issues that I am describing now but also many of those other things that carers undertake that sometimes go unrecognised. Certainly when an individual has responsibility for a child in kinship care or foster care — those aspects — then it is really important that they have the ability to make decisions on a day-to-day basis.

Looking further at the bill, clause 9 is really looking at if a child is in the care of a parent, much can be disregarded when calculating the cumulative period when the new orders take effect. As I said, they took effect on 1 March, and we want the bill to have some ability to enable the practicalities of what people are dealing with to have that continuity so that if there is a reunification order, that period can be disregarded when

calculating the cumulative period of time a child has been in out-of-home care when determining the reunification order. Of course a reunification order does apply when:

> The court has decided that a child is in need of protection and cannot safely stay in their parents' care while the protective concerns are being addressed. This order grants parental responsibility for the child to the Secretary of the Department of Health and Human Services … with the limitation that parents' agreement is needed about major long-term issues. It will usually include conditions. The child will stay in out-of-home care and the objective is for the child to be reunified with their parent/s once this has happened, and within 12 months, or up to 24 months where permanent reunification is likely by then.

That is the definition on the Department of Health and Human Services website. I think the intention is always that a child is reunified with a parent where possible, and certainly one would always want that to occur because clearly it is in the best interests of the child and all involved if that reunification can occur. Unfortunately, as I said at the outset, that does not always happen. Far too many children are continually neglected or abused, and there is a need for the authorities to step in and remove those children on a permanent basis to ensure their safety and wellbeing.

I will not go into the ins and outs of every single order, in the interests of time, in relation to these clauses that the majority of the bill is addressing. Suffice to say that I think it is pretty clear that when orders have been made, given this period of time we are talking about, the 1 March date, it is very important that we have continuity, as I have previously mentioned, so that those orders can transition across from the new commencement date.

Going on to a number of other clauses in relation to what the bill is speaking to, there are other definitions around parental responsibility and refining the definition of the parent having sole responsibility. There are some other elements around how that might be interpreted across in other jurisdictions. Certainly I think that is important when we are dealing with children who might be under the care of a carer or a parent who has the sole responsibility.

When I was receiving the briefing from the departmental officers — and I thank them very much for their input into an explanation of what the bill entails — they did say that there was a house amendment that needed to come in that they had not yet finalised. That was obviously delivered in the Legislative Assembly. The amendment relates to clause 22, and the clause deals with the consequential amendments to allow a cohesive transition where there are particular areas around long-term care orders and other orders allowing courts and agencies to have consistency, I suppose. It is quite technical in nature, and I will not go through it, but I am sure that we could ask about that in the committee stage if there is anything that I have not been clear on. The intent of the amendment, I was told, is that it would not make very much difference; it is just to clean up and review inadvertent errors in the drafting of this legislation.

With that having been said, I think it is pretty clear that the bill is coming to a more final position, and the only other point I really want to make is in relation to the courts. I know the bill also addresses concerns raised by the Children's Court, which needed to have clarity around the ability for the Children's Court to make rulings. The bill gives the court the power, if you like, to allow for electronic filing, and that brings the family division of the court into line with the rulemaking powers of the criminal division. It seems a very commonsense provision, to my mind, to enable that electronic data sharing to occur.

The area that I spoke about at the start, and it is dealt with in one of the main provisions of the bill, is the sharing of information between the Department of Health and Human Services and the Commission for Children and Young People. If you look at the definition on the commission's site, you see that one of its core functions is:

> Conducting inquiries into service provision or omission in regard to:
>
> …
>
> the safety and wellbeing of an individual or group of vulnerable children and young people

I think that is very important in relation to what we have seen today with the riots that have occurred in the youth justice centre, where there are some very vulnerable children who have engaged in some serious activity. It appears from the answers we got today in question time that there was an incident on Sunday, but we do not know how long the facility was in lockdown. There were serious elements around what actually happened with those young people in that facility who got hold of some very dangerous tools, and the situation could have been a lot more serious than it was.

In looking at this bill and at a serious incident such as that which occurred over the last two days — and indeed the other incident in the past three or four months — we have some real concerns about the information that is being provided to the community and certainly the information that is going between the department and the Commission for Children and

Young People. I note that the minister's media release of 9 February, headed 'New oversight powers for Commission for Children and Young People', states:

> New oversight powers for Victoria's commissioner for children and young people will strengthen transparency and oversight of Victoria's child protection and youth justice system.

That is a very positive move, if that is actually what is going to occur. That is what I am most concerned about with this bill, because we do have the commission — and on the record I note the work of acting principal commissioner the Honourable Frank Vincent, who has been undertaking that role since the retirement of Bernie Geary — and obviously we have a new commissioner coming into that position, I think, in early April. I wish her well, and I look forward to working with her. I am sure that she will undertake her role in a very independent manner and that she will be a very fierce advocate for these vulnerable children that we are speaking about. It is incredibly important that this commission have full independence and an ability to conduct inquiries such as those I have referred to, as it is a core function.

I note that under the previous government it was very much about giving the principal commissioner the powers to conduct independent inquiries. Of course last year we had the '… *as a good parent would* …' report handed down by the previous commissioner, Bernie Geary, which did demonstrate what is happening in our out-of-home care system. It was a self-initiated inquiry, and I think it is very important that this body has the ability to undertake those inquiries so that we cannot hide the data or manipulate the data, but can understand exactly what is going on. That is what we need to do, because if we do hide the data or manipulate the data, then we are not serving the best interests of these children and we are certainly not going to get the best outcomes or better outcomes than we otherwise would.

As I said, this commission has a very important role, and if you are going to be sharing data — information — between the department and the Commission for Children and Young People, why would you not allow that to be put on the record? At this point, Acting President, I indicate that I will be moving amendments to clause 27 in relation to this very issue and ask that they be circulated.

Opposition amendments circulated by Ms CROZIER (Southern Metropolitan) pursuant to standing orders.

Ms CROZIER — The amendments, which I will speak to a bit later, go to this point of sharing data and the willingness for transparency that is mentioned in this government media release, and I do hope that that willingness for transparency will be demonstrated.

There is much to be done in this area. We have recently had 3000 unallocated cases come to light. We have a youth justice system of which the government has lost control, it seems. We have had a number of riots, a number of very serious situations, and an unwillingness of this government to understand what is actually going on in those facilities. There are many questions to be raised about that.

But before I do that, I will go to one other area. I want to make mention of care plans as well, because the bill does relate to a number of areas around case plans and reviewing dates. While I am talking about the Commission for Children and Young People, I refer to a recent speech by Andrew Jackomos, who is the Victorian Commissioner for Aboriginal Children and Young People. In a recent speech he expressed concern about cultural care plans that have been undertaken. He said:

> Only a small proportion of our children in out-of-home care are case managed by the Victorian Aboriginal Child Care Agency and smaller regional-based community groups. And my understanding is that the proportion has been decreasing annually with child protection increasingly directing our children to non-Aboriginal agencies and carers.

He acknowledges that has not happened recently, but it sounds like it is escalating. I think if the government's rhetoric is about ensuring that there are appropriate cultural care plans in place, if there are these case plans and case management situations put in place, then it needs to follow through with that and ensure that that occurs.

While speaking on this bill I did want to acknowledge the contribution of a member of the other house to the debate on the bill in the Legislative Assembly. The member for Lowan, Emma Kealy, gave a very heartfelt contribution in relation to one of her constituents who described the situation of these vulnerable people very clearly. She spoke about a young girl who was physically and sexually abused by her family. She was homeless and was put in dire situations throughout her young life, and somehow through her fortitude and resilience she came through that and is now contributing to the community in a most generous and terrific way. I think Emma's contribution to the debate highlighted the vulnerability of the situation and how the system and her family failed this young woman in the most terrible ways when she was a young girl.

I wanted to conclude my contribution by referring to that because it is an excellent example of vulnerable

people in care and how they can be neglected and abused. We know the lifelong implications of neglect and abuse. It is truly terrible, and these vulnerable children need the best support they can get.

