PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 9 February 2017

(Extract from book 1)

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

By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 10 November 2016)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	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 Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
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 Consumer Affairs, Gaming and Liquor Regulation	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

Legislative Council committees

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

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

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — Mr Bourman, #Ms Dunn, Mr Eideh, Mr Elasmar, Mr Finn, Ms Hartland, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O'Sullivan and #Mr Rich-Phillips.

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

Standing Committee on Legal and Social Issues — #Ms Crozier, #Mr Elasmar, Ms Fitzherbert, #Ms Hartland, Mr Mulino, Ms Patten, Mrs Peulich, #Mr Rich-Phillips, Mr Somyurek, Ms Springle and Ms Symes.

participating members

Legislative Council select committees

Port of Melbourne Select Committee — Mr Barber, 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 and Ms McLeish.

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*): 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

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President:
The Hon. B. N. ATKINSON

Deputy President:
Mr K. EIDEH

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

Leader of the Government:
The Hon. G. JENNINGS

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

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

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

Leader of The Nationals:
Mr L. B. O'SULLIVAN

Leader of the Greens:
Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina [2]	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	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	O'Sullivan, Luke Bartholomew [4]	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona	Northern Metropolitan	ASP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin [3]	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	V1LJ
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Melhem, Mr Cesar	Western Metropolitan	ALP	Young, Mr Daniel	Northern Victoria	SFFP

[2] Appointed 15 April 2015
[3] Resigned 27 May 2016
[1] Resigned 25 February 2015
[4] Appointed 12 October 2016

PARTY ABBREVIATIONS

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

CONTENTS

THURSDAY, 9 FEBRUARY 2017

Thursday, 9 February 2017

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.

VICTORIAN LAW REFORM COMMISSION

Funeral and burial instructions

Ms TIERNEY (Minister for Training and Skills), by leave, presented report.

Laid on table.

Ordered to be published.

PAPERS

Laid on table by Clerk:

Duties Act 2000 — Treasurer's report of foreign purchaser additional duty exemptions for 1 June 2016 to 31 December 2016.

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

Kingston Planning Scheme — Amendment No. C147.

Port Phillip Planning Scheme — Amendment No. C136.

Wangaratta Planning Scheme — Amendment No. C69.

Subordinate Legislation Act 1994 — Legislative instrument and related documents under section 16B in respect of Public Holidays Act 1993 — Premier's Exemption Certificate — Christmas Day 2016, dated 24 November 2016.

PARLIAMENTARY COMMITTEES

Membership

The PRESIDENT — Order! I advise the house that I have received two letters in respect of chairs of Council committees. We obviously do not announce all of the changes where members move between committees, but in the case of these two chairs I thought that it was a matter of courtesy to the house just to read in the letters that they forwarded to me.

In the first case, it reads:

> Due to pressing personal issues I am no longer able to continue as chair of the economy and infrastructure committee.
>
> As such I am resigning my membership of the economy and infrastructure committee effective immediately.
>
> I have very much enjoyed working with fellow committee members and committee staff.

That is signed by Joshua Morris. That committee has yet to meet to determine a new chair, and indeed it will be a matter for the house to determine the membership of that committee going forward.

In respect of the second one, I have been copied in. It was to the colleagues of the legal and social issues committee.

> I wish to advise that I am resigning as chair of the legal and social issues committee, effective immediately.
>
> It has been a great privilege to be the chair over the last two years and I thank colleagues for the way we have been able to work together in responding to the important references provided.

That is signed by Edward O'Donohue.

BUSINESS OF THE HOUSE

Adjournment

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

> That the Council, at its rising, adjourn until Tuesday, 21 February 2017, at 12.00 p.m.

Motion agree to.

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Reporting date

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

> That the resolution of the Council of 6 May 2015 and the further resolution of 12 April 2016 requiring the Environment, Natural Resources and Regional Development Committee to inquire into and report by 31 March 2017 on the sustainability and operational challenges of Victoria's rural and regional councils be amended so as now to require the committee to present its report by 21 September 2017.

Motion agreed to.