If we go back to what this bill is about, it is about strengthening our system and about ensuring that we are providing that oversight, that we are understanding what is going on within our system, that we are protecting the most vulnerable members of our community and that we are undertaking the role we need to in relation to strengthening legislation. It is about tidying up technical elements to ensure that court orders can transition from the due date — which was 1 March — and that the disclosure of information talked about in the bill is actually undertaken so that we have full transparency and we understand the very adverse events that are going on and work to improve those situations. That is why I have moved these amendments. It is to ensure that we have greater transparency. I will speak further on that in a short time.

Ms SPRINGLE (South Eastern Metropolitan) — The Greens support this bill. We support any measure that will result in better protection and better outcomes for children in the child protection system, but it probably will not surprise many people in the chamber that the Greens believe that this bill does not go far enough. But it does do something. I will get to the specifics of the bill in a minute, but firstly I would like to say how appreciative I am that finally an Andrews government minister has committed to the record this government's support for the 2014 so-called permanency reforms that were introduced by the previous government. When he introduced this bill in the lower house the Minister for Housing, Disability and Ageing confirmed, and I quote, that:

> None of these amendments represent a change in policy or intent.

If the government did want to change the substance of the policy enacted by the 2014 reforms, presumably it would have done so with this bill. This is the first blatant verbal confirmation we have had that this government supports the 2014 reforms. I am appreciative of that contribution because since I have been a member of this house the Minister for Families and Children has been giving very ambiguous signals about the 2014 amendments. She has essentially been having a bob each way. In her contribution to the second-reading debate when the 2014 amendments were introduced Ms Mikakos, the then shadow minister, identified most of the problems that the Greens also identified. She lambasted the then minister again and again for introducing a bill that, in her own words, reflected a lack of consultation and was going to, and I quote:

> … restrict the ability of the Children's Court to oversee the actions of the Department of Human Services … at a time when the department is clearly failing children in out-of-home care.

From her position in opposition Ms Mikakos quoted approvingly and at length from an opinion piece by James Campbell in the *Herald Sun* headed 'Bill is bad news for vulnerable children'. She said:

> I think James Campbell hits the nail on the head.

For a moment it looked as though the then opposition was going to vote against the reforms because they were not based on the Cummins review, because they were not drafted in consultation with the sector and because they were, and I quote again, 'bad news for vulnerable children', but then the Labor opposition voted in favour of the bill.

Soon after that the Labor Party won the election and the shadow minister became the minister. She has now had well over a year to correct the many flaws in the 2014 amendments that she identified in her second-reading contribution that year. To her credit she has corrected one of those flaws, but in choosing not to correct all of the other flaws the minister has implicitly shifted her position to one of support for those other flaws she identified. She has never actually said she supports the 2014 so-called permanency reforms, so I am appreciative of Minister Foley for his acknowledgement that the current bill does not change policy.

This is now the third bill introduced by this government that amends the Children, Youth and Families Act 2005, and given that it has declined all three times to restore the Children's Court's oversight powers, which were lost when the 2014 amendments came into effect last Tuesday, we must now assume that this government's policy is to allow the Department of Health and Human Services to operate with this reduced level of oversight and accountability. As the Minister for Housing, Disability and Ageing has said, there are not many provisions in this bill which aim to alter policy. Clause 27 is one that does. Clause 27 would require the Secretary to the Department of Health and Human Services (DHHS) to disclose to the Commission for Children and Young People any information about what the bill calls an adverse event in relation to a child in the care of the state. The Greens wholeheartedly support anything that will improve accountability and the safety of children within the

child protection system, so the Greens are of course in favour of this clause.

'Adverse event' is the kind of language that is used in bureaucracy to avoid expressing the sheer horror of its meaning. There is no definition of adverse event in this bill, in either of the acts it intends to amend, in the explanatory memorandum or in Minister Foley's second-reading speech. Of course we can make an educated guess as to the meaning of adverse event. There were 865 quality of care investigations in relation to children and young people in out-of-home care during 2014–15, and abuse was substantiated in a staggering 106 of them. We should pause for a moment to reflect on that number. On at least 106 occasions during 2014–15 children who had been removed from their homes because of concerns they would be exposed to harm were subjected to abuse in the very places they were supposed to be kept safe. That is from the department's last annual report, which merely reports figures and does not convey any sense of what abuse in out-of-home care looks like.

We have to go to the Commission for Children and Young People's report last year into residential care facilities for children to begin to get a true sense of what might he meant by the phrase 'adverse event'. As a good parent would report, the commission analysed the department's critical incidents reports for one year, during which there were 189 reports of alleged incidents of sexual abuse and sexual exploitation relating to 166 children in residential care units. There were some truly shocking incidents of sexual abuse investigated by the commission: a 12-year-old intellectually disabled boy was sexually abused by older children; an 8-year-old girl was sexually assaulted by a 14-year-old boy; and 15, 16 and 17-year-old girls were reportedly sexually assaulted or abused by male residential care staff. Again we have to remember that these are children who have been removed from home because of the risk that they would be subjected to harm at home. Presumably these are among the adverse events that would be referred to the commission by the department under the proposed new section 60A of the Commission for Children and Young People Act 2012.

The Commission for Children and Young People is an immensely invaluable institution, which in its short life has proven itself to be absolutely committed to its functions and to promoting the best interests of the child. But the commission's powers are not the same as the Children's Court's powers. The commission's powers are limited largely to conducting reviews and making recommendations. It does not have the power to make binding orders like the Children's Court does. Clause 27 is certainly not going to resolve all the outstanding issues in the so-called permanency reforms of 2014, which came into effect last week on 1 March.

It is worth just reminding ourselves where we are at and how we got here. The 2014 amendments were put forward by the previous government on the basis that they were based on the recommendations of the Protecting Victoria's Vulnerable Children Inquiry, known as the Cummins inquiry. The report of the Cummins inquiry contains 90 recommendations. Only 19 of those recommendations relate to legislation and of them only 1, recommendation 63, is about the legislative framework for the child protection system. Sixty-five of the Cummins inquiry's 90 recommendations are directed at improving the work of DHHS and other Victorian government agencies.

It is true that recommendation 23 of the Cummins report is that DHHS identify existing barriers to achieving good outcomes for children and overcome them. That recommendation is aimed at the internal workings and processes of the department itself. What seems to have happened instead is that the Children's Court has been identified as one of the main barriers to achieving good outcomes for children, and the 2014 amendments were written on that basis. Many of the Children's Court's powers were removed. The consequence of that is that the department now has much more unfettered power in relation to children in the child protection system.

Unfettered power is just never a good idea. Unfettered power is definitely not a good idea when it is power over vulnerable children that has been given to a department, especially when that department has outsourced most of its responsibilities to community organisations that it refuses to monitor appropriately and especially when the department has been found time and time again to have failed so many of the children in its care.

To justify the 2014 amendments, the former government cherrypicked a single line from Cummins, and I quote:

> The average time taken between a child's first report and their ultimate permanent care order, at just over five years … is too long.

Yes, it is too long. Nobody can disagree with that. Unlike the minister's recent criticism of the Greens as having all care and no responsibility, the Greens do not disagree with that. But that single line has been used again and again as the justification for the entire package of 2014 amendments. The department and the current minister are still using it as a justification in the

department's presentations. I have seen the PowerPoint slides that the department uses in its training presentations to community service organisations, and that one cherry-picked line from Cummins features very prominently. Cummins did certainly recommend that the Children's Court should have streamlined some of its processes and made them more efficient. But Cummins also identified multiple inadequacies and failures within the department itself.

Even more explicit about these inadequacies and failures within the department was the Victorian Auditor-General's report of May last year entitled *Early Intervention Services for Vulnerable Children and Families*. In that report the Auditor-General found that the department had no systematic analysis of the massive increase in the number and complexity of child protection cases; an inadequate funding structure; inadequate forecasting, assessment and responses to current and potential demand for services; reactive and rudimentary strategic planning; ineffective communication within the department and between it and service providers; lack of a proper evidence base; and a focus on outputs rather than outcomes. And they are just some of the department's failures as identified by the Auditor-General pertaining to just one aspect of the child protection system.

Since taking on this portfolio on behalf of the Greens, I have been staggered to learn the extent to which the department routinely takes a hands-off approach to the statutory child protection system. The department does not know who is working for those organisations and does not require residential care staff to have minimum qualifications. The department does not know whether children in its care are receiving therapeutic care. The department does not know whether children are placed with their siblings.

Since the year 2000 only two children have been awarded compensation for the abuse they have suffered while in the care of the department, despite the fact that in the last financial year alone there were 106 substantiated cases of abuse among children in out-of-home care. If we were serious about protecting vulnerable children, we would have a mandatory redress scheme so that children would be automatically entitled to compensation for abuse they have suffered in state care. At the very least that would introduce a financial incentive for the department to prevent abuse before it occurs. As things stand right now there are practically zero sanctions for the department when a child in its care is abused or assaulted.

In speaking with some community service organisations I have been gratified to hear that the department has apparently been undertaking to address some of the concerns raised by the Auditor-General in that report and various other reports that have identified similar failings in other areas of the child protection system. It would be a really great thing to hear from the minister about some of these developments beyond the very vague outlines provided in her media releases. But none of these policies and procedural developments change the fact that the 2014 so-called permanency reforms remove many of the Children's Court's powers to oversee the department. Some analysts said the court lost half of its powers. That is not what Cummins recommended.

The child protection sector generally was very supportive of the Cummins report. It was very unsupportive of the 2014 amendments when it discovered that the amendments were not based on the Cummins report. The overwhelming majority of written submissions — nearly all of them in fact — to the Standing Committee on Legal and Social Issues inquiry into last year's amendment act that restored just one of the Children's Court's lost oversight powers wanted the 2014 amendments to be repealed in their entirety. In the words of the Berry Street representative who appeared before the inquiry:

> … the suggestion that the legislation that was carried was consistent with the Cummins inquiry is a very, very … difficult suggestion to sustain …

Until those 2014 amendments the whole history of child protection reform since 1984 had been of trying to inject greater accountability into the department's decision-making on the acknowledgement that no one agency, no matter how expert, how committed or how dedicated, can get it right 100 per cent of the time. Until 1984 the department removed too many children permanently from their parents, and contact was often never re-established. This left too many people with devastating and unresolved issues of identity, not to mention the very significant number of children who were further abused or neglected or further traumatised in the care of the state. As long ago as 2010 the Victorian Ombudsman concluded, and I quote:

> Evidence emerging from research into outcomes for children in care has eroded the assumption that simply removing children at risk of harm from their homes and placing them in care will improve their wellbeing.

The evidence forces us to confront the fact that placing a child in care may not improve his or her wellbeing, and in too many cases, over and over again, children in care have suffered additional harm.

Yet what did the 2014 amendments actually do? The amendments made it more likely that children will go

into care. Parents now get 12 months to prove that they are capable parents, otherwise children are removed from home permanently. Sometimes, of course, that is absolutely necessary, but surely this kind of massive state intervention in the lives of children should depend on the particular facts of each case. Sometimes children may have been able to stay at home had their parents been provided with appropriate, targeted, well-resourced support to help them address parenting issues, alcohol or other drug issues or mental health issues. Sometimes children have been able to return home three, four or five years after they were first removed, because their parents have been able to turn their lives around. But with a 12-month clock ticking away, any delay in providing support to parents has massive consequences, and we know that some families have to wait six-plus months before they receive any support from the department or any access to services.

The big unanswered question in the 2014 reforms is: how are children kept safe when they are permanently removed from their parents? If they are lucky, children go into appropriate kinship care with extended family members or they go into foster care with carers who have enough time, enough resources and enough training to know how to care for traumatised children. If they are unlucky, children go into very inappropriate care. Far too many children go into residential care where they are clearly at substantial risk of being sexually assaulted or exploited.

Lots of children go into foster care, but there are not anywhere near enough foster carers, partly because we do not pay them anywhere near enough. It is well into the second year of this government, and Victoria still pays its foster carers less than foster carers get paid everywhere else in Australia. In any case, foster carers are very rarely trained in how to provide therapeutic care for traumatised children, so placements often break down and far too many children wind up in the juvenile justice system. But despite the fact that it is the very same department that administers both the child protection system and the juvenile justice system, we do not know the extent of the crossover between the two because there are no data linkages.

This bill will require the department to report adverse events to the commission, and it will provide the Children's Court with the same lawmaking powers in the family division that it already has in the criminal division. We understand that these and other technical amendments were made in belated consultation with the Children's Court itself, which is a good thing.

However, this bill will not address the major problems associated with the 2014 so-called permanency reforms. It will not address the fact that the secretary of the department can revoke the registration of any community service organisation for any reason at a time when community organisations are already afraid of losing their funding if they criticise the government. Now they are at risk of losing their registration as well. This bill will not address the fact that as of 1 March the Children's Court might not be able to take the same kind of action it took in July 2014, when it refused to grant the department an order that would have permanently removed two young children from their parents' care when those children had been horrifically sexually assaulted while in the care of the department.

This bill will not address the fact that the department has now assumed sole parental decision-making power in relation to children on three of the four new protection orders that have been available to the Children's Court since 1 March. This will take Victoria back to before 1984, when children had very little to do with their parents after they were removed. This bill will not address the fact that since 1 March efforts to reunify children with their parents have a 12-month time limit — two years in exceptional cases — and much less in practice because this clock is a retrospective clock. This means that more and more children will be coming into the out-of-home care system, which offers too many children too little stability.

This bill will not address the fact that since 1 March the Children's Court is no longer able to order contact between children and their parents more than four times a year, even when the Children's Court believes that more contact would be in the child's best interests. This bill will not address the fact that since 1 March adoption is listed as no. 3 on the list of permanency objectives, which has caused alarm and distress among people who were subject to forced adoption decades ago. This bill will not address the fact that since 1 March the Children's Court is no longer allowed to attach any conditions to care by secretary orders, thus conferring sole parental authority and responsibility onto the department, which has been shown time and time again to have manifestly failed in its duty of care to children in its care.

These problems were all theoretical until last Tuesday. Now they are very real. So yes, it is a good thing that this bill will require the department to report adverse events to the Commission for Children and Young People, but let us not kid ourselves that this is any real substitute for the loss of the Children's Court's powers of oversight over the department since 1 March.

Last Monday, which was the day before the 2014 amendments came into effect, I attended the Children's Matters conference that was run by Berry Street, the Victorian Aboriginal Child Care Agency (VACCA), Mental Health for the Young and their Families, the Office of the Public Advocate and the Law Institute of Victoria. The conference was attended by more than 200 people from across the child protection sector. Among the attendees were carers, lawyers and agency staff.

We heard from a number of speakers, who I will list. They included the Honourable Alistair Nicholson, AO, QC, chief justice of the Family Court between 1988 and 2004 and widely recognised as one of Australia's premier champions of children's rights; Muriel Bamblett, AM, who has been the CEO of VACCA since 1999; Colleen Pearce, who has been Victoria's public advocate for people with disabilities since 2007; Trish McCluskey, Berry Street's regional director in Gippsland; Erin Hallwood, a permanent carer; Dr Allan Mawdsley, OAM, a past president of mental health for young children and their families; Crystal Moon, a young care leaver who has since completed a degree; Helen Eldersly, who is a kinship carer; Fleur Ward, a practising Children's Court lawyer who chairs the children and youth issues committee of the Law Institute of Victoria; Leigh Hillman, OAM, the carer, information and support service coordinator at the Foster Care Association of Victoria; and Anne McLeish, who is the director of Grandparents Australia. All of these speakers were eminently qualified to talk about Victoria's statutory child protection system from a range of perspectives and were uniformly against those parts of the 2014 amendments that removed the Children's Court's powers.

They added their voices to those who went on the record during the Standing Committee on Legal and Social Issues inquiry last year, the vast majority of whom also wanted the Children's Court's powers restored. The Honourable Alistair Nicholson told the conference that the 2014 amendments breach Australia's obligations under the United Nations Convention on the Rights of the Child. Trish McCluskey from Berry Street told the conference that it is only a matter of time before Victoria issues an apology to all the children it has removed from their parents' care and who it has failed to keep safe. She said the 2014 amendments are at odds with the direction of reform in the rest of the Western world. Erin Hallwood told her horrific story of maltreatment at the hands of the department when she applied to become a permanent carer of the child who had been fostered with her soon after the child's birth. Again and again we heard that the department does not seem to prioritise existing attachments between children and their parents or carers.