PARLIAMENTARY COMMITTEES

Membership

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

> That —
>
> (1) Mr Elasmar be a participating member of the Standing Committee on Legal and Social Issues;

(2) Mr Melhem be a participating member of the Standing Committee on the Economy and Infrastructure;

(3) Ms Symes be a participating member of the Standing Committee on the Environment and Planning;

(4) Mr Morris be discharged from the Standing Committee on the Economy and Infrastructure;

(5) Mr O'Sullivan be appointed to the Standing Committee on the Economy and Infrastructure;

(6) Ms Crozier be a participating member of the Standing Committee on Legal and Social Issues;

(7) Mr Rich-Phillips be a participating member of the Standing Committee on the Economy and Infrastructure;

(8) Mr O'Donohue be discharged from the Privileges Committee; and

(9) Mr O'Sullivan be appointed to the Privileges Committee.

Motion agreed to.

MINISTERS STATEMENTS

TAFE Victoria

Ms TIERNEY (Minister for Training and Skills) — This morning I launched a new, united TAFE Victoria brand. It is a new initiative that will position TAFE as delivering modern, contemporary qualifications that are available to all Victorians. This will enable TAFE institutes to retain their individual appeal so they can increase the effectiveness and range of their own particular marketing agendas. In front of fellow MPs, TAFE CEOs, industry stakeholders and past TAFE students, I launched the TAFE advertising campaign that will roll out across our TV screens, at public transport shelters and online from next week.

The 'TAFE will take you there' campaign, featuring stories of how TAFE can transform lives, is a significant milestone in the investment to make Victoria the education state. 'TAFE will take you there' tells the stories of everyday Victorians who have gained skills and qualifications at TAFE and gone on to run successful businesses, work internationally and have a range of fulfilling careers. Key to the campaign will be our TAFE Victoria ambassadors, who will tell their stories of success thanks to a TAFE education, in turn inspiring others to take the same journey. It is a demonstration of the government's commitment to restoring confidence in TAFE and ensuring jobs for all Victorians well into the future.

With the introduction of Skills First last month, the Victorian government is putting the state's 12 TAFE institutes and four dual-sector universities at the centre of the government-funded training system, setting the quality benchmark, fostering the skills students need to be job ready and driving productivity improvements. I encourage everyone to jump onto the tafe.vic.gov.au website, which lists all the TAFE courses in the one place. I encourage all Victorians to check out what is on offer at their nearest TAFE and sign up for a bright new future. This government makes no apologies for supporting TAFE. It is the engine room for jobs in this state.

The PRESIDENT — Order! Both yesterday and today I noted that there was a lot of hubbub and general conversation in the chamber during ministers statements. This is most disrespectful to the minister.

Family violence

Ms MIKAKOS (Minister for Families and Children) — I rise to inform the house about the continued progress the Andrews Labor government is making to improve support systems for those affected by family violence. To ensure that Victorians experiencing family violence are connected to support services faster the Andrews government has invested $1.7 million in the new risk assessment report portal. From December faxed referrals from Victoria Police have been replaced with an advanced and improved IT system that captures more accurate information about individual cases and ensures a faster response to family violence.

Victoria Police makes more than 71 000 family violence referrals to child protection, family violence services, men's behaviour services and Child First every year. The risk assessment report portal has been developed by the Department of Health and Human Services in conjunction with Victoria Police and child and family violence specialist services to ensure it supports other initiatives, like the risk assessment management panels and the planned support and safety hubs. All services will have access to the information they need to make appropriate real-time risk assessments of family violence incidents. This is a further step towards ensuring children and young people receive the support they need and in a timely way.

This initiative forms part of the Andrews Labor government's continued work implementing all of the recommendations of the family violence royal commission. It also builds on the government's release of a 10-year plan to end family violence.

Our government will continue to work with the social services sector, other sectors and all government agencies to ensure that services supporting family violence victims are better coordinated to meet their needs in a timely way.

MEMBERS STATEMENTS

Hunting seasons

Mr YOUNG (Northern Victoria) — Today I would like to express the excitement felt by the hunting community of Victoria. This year seems to have gotten off to a great start in many ways, and the hype of things to come has people motivated. Recent events have awakened a passion in many for the hunt, for the need to protect and conserve our public spaces and for the need to get out in the wild and be with friends and family.