Helen Eldersly, who has been a carer for 28 years, recalled the moment when she realised that very often the reason the Children's Court appears to have no idea about what is going on in a particular child's case is largely because the report that has been prepared by the department is completely inadequate. Anne McLeish of Grandparents Australia, who also sat on one of the reference groups as part of the Cummins inquiry, told the conference that she feels as if it is almost the fault of her and other carers that the 2014 amendments removed so many of the Children's Court's powers. She said she feels as though carers' complaints to the Cummins inquiry were heard too loudly and selectively so that when they complained about the delays and legal rigmarole, the subsequent amendments identified the court instead of the department as the source of their concerns.

The conference asked two very significant questions about the 2014 amendments. The first was: who actually supported the legislation? There was certainly quite a lot of in-principle support provided by the community service sector, but that is before they saw the actual text of the amendments. Nearly the entire sector says that nobody was adequately consulted about the 2014 amendments. The very first opportunity that people had to register their response to the amendments was the Standing Committee on Legal and Social Issues inquiry last year, and overwhelmingly the submissions were against the amendments.

The current government and minister have had more than enough opportunities to repeal the amendments which took away a whole array of powers from the Children's Court and gave them back to the department itself. The minister even put up a bill last year that restored just one of those powers, but for some reason she failed to listen to the concerns of the people who have direct experience within the system and know what they are talking about.

The second question the conference asked was, 'What are we making permanent with the 2014 amendments?', which both the previous government and this government call permanency reforms. Both the former minister and the current minister have stood in this place and told the chamber that the permanency reforms are all about making outcomes for children more permanent, but there is nothing anywhere in those amendments that makes it more likely that children will get permanent care outcomes.

Actually by removing one of the options for many children — reunification with their parents — we are at real risk of increasing the level of instability for children in care. Out-of-home care places will continue to break down, especially where children are highly traumatised. Nothing in the new act will stop that. Indeed the department has actually defunded at least one very successful program that provides acute therapeutic assistance to foster and kinship carers to prevent those places from breaking down. The one change we could make that could go towards improving the stability of out-of-home care placements is to require that siblings be placed together in the same placement.

Trish McCluskey from Berry Street told the conference on Monday that the greatest factor in determining whether a placement will or will not break down is whether siblings are placed together or apart, but the 2014 amendments say nothing about sibling contact, even though the Cummins report made clear that it is the proper role of the Children's Court to determine the level of contact between siblings and indeed between children and their parents. Instead of giving the court additional powers to order co-placement of siblings, the 2014 amendments actually remove the Children's Court's power to order parental contact. They also remove all references to stability in the principal act.

If the 2014 amendments are not about ensuring stability of care for children, what exactly are we making permanent? The only answer can be the one suggested by Fleur Ward, a practising lawyer who chairs the Children and Youth Issues Committee of the Law Institute of Victoria. She said the only thing we are making permanent is the systematic deprivation and removal of children from their families.

Most of what has been said in this chamber, especially by members of the major parties, simply does not reflect the reality of the legislation that is now governing the lives of thousands of Victoria's most vulnerable children. We keep hearing over and over again about the benefits of permanency and how the amendments were based on the recommendations of the Cummins report, particularly in terms of addressing the lengthy wait times before permanent orders are made. More and more I wonder whether we in this place have adequately understood the reforms that the previous Parliament passed in 2014 — passed, I might add, with support of both the governing Liberal Party and the Labor Party that was in opposition at that time. The Greens were the only members of the last Parliament to oppose those amendments.

The 2014 amendments would have been good had they been based on the Cummins recommendations, but they were not. That is a statement of fact. If we continue to believe that they were based on the Cummins recommendations, then we obviously have not looked at them anywhere near closely enough, and if we are not looking at legislation closely, then I wonder what we are actually doing here. How was it, for instance, that the previous Parliament could have passed amending legislation through both houses of this Parliament that contained as many drafting errors as the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 contained? A large part of what the current bill does is correct those drafting errors.

But this bill has come too late. The 2014 amending act, including its numerous drafting errors, came into effect on Tuesday of last week. For the past week magistrates around Victoria have been trying to work out what the Children, Youth and Families Act now requires, but as it stands right now the act contains mistakes. Last Monday, for instance, one particular magistrate, who had to determine an application to extend a supervised custody order, held that the very validity of the proceedings was at issue because the act as it was going to read the very next day made no sense.

When we asked the minister's office what would happen during the period of time between 1 March and whenever the present bill came into effect — in other words, what would happen during the period when the drafting errors contained in the 2014 amendments operate as law — the minister's office told us that there was some kind of vague agreement with the Children's Court. The minister's office told us that the court was aware of these drafting errors and would somehow avoid making final determinations on cases that came before it until those errors were corrected by the current Parliament. But of course the court cannot do that. The bill has no status whatsoever for a court until it becomes law and courts must apply the law as passed by Parliament.

So last Monday the magistrate, who apparently did not get the memo about the vague agreement with the minister's office, had to conclude that the validity of the proceedings before her was at issue. That is a conclusion that created huge uncertainty for the eight-year-old girl at the centre of that case. Here was a court telling an eight-year-old child and all the people who are trying to do the best thing for her that the law was not clear enough to allow the court to make a valid order. What is that going to do to an already traumatised child, except to fill her with fear and uncertainty and maybe even retraumatise her? That is

the real-world consequence of any drafting errors that we vote for in this place and that we do not amend in time to prevent them from coming into effect.

But the problems with the child protection law since 1 March are not confined to drafting errors. The problems are not even confined to the foreseeable and apparently intended consequences of those 2014 amendments, such as the removal of many of the Children's Court's powers. There are also a raft of unintended consequences to the 2014 amendments — consequences of the lack of consultation and the lack of proper scrutiny.

I want to take a moment to talk about a real-life case that went to the court last week, because, remember, last week the problems of the 2014 reforms stopped being theoretical and started to become real. I cannot reveal her real name obviously, but let us call her Gemma. Eight-year-old Gemma has already been in out-of-home care for more than four years. For much of that time she has been living with her grandparents and her mother on what until last week was known as a supervised custody order, which gave custody of Gemma to her grandparents. During the second half of last year Gemma's grandmother passed away. The death of a grandparent is a massive, world-shifting event for a child, especially when the child has been living with the grandparent.

In this particular case Gemma had been placed in the formal care of her grandmother and grandfather because of the protective concerns that the department had identified in relation to Gemma's mother. Gemma's mother has very serious mental health issues and a history of not addressing them very effectively, but Gemma has a very strong attachment to her mother and loves her very much. Gemma's mother was also living with Gemma at her grandparents', but when her grandmother passed away both Gemma and her mother had to move out of that house. They could not live together, so Gemma went to live on the other side of town with her aunt, and her mother secured a three-bedroom house. It now takes 90 minutes to drive from Gemma's mother house to her aunt's place.

The PRESIDENT — Order! According to standing orders, we need to move to the adjournment. Ms Springle will have the call on this bill when it resumes.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Shepparton region employment

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Employment, and it concerns the rising unemployment rate in the Shepparton region. As the minister would be aware, recent Australian Bureau of Statistics (ABS) figures have exposed the disastrous effect the Andrews government is having on employment in the Shepparton region, with the loss of almost 2000 full-time jobs in just one month. The action I seek from the minister is that she provide urgent investment in jobs growth for the Shepparton region, including putting forward a jobs plan for the City of Greater Shepparton and the Shire of Moira to reverse the negative employment trend currently being experienced by the region.

Prior to the election Daniel Andrews made a promise to Victorians that his government would create 100 000 jobs. Despite this promise the recent release of the ABS regional jobs figures has revealed that the unemployment rate in the Shepparton region, which includes data for the Shire of Moira, has risen to 8 per cent. At 8 per cent the unemployment rate in the Shepparton region is almost two full percentage points above the state average of 6.3 per cent.

It is clear that this Melbourne-centric Labor government has once again failed the Shepparton region, with the number of people in full-time jobs falling from 43 777 in December 2015 to 41 773 in January 2016. And it is not only Shepparton that this government has failed: across rural and regional Victoria 20 800 jobs were lost in January alone. It is also clear that Labor's promise to create 100 000 jobs is failing in the Shepparton region, with only seven Back to Work payments made, or seven jobs created, across the City of Greater Shepparton and the Shire of Moira in 2015. Youth unemployment also continues to be a significant problem in Shepparton. Whilst the ABS reports youth unemployment is at 14.2 per cent, this figure tends to vary during the year and has been reported to be as high as 23 per cent.

Other reports claim that more than 25 per cent of people of working age in Shepparton are welfare dependent. This may not mean they are unemployed, so they would not be counted in the unemployment figures, but rather it shows that in addition to high unemployment problems in Shepparton there are also a

high number of people who are underemployed and dependent on welfare payments of some form, such as rent assistance or healthcare cards.

Shepparton is an area where we have a large Indigenous community and large numbers of new settlers. It is an area of significant disadvantage with the City of Greater Shepparton ranking 13 and the Shire of Moira ranking 15 on the socioeconomic indexes for areas list of most disadvantaged communities in Victoria.

The action that I seek is for the minister to provide urgent investment in jobs growth for the Shepparton region, including putting forward a jobs plan for the City of Greater Shepparton and the Moira shire to reverse the negative employment trend currently being experienced by the region.

The PRESIDENT — Order! Can we just double-check which minister?

Ms LOVELL — The Minister for Employment.

Morwell schools

Ms SHING (Eastern Victoria) — I rise this evening to bring a matter to the attention of the Minister for Education, Mr Merlino, in the other place. The action I seek, following the excellent lead established by Ms Lovell in the pattern for such adjournment matters, is that the minister visit the Kurnai College in Morwell, as well as see the Morwell regeneration site and the Morwell Park Primary School to discuss plans to actually develop a Morwell regeneration project to consolidate three primary schools on the one site, and also see the plans which are proposed for the Kurnai College as part of a $7.8 million investment in improving the existing facilities at the school by building a new library and by refurbishing and upgrading the existing science facilities and administration buildings at that school.

I would also like to ask the minister to discuss the way in which the Morwell regeneration project will in fact deliver better educational outcomes to children in the Morwell district, including through the $10.5 million funding secured in the 2015–16 Victorian budget. This funding is in fact designed to give Morwell students the resources, support and opportunities which they so badly need and to improve the outcomes educationally, socially and in terms of long-term prospects for employment and contribution throughout the region of the Latrobe Valley.

The plan that we have in place at the moment is to see the Tobruk Street, Commercial Road and Morwell primary schools consolidated on one site on the site of the old Kurnai College site in McDonald Street, Morwell. This follows on from a record injection of funds into regional education, including but not limited to $14 million in additional funding for Gippsland schools; the introduction of the breakfast club, which I have been pleased to see the progress of in terms of assisting students to learn on a full tummy rather than an empty one; and the introduction of the school camps and excursions fund, which has for the first time enabled many kids to go on excursions and camps and to participate with their peers irrespective of their family's financial circumstances.

It is crucial in my mind and crucial to the great enthusiasm of people in the Morwell area that the Minister for Education visit and see firsthand the progress of these works, as well as to continue to investigate opportunities to use local materials, including wood and wood products, in the regeneration project of the Morwell schools precinct, as well as opportunities in the Kurnai College rebuild and those initiatives, now that an architect has been appointed. I look forward to the minister's speedy response in relation to this request.

Postgraduate student travel concessions

Ms DUNN (Eastern Metropolitan) — My adjournment matter is for the Minister for Public Transport, Jacinta Allan. The action I seek is that the minister extend travel concession eligibility to all postgraduate students. I have been contacted by a constituent who has raised the issue of the lack of public transport concession for postgraduate students. In this particular instance the student is undertaking studies which are full time. Further to that I am advised that students undertaking these particular degrees are discouraged from working on any part-time basis due to the workload generated by their studies. Because my constituent is undertaking a postgraduate degree, he is not eligible for a public transport concession or other low-income concession supports.

Public Transport Victoria advises that a Victorian public transport student concession or tertiary concession card is not available to students who are enrolled in a masters, doctorate or other postgraduate courses. Other states in Australia do provide concessions to postgraduate students; however, Victoria is lagging behind in terms of its support to people seeking further education via postgraduate studies. My constituent says:

> I do not think it is fair or right that I am not eligible for public transport concession as a student, what I am studying is more advanced than an undergraduate degree. It just doesn't make

> any sense. How am I supposed to have more money than an undergrad student when I have to study three times as much now.

I agree, it does not make any sense, and I urge the minister to take immediate action and extend travel concession eligibility to all postgraduate students in Victoria.

Victoria University Sunbury site

Mr FINN (Western Metropolitan) — My adjournment matter this evening is for the Minister for Planning. I ask members, and indeed the minister, to cast their minds back some 20 years when the Kennett government gifted Victoria University land and buildings for the opening of the Sunbury campus of Victoria University. They were very exciting times for those of us who were involved, and certainly I was deeply involved at that time. It was a very exciting time for Sunbury. Sadly, during the period of the Brumby government, Sunbury lost its university, and the buildings and the land have sat idle ever since. Those buildings sit atop Jacksons Hill, and they are very much a part of the history of Sunbury.

There have been plenty of suggestions from the local Sunbury community as to what these buildings and this land could be used for, but alas, to this point nothing has eventuated, and indeed those buildings are still sitting up there doing precisely nothing. One idea that the community does not support is the prospect of selling the land for housing and losing the unique opportunity this site offers, and of course that loss would be forever. I think it is highly debatable that Victoria University has the legal right to sell the land, given that it was gifted the land for educational purposes back in the 1990s, but it most certainly does not have an ethical right to carry through such a sale.

So I am asking the minister to refrain from changing any current planning permits or planning zones to residential zoning on Jacksons Hill and surrounding Jacksons Hill. I ask the minister to take on board the views of the Sunbury community, and I ask the minister to ensure, as much as he possibly can, that he uses his powers to keep Jacksons Hill and that educational precinct in Sunbury as it is and not turn it into quite a few houses and quite possibly a couple of blocks of flats.

Local government reform

Mr EIDEH (Western Metropolitan) — My adjournment matter tonight is for the Minister for Local Government in the other place, the Honourable Natalie Hutchins. I rise to speak on the much-needed reforms to local government that the Andrews Labor government has introduced in Victoria. These reforms have been welcomed by the local government community within my electorate of Western Metropolitan Region. The feedback I have received from representatives of Maribyrnong City Council, Brimbank City Council, Wyndham City Council, Hobsons Bay City Council and Melton City Council has been encouraging.

Many councillors and employees within these municipalities believe, as I am sure do councils throughout Victoria, that this law has been a long time coming. The law ensures that councillors who fail to act within the expectations of their necessary commitment to codes of conduct will be individually dealt with, and no longer will all councillors, the council organisation itself or the community have to be disrupted because of a few bad apples within local government. This is an example of how the Andrews Labor government and the Minister for Local Government, the Honourable Natalie Hutchins — —

An honourable member — What about Wyndham?

Mr EIDEH — Yes, including Wyndham. They are strengthening council governance in Victoria. Further to the great initiative shown by the Andrews Labor government and the Minister for Local Government, the minister has now also commenced a review of the Local Government Act 1989, so I ask the minister how this review is progressing and what benefits to my constituency have become apparent through the initial stages of this review.

RSPCA funding

Mr PURCELL (Western Victoria) — My adjournment matter tonight is to urge the Attorney-General to conduct an urgent inquiry into the RSPCA. As I mentioned in this chamber back in September 2015, the RSPCA is a private organisation exercising legal powers that have been conferred on it by this Parliament. It is becoming increasingly concerning that the RSPCA, rather than being an animal welfare organisation, is now becoming an animal rights organisation.