I am already receiving tales and photos of successful hog deer hunts on Snake Island. Planning for a full duck season has begun, and scouting is already driving people to rural areas.

Notably success in both sport and conservation has been achieved by Geelong Field & Game, with the opening of a new shooting ground after many years without a home and their hard work and dedication to the Wetlands Environmental Taskforce Trust project on the Connewarre wetlands.

As we start the new year I would like to wish everyone success in their hunting endeavours and invite those who have never harvested their own wild food to give it a go, as there is nothing more satisfying.

Climate change

Mr BARBER (Northern Metropolitan) — With very little fanfare the government dropped its climate change adaptation program on the table just yesterday. Reading this rather technocratic document you would think that the threats of global warming to our human populations and ecosystems were just some other sort of bureaucratic tick-box exercise.

Heatwaves, which MPs may have experienced last night when they left the air-conditioned comfort of this place, are our most deadly natural disaster. The whole of Australia right now is sweltering under record-breaking temperatures. This is not a crisis that the government are willing to embrace. They have got a bunch of nice little bureaucratic box-ticking exercises going on with this document. Meanwhile people are dying. After a succession of hot days and nights there will be people who will die. Those most vulnerable are people who have pre-existing illnesses or are very old or very young. Notably many of those people live in some of the worst quality accommodation, and I would include in that the public housing high-rise buildings. The government needs to face up to this crisis, call it what it is and act accordingly.

Australia Day awards

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I rise to congratulate the 2017 City of Casey Australia Day award winners, who were announced on Australia Day last month. The City of Casey Citizen of the Year for 2017 is Anne McGill, who has made a substantial contribution across the City of Casey, and the City of Berwick prior to that, in a range of areas, particularly associated with Inner Wheel Australia and Rotary Australia. Anne has been involved in Inner Wheel for more than 36 years, including working on campaigns for cord blood research for the last 15 years, where her leadership has led to the raising of more than $2.5 million for that cause. She has also been heavily involved in the Berwick Highland Games, which has become an institution in Berwick, and has given more than 25 years of service to the City of Casey Meals on Wheels program.

The Young Citizen of the Year for Casey 2017 is Alyssa Weston, who is acknowledged for her role in the Casey Basketball Association at the age of 16 both as a player and also as a coach and mentor of other young people in that association. It is great to see someone who is so young be acknowledged for their contribution to the local community.

The Casey Senior Citizen of the Year 2017 is Ted Clay, who has provided 60 years of service as a Country Fire Authority volunteer at Tooradin, including more than 22 years as captain, four years as first lieutenant, four years as second lieutenant and two years as fourth lieutenant. That is an enormous amount of service to one institution in one area for one individual, and it is appropriate that Ted's service is recognised in this way.

Level crossing removal

Mr LEANE (Eastern Metropolitan) — Since the last sitting of Parliament, four level crossings have been grade separated out in the east, those being at Scoresby Road, Mountain Highway, Blackburn Road and Heatherdale Road. I want to thank and congratulate the workforce — some 800-plus on the removals at Blackburn and Heatherdale roads and nearly 1000 at peak at the Bayswater removals — for the work that they did during that period. When a lot of us were lucky enough to be able to enjoy the Christmas and new year

period, they were working on 24-hour shifts around the clock to be able to achieve what they have achieved.

As late as in recent days two, at Blackburn and Heatherdale roads, were removed, and cars are now travelling over the top of the rail, which obviously leaves suburbs safer, relieves congestion remarkably and makes our rail system much more reliable. Having been down at the Blackburn and Heatherdale crossings on Monday morning for a number of hours speaking particularly to travellers and some motorists, I believe everyone is very happy with the outcome. As I said, it leaves suburbs a lot safer and a lot better.

I just think it is a shame that the opposition does not support the level crossing removal program. It is their choice and it is up to them, but I think it is a mistake that they do not support this program.