Back in September last year I spoke of a David and Goliath court case where the RSPCA was fined $1.4 million for destroying cattle in the Framlingham forest. I queried at the time whether taxpayers funds would be used to pay the fine. Now serious concerns have been raised over the RSPCA's financial status. I understand that bad financial decisions have been made whereby it has actually spent $40 million building a

new headquarters for its executives, and it has transferred a $30 million profit into a cash-negative situation since 2010. Since that time the government has provided the RSPCA with over $8 million in grants. I understand that its costs are increasing out of proportion with the decreasing number of animals that it is looking after.

Despite these concerns, Australia remains the only country in the world other than New Zealand where the RSPCA has legislated prosecution and enforcement privileges. This must, in my opinion, be reviewed. I therefore urge the Attorney-General to inquire into the RSPCA's financial operations and provide a detailed report on its operations and achievements and exactly where and how taxpayers funds are spent.

Ballarat police resources

Mr MORRIS (Western Victoria) — My adjournment matter is for the attention of the Acting Minister for Police, and the action I seek is that the minister provide additional police resources to the growing City of Ballarat. The great City of Ballarat is growing at quite a rate. The city is growing in excess of 2 per cent per annum, meaning that in raw terms over 2000 additional people will be calling Ballarat home in the calendar year 2016.

It is certainly a very exciting time to live in Ballarat. However, unfortunately our hardworking police are not receiving the additional resources they need to keep pace with our population growth. Ballarat has of late seen a spate of arson attacks, and overall we are experiencing an increase in the incidence of crime in our golden city. Despite this, Ballarat has not received an additional allocation of sworn officers as our population increases and demands on policing resources rise accordingly. I reiterate my request that the Acting Minister for Police provide additional police resources to the City of Ballarat.

Timboon streetscape upgrade

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Regional Development. On Saturday I had the opportunity to go to Simpson to open its new community hub. It was a fantastic day, and it is a fantastic project that has been five years in the making. I took the opportunity to go to Timboon, a town that is well known for its ice-cream in particular. It has a very attractive CBD area. There are shops, and it then goes around to a playground, then parking and then the cafe and the distillery.

I do recall that on previous occasions I have been there to do a number of things, including the opening of the playground, but it did seem to me that there needs to be some serious support for a project for upgrading and extending the streetscape of Timboon — things like widening the footpaths, extra seating, extra plantings, greater connectivity between the shops and down through to the distillery and the ice-cream area.

My adjournment matter this evening is for the minister to have a look at the correspondence that she has received on this project in recent times expressing support from the Timboon community for this project to go ahead, because it will only assist in enhancing what is already a very pretty town, turning it into a dynamic town that will attract tourism, but it will also create jobs and mean that the local economy of Timboon will be enhanced dramatically.

Keysborough South schools

Mrs PEULICH (South Eastern Metropolitan) — The matter that I wish to raise is for the attention of the Minister for Education, and it is in relation to the need for additional educational facilities to service the growing area of the new Keysborough South estates. I know that there have been some primary schools that have been closed through mergers initiated under the previous Labor government, including the closure of the Maralinga Primary School site, amongst others, which have exacerbated the situation and forced an influx of primary school students into the Dingley area, particularly into Dingley Primary School and Kingswood Primary School, and they are overflowing.

There is clearly a need, and I think that there have been some discussions with representatives of the Keysborough South Action Group and some consideration by the department of the establishment of a primary school at a closed animal shelter site. Other alternatives that are being promoted by other groups do have access issues, especially with the construction of the Dingley bypass. These are very difficult barriers for the community to traverse, especially with small children, and there is still the need for a secondary school. Whilst the area is serviced by some good private schools, there is not enough space in government schools. Certainly there is not one in the Keysborough South area, so I would call on the Minister for Education to give serious consideration to this and review the latest figures for not only the establishment of a primary school to service the new Keysborough South estates but also, at the same site, the establishment of a secondary school.

That is not to preclude perhaps the reopening of Maralinga. Given the growth in the area, I think there will certainly be a need for a growing number of educational facilities, but I think co-location of primary schools and secondary schools provides the flexibility to accommodate growth. Obviously there will be an influx of primary school students now, but a few years down the track these children will end up being secondary school students. Before any sort of decision is announced I would ask the minister to consider all of the information and the sentiments of the community, as well as the need for both primary and secondary school facilities, in particular to service the Keysborough South area in my electorate.

Western Metropolitan Region child care

Mr MELHEM (Western Metropolitan) — My adjournment matter is for the Minister for Families and Children, the Honourable Jenny Mikakos. Access to child care is increasingly important in a modern economy. It is important that early learning opportunities are provided for children, and it is important to support workforce participation, especially for women. The action I seek is for the minister to visit early childhood services in my electorate to talk about the benefits of more flexible childcare options for families and the potential impact of the proposed commonwealth childcare changes.

For some families in my electorate access to child care can be a challenge. This is particularly so for parents who work irregular hours, since it can become difficult to commit to regular childcare places. Occasional care is also an important service for parents who may work shorter shifts or need to attend training or medical appointments. This is why I was pleased to see a number of services in my electorate, including in Braybrook, Sydenham, Cairnlea and Caroline Springs, receive funding through the national occasional care program. This is an important initiative to offer families more flexible child care at subsidised rates, including for low-income families.

Access to child care is a matter of serious debate at the moment, as the legislation for the commonwealth's new childcare package is currently before a Senate inquiry. I have serious concerns that low-income families in my electorate will experience a reduction in access to child care under the changes. This would be a bad outcome for those children denied vital early learning opportunities, as well as for their parents.

Australian Volunteer Coast Guard

Ms BATH (Eastern Victoria) — My adjournment matter this evening is for the Premier of Victoria, Mr Daniel Andrews, and it relates to meeting with volunteer coastguards. Speaking last week on 3AW the Premier said that he would be happy to have a chat with Victorian volunteer coastguards. The action I seek is to ask the Premier to keep his commitment and meet with the Australian Volunteer Coast Guard association to resolve important issues and ensure the ongoing viability of our Victorian coastguards.

On 18 January the Australian Volunteer Coast Guard association wrote to the Premier requesting immediate intervention. I have been in contact with a number of the volunteer coastguards in my electorate who are very disappointed in Labor's response to the inquiry into marine rescue services in Victoria. They believe the Victorian government has ignored much of the hard work of the committee and many of its recommendations. This government's response has resulted in official strike action at many of the flotillas in Gippsland because the local coastguards feel their requests are just falling on deaf ears.

This is a multilayered issue: there is recurrent funding required for comprehensive insurance, including for property and for public liability, there is the government's response to the inquiry and there is the potential awarding of marine search-and-rescue VHF communications to a New Zealand company called Kordia. As explained in the letter to the Premier back in January, there is the very real potential that the statewide assets of the coastguard, valued at several million dollars and many of which have been funded by and service the needs of the government, will soon be uninsured if a funding commitment is not provided. The Premier's department responded to the volunteer coastguard's request just over a month later, on 22 February, stating that even though they had already met with the commissioner, Craig Lapsley, to discuss the government's response to the inquiry, the coastguards should continue to work with the commissioner and his team regarding concerns about the impact of insurance.

Since then nothing has been resolved; however, the Premier did, as I have mentioned, speak on Neil Mitchell's 3AW breakfast program last week and commit to meeting with the volunteer coastguards. What he said was that it was not a matter that had been brought to his attention. This is very disappointing, considering the fact that a letter had been sent to the Premier's department by the volunteer coastguards and considering the complexity and seriousness of the

matter. At the core of this issue is the bluewater safety of over 190 000 registered boat users along Victoria's coastline and the viability of the volunteer organisation that provides much of this important support. Again I ask the Premier to commit to meeting with the Australian Volunteer Coast Guard.

Acland Street, St Kilda, pedestrian mall

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the Minister for Public Transport, and it refers to the plans to remove car traffic and car parking from Acland Street, St Kilda, between Belford and Barkly streets, which will be converted into a pedestrian mall. The route 96 tram terminus will be expanded from one track to two in that section of Acland Street, and a new Disability Discrimination Act 1992-compliant platform tram stop will be built. Construction of the Acland Street mall and the upgraded tram terminus is scheduled for the middle of this year. Acland Street will continue to be shared by trams and cars between Carlisle and Belford streets, allowing access to the car parking areas behind Acland Street and adjacent to Luna Park.

The Greens support the plans to upgrade the Acland Street tram terminus to improve disability access and to remove cars from the Barkly Street end. This is in keeping with the Greens policy to prioritise public transport, and it is the growing trend in cities around the world. I agree with the mayor of the City of Port Phillip, Cr Bernadene Voss, that this is exciting for St Kilda and that the transformation of Acland Street would encourage more visitors, including people in wheelchairs, who currently cannot get to Acland Street by tram. She said the city had consulted with traders individually and that most supported the council's plan, despite the opposition of the traders association. I too have been contacted by opponents of the plan, but most people I have spoken to support it.

I do not agree with those who are calling for the stop to be moved from its current position at Barkly Street to Luna Park. That would mean breaking an existing public transport link between the route 96 tram and the buses that connect with it at Barkly Street — the route 600, route 923 and route 246 buses. The Greens are advocating for more public transport routes to link with each other, not to remove existing links. I lived in Elwood for 12 years and regularly used those buses to get to the 96 tram at Barkly and Acland streets, as do thousands of commuters every day.

In terms of the plan for the upgraded terminus, concerns have been raised that people will be required to walk tens of metres from the current bus stop to the relocated tram terminus further up Acland Street. I also think there is scope to improve the bus stop going north at Acland and Barkly streets and even the stop going south across the road. The pedestrian crossing at Barkly and Acland streets could also be changed to operate in a similar way to the one at the T-intersection at Elizabeth and Flinders streets in the city, where people can cross in all directions on the green light.

My request to the minister is that she consult with Public Transport Victoria and Yarra Trams with a view to improving the bus stop and the link between the 96 tram and the buses, as part of the upgrade and construction of the mall, and that she also consult with VicRoads and the City of Port Phillip regarding improving the pedestrian crossing at Acland and Barkly streets.

Bendigo bus services

Mr DRUM (Northern Victoria) — My adjournment matter is once again, unsurprisingly, for the Minister for Public Transport. At the outset I urge the minister simply to meet with a local group of bus users in Bendigo who want to take the opportunity to tell the minister about some of the failings in the public transport system that have arisen since she introduced a new bus timetable and made adjustments to the routes. This is happening in the minister's own electorate of Bendigo East. Over the last few months the changes to the bus services in Bendigo have led to an incredible increase in the number of complaints that have been directed straight at the local member of Parliament.

Today a pedestrian was hit, apparently walking to or from a bus stop that forces commuters to walk on the road because there is no footpath to or from the brand-new bus stop that has been created out of thin air. It effectively is in the middle of a paddock. We have a situation in Bendigo where, with this new timetable and new bus service, students from Crusoe College can take the opportunity to be either 45 minutes early for school or 15 minutes late, but they cannot get there a sensible 10 or 15 minutes before school starts.

We now have a situation where literally tens of buses around Bendigo are running with a 'Not in use' or 'Out of service' sign on them, because this is the way the new structure is apparently operating. The drivers of the buses have acknowledged that they have been inundated with complaints from commuters, but they have been ordered to do as they are told by Public Transport Victoria. The new bus routes show no understanding of the physical nature of the roads that the buses go on, and some buses have been unable to

get through when residents have left their vehicles in the street at the front of their houses.

Public Transport Victoria has advised that the news I gave the house three weeks ago about inspectors heading to Bendigo to sort this mess out has now been changed. The inspectors are no longer going to Bendigo because it is going to be left to those in Bendigo to sort it out.

We now have a situation where CBD retailers in Bendigo have been left with no buses exiting the city after 9 o'clock in the evening to coincide with when they knock off. We have had services finishing at the Bendigo Hospital, which is 2 kilometres away from where they normally finish at the Bendigo railway station.

To finish, one constituent sent a letter of complaint to the Labor member, the Minister for Public Transport, Jacinta Allan, who wrote back to her saying, 'You actually live in Bendigo West. I am going to send your complaint to Maree Edwards'. Maree Edwards then wrote back to this constituent saying, 'I am going to refer your letter to the Minister for Public Transport, Jacinta Allan'. Good luck!

Geelong safe harbour project

Mr RAMSAY (Western Victoria) — My matter is for the Minister for Regional Development, and the action I seek is for her to support a funding application by the Royal Geelong Yacht Club for $6 million to help co-fund the Geelong safe harbour project. Only last night the City of Greater Geelong council supported unanimously the project and provided $3 million for it. Last month I wrote a letter of support towards the Royal Geelong Yacht Club's efforts to secure government funding from both the National Stronger Regions Fund as well as the state government. It is now clear that this project will help maximise the Corio Bay waterfront and allow the marina to reach its full potential as a sporting facility and tourist attraction while also creating jobs and providing a service to community groups and local schools.

The club will contribute $3 million towards the $19 million development, and now a further $3 million from the Geelong council is committed, which leaves the club — if the application for stronger regions funding from the federal government is successful — needing $6 million from the state government to complete this exciting new project. The government has supported a business case and designs, but this request for funding is the next step to help make one of the city's landmarks more profitable to the region's economy and a more inviting precinct for users.

The upgrading of the marina precinct would open up a world of possibilities for sporting events, each with great economic benefit to the Geelong community. I cite a number of activities: the Festival of Sails, the Cadel Evans Great Ocean Road Race, the Wooden Boat Festival of Geelong and the International 14 World Championships, just to name a few in the city's calendar. The project would also bring educational value to the region by providing greater access to the Victorian Sailing School. The club has outlined the potential to open up new learning and physical activity opportunities to diverse school groups and people with disabilities.

In a nutshell, this project has been strongly supported by the City of Greater Geelong, by the state government with its business case and designs, by the federal government through the National Stronger Regions Fund and by the club itself with a significant contribution, so there is no reason at all why the state government, the Andrews government, should not provide $6 million of funding to enable this project to go ahead and be fully completed for the benefit of the greater Geelong region.

South Melbourne Park Primary School

Ms FITZHERBERT (Southern Metropolitan) — My adjournment matter is for the Minister for Education in the other place. Documents made available to me under FOI regarding the proposed South Melbourne Park Primary School show that it will cost much more to create a school on the depot site in Albert Road than the government promised when in opposition. The action I seek from the minister is that he explain the budget implications of what is now a greatly expanded project and from which budget or budgets the funds will be made available.

In opposition the member for Albert Park in the Assembly promised that the South Melbourne Park Primary School would be built for $11.5 million, that that money would be made available in the first budget after the election, that Parks Victoria would be moved to a new location within the Albert Park Reserve and that Orchestra Victoria (OV) would be co-located with South Melbourne Park Primary School, which would have a music curriculum, but documents from the Department of Education and Training (DET), Creative Victoria and Parks Victoria show that this is not how it has turned out, despite assurances from the member for Albert Park through carefully staged public meetings that everything was proceeding on track.

Right after the election DET advised that it would cost more than $11.5 million to build the school, and the Andrews government allocated only $1 million in its first budget. It also emerged that Orchestra Victoria does not want to be co-located with a school or involved with education and, according to DET, which did a feasibility study on the site, probably will not fit anyway, so Orchestra Victoria was asked to leave by June 2016. This means that OV cannot go straight to its permanent home, which may still be undetermined, so it will need two lots of moving costs and rent that is estimated at $350 000 per year, which is a big increase from the $100 000 OV currently pays in rent to Parks Victoria.

Parks Victoria has said that it will not even begin planning to leave the site until it has a budget to do so. Nothing was allocated for its move in the last budget, so no work can start on the school until Parks Victoria leaves. Parks Victoria seems to have tried to get DET funding for its move and is now hoping for an allocation in the next budget, hopefully from the parks and reserves trust rather than from government funds, which would need the approval of the Treasurer.

Adding to the costs, it emerges that the building has asbestos and contaminated soil. Noise issues were raised in the DET documents, but they are completely censored, which was apparently in accordance with the views of the Australian Grand Prix Corporation, which was invited to comment on my FOI application. DET does not yet have control of the land because the bill has not been put through the Parliament. Put together, this material reveals an utterly disjointed and chaotic approach and a total lack of process. No-one is pulling it together. I believe that the school will be delayed. It has already been delayed to 2019, and based on progress so far, I think this is highly doubtful.