Men's mental health

Mr ONDARCHIE (Northern Metropolitan) — I want to inform the house that my friend has died. He did not die through an accident, he did not die through natural causes; he just determined, it seems, that the pressures of his life were too much, and he took his own life. Notoriously, men will not share their feelings with other people. They keep them to themselves. Over the last 12 months I have known directly and indirectly of many men who have taken their own lives. I know men are full of bravado and hope and are concerned with image, and even in this place we dare not ever expose our vulnerabilities lest an opposition political member might have a go at us or perchance that even our own might party see us as vulnerable so as men we just never expose ourselves. But I will say to the men here and to the men listening: please talk to each other. Please share your feelings. There is no harm. As James Taylor said at Rod Laver Arena last night, 'You've got a friend'. Please open up to each other, and if you do not want to do that, ring Lifeline on 13 11 14.

AFL Women's league

Mr SOMYUREK (South Eastern Metropolitan) — Australian women have just made history in Victoria by participating in the very first round of the AFL Women's competition. The inaugural round was a momentous demonstration of the popularity and support for Australia's fastest growing sport — not soccer, but women's Aussie Rules, which last year saw the creation of 270 new teams and in which 380 000 Australian girls and women are now competing. Fifty-thousand Victorians eager to witness history in the making cheered in support at the grounds, while up to 900 000 Australians cheered from their lounge rooms.

Last weekend demonstrated a fundamental shift in a previously male-dominated sector. Australian society will now reap the benefits of a new equalised sporting sector, presenting female role models in all aspects of the competition in this sport — from players, coaches, trainers, commentators and club officials to board members. Many of the highly talented players drafted to the AFL Women's league came out of the Victorian Women's Football League (VWFL), which features heavily in my electorate of South Eastern Metropolitan Region, being home to the Cranbourne and Seaford VWFL teams. Players coming out of Cranbourne include Courtney Clarkson and Hayley Wildes, who kicked the winning goal in the VWFL grand final in 2015, and Romy Timmins, the former captain of the VWFL Berwick Hawks. I look forward to the continuation of this most incredible season.

John Leslie

Mr O'DONOHUE (Eastern Victoria) — I wish to rise to acknowledge the passing of a Gippsland legend, John Leslie, OBE, who died prior to Christmas at the age of 97. Mr Leslie was renowned as one of Sale's favourite sons. He was a generous philanthropist, a former City of Sale councillor and a passionate advocate for the arts. He was universally respected for his compassion, his generosity and his great love of Sale and of Gippsland. Fittingly there are a number of community infrastructure buildings that carry his name, reflecting his most generous support. He will be greatly missed by the people of Sale and the people of Gippsland more generally.

Deidre Relph, OAM

Mr O'DONOHUE — On a separate matter, I wish to acknowledge the awarding of an Order of Australia medal to Maffra resident Ms Deidre Relph, who happens to be Mr Leslie's cousin. Mrs Relph has been a generous contributor to the Maffra community. She is a great advocate for and contributor to bowls and to a range of other community activities, and it is a fitting acknowledgement of her community service and her community contribution.

Westbourne Grammar School

Mr MELHEM (Western Metropolitan) — I would like to take this opportunity to congratulate Westbourne Grammar School on its latest milestone. To mark and celebrate the school's 150-year achievement, a unique sculpture park was officially opened last Tuesday,

which I had the pleasure of attending. Entitled *Loose Variables*, it is an ensemble of elements that form a sculptural whole. The park's artwork was created by renowned artist Sanné Mestrom. Mestrom's sculpture investigates how art in public places can become increasingly integrated, inclusive and interactive creative places. This has been reinforced by the school's landscape designer, Philippa Springall, who effectively positioned Sanné's art amidst the school's natural environment to create a beautiful reflective place on the school grounds.

Westbourne Grammar has much to celebrate. From small beginnings, with only 23 students at the time of its opening in 1867, the school now enjoys an incredibly strong community of supporters and has grown to an enrolment of 1650 students, ranging from prep to year 12.

Besides celebrating and symbolising the school's 150-year anniversary, the sculpture park represents a visible symbol of the school's arts and enrichment program and its commitment to both supporting art in Melbourne's west and fostering creativity as an aspect of the learning process. The opening was a very successful event. I would like to specifically thank Westbourne Grammar's principal, Meg Hansen