The action I seek is that the minister explain the budget implications — what is the total cost of this project, including the costs for Orchestra Victoria's new home and Parks Victoria's temporary move, as well as the additional building costs that DET says are necessary for the school buildings, and when will these funds be made available?

Kingston planning scheme amendment

Mr DAVIS (Southern Metropolitan) — My matter is for the attention of the Minister for Planning in the other place, and it concerns the Mentone activity centre. There is a little bit of history to this, but in essence the action I seek from the minister is that he review his decision gazetted on 16 January — that is, amendment C175.

The history to this is that back in 2013 there was a panel that looked at the activity centre in Mentone and the structure plan, and indeed the panel report was very supportive of a mandatory height limit being put on the Mentone activity centre. It said in its report of September 2013:

> In summary, the panel accepts that the built form outcomes sought in the amendment are appropriate —

that is, C124 —

> Whilst the four-storey mandatory height limit is in many respects not consistent with normal planning practice, the panel considers that when the proposal is examined closely in the Mentone context, it is a reasonable outcome that still allows the implementation of state MAC planning.

It goes on to list the reasons that it supported that four-storey maximum as a mandatory height limit.

Kingston City Council advocated for a number of changes recently for the Mentone activity centre. These were largely rejected by the minister, and in a sleight of hand and without consultation he made this decision to remove the mandatory height limits on the Mentone activity centre. This means that with discretionary height limits, frankly, the sky may well be the limit in Mentone. There will be virtually no realistic controls of what will occur in Mentone, and in fact it might well be that the flight paths from Moorabbin airport end up being the main determinant, the main cap, on the height in Mentone.

This is a very family-friendly area. It is an area that is very much liked by people. It is an area that deserves protection, and the panel process in 2013 indicated that very strongly. The previous planning minister did put the four-storey cap on, but now the new planning minister, with a sleight of hand, has removed the four-storey cap on Mentone.

There is wide community support. I have spoken to many people, including Murray Thompson, the local member for Sandringham in the Assembly; Geoff Gledhill, a councillor in the area; Dorothy Booth of Friends of the Mentone Station and Gardens; and many others. What I seek from the minister is that he go back and read the panel report and review his extraordinary decision to strip away the protections without proper consultation and leave the council and the community exposed.

Monash Freeway widening

Mr O'DONOHUE (Eastern Victoria) — I raise a matter this evening for the attention of the Minister for Roads and Road Safety in the other place,

Mr Donnellan. It relates to the plan to widen the Monash Freeway, and I note that the minister has released a media statement about that potential project today. The action I seek is that the minister give consideration to extending the scope of this project from the current end at Clyde Road on the M1 corridor to the Healesville-Koo Wee Rup Road and M1 interchange at Pakenham to include at a minimum the design for three lanes between Clyde Road and Koo Wee Rup Road, the provision of managed motorway technology and appropriate upgrades to the relevant interchanges, including at McGregor Road, Pakenham, and the Healesville-Koo Wee Rup Road and M1 at Pakenham as well.

The Shire of Cardinia is growing significantly. It currently has a population of a bit over 90 000 people. That population is forecast to grow to 175 000 people by 2036. Many of those people will rely on the M1 corridor for access to work, for access to education and for access to other services. As we have seen with other road projects, capacity does not necessarily last as long as is originally anticipated. Already in the morning peak we see significant congestion banked back at times to that corridor in Pakenham between Healesville-Koo Wee Rup Road and Clyde Road in Berwick. Considering the extension of this project from Clyde Road through to Pakenham makes good sense. There is strong population growth and there is strong growth in the number of vehicles using that corridor, and that is something that I would seek that the minister give consideration to.

Responses

Ms MIKAKOS (Minister for Families and Children) — Tonight I have received adjournment matters from Ms Lovell to the Minister for Employment, from Ms Shing to the Minister for Education, from Ms Dunn to the Minister for Public Transport, from Mr Finn to the Minister for Planning, from Mr Eideh to the Minister for Local Government, from Mr Purcell to the Attorney-General, from Mr Morris to the Minister for Police, from Ms Tierney to the Minister for Regional Development, from Mrs Peulich to the Minister for Education, from Ms Bath to the Premier — although I do note your previous rulings in relation to these matters, President, in respect of members directing matters to the relevant ministers — from Ms Pennicuik to the Minister for Public Transport, from Mr Drum to the Minister for Public Transport, from Mr Ramsay to the Minister for Regional Development and from Ms Fitzherbert to the Minister for Education. I will refer all of those matters to the relevant ministers for response.

The final matter is a matter that was raised by Mr Melhem and directed to me. Mr Melhem referred to early childhood education services, particularly those in his electorate. He requested of me that I visit early childhood education services, and I would be very pleased to make a time to do so, together with Mr Melhem. I always enjoy visiting our early childhood education services across Victoria. It has been a real pleasure to do so and to see firsthand the very enthusiastic support that both parents and educators do have for the new ratios that our government implemented from the start of this year. The benefits to the young children who attend these services are very clear in terms of the ability for them to get additional one-on-one attention from their educators, and I know that the educators have been very supportive of these particular changes.

Mr Melhem also referred in his adjournment matter to proposed changes to child care that the federal government is looking at making and the impact that these will have on families in his electorate. Obviously this has an impact on early years services in the state of Victoria, and it is a matter that is of deep interest and concern to me. We have in Victoria a number of kindergarten programs that are offered through long day care settings, so any proposed restrictions to families accessing child care may well also impact on their ability to access kindergarten programs.

Just this week we had the 2015 results from the Australian early development census released. Whilst Victoria is leading the nation with the lowest proportion of developmentally vulnerable children, more needs to be done. It is in this context that our government is continuing to advocate strongly to the federal government on the implications of its childcare package for Victorian children and families. I have written recently to Victorian senators in relation to these matters.

I am particularly concerned that the proposed changes will introduce an activity test that will mean that some families may well lose access entirely to their ability to receive child care. In addition to that, low-income families — those earning below $66 710 — will have their current entitlement halved from the current 24 hours to 12 hours per week. So I can understand why Mr Melhem would be anxious about the impact of these changes on families in his electorate as well as, of course, families right across Victoria. I would be very happy to visit the services with Mr Melhem, and I will liaise with him to find a mutually convenient time.

I also have written responses to adjournment debate matters this evening. These responses relate to a matter

raised by Ms Springle on 8 December 2015; a matter raised by Mr O'Donohue on 10 December 2015; matters raised by Mr Melhem, Mr Purcell and Ms Shing on 9 February 2016; matters raised by Ms Bath, Mr Davis, Ms Lovell, Mr Melhem and Ms Tierney on 10 February 2016; and matters raised by Mr Leane and Ms Shing on 11 February 2016.

Mr O'Donohue — On a point of order, President, I stand to be corrected but my recollection from listening closely to the minister was that she undertook to refer all matters in chronological order down to Ms Fitzherbert. She dealt with Mr Melhem's adjournment matter, but she failed to refer my adjournment matter or Mr Davis's adjournment matter this evening to the relevant ministers. I would seek some assurance from the minister that she will do so.

Ms MIKAKOS — I cannot find my little piece of paper here. Which minister was it?

An honourable member interjected.

Ms MIKAKOS — The Minister for Roads and Road Safety. I do recall making notes about that, so it may have been that the pieces of paper have stuck together.

Mr O'Donohue — I had a matter for Minister Donnellan, and I believe Mr Davis had a matter for the Minister for Planning.

Ms MIKAKOS — I apologise if my bits of paper have been stuck together and I have overlooked those matters. My sincere apologies. I am obviously very happy to convey the matter raised by Mr O'Donohue to the Minister for Roads and Road Safety and the matter raised by Mr Davis to the Minister for Planning. I hope I have not overlooked anybody else.

The PRESIDENT — Order! I just make the comment that Ms Mikakos mentioned the directing of matters to the right ministers. In this case Ms Bath was quite in order because she was taking up an undertaking that the Premier had made in a public forum. That was the reason for that direction, and I think that that was fair enough.

On this basis, the house stands adjourned.

House adjourned 10.50 p.m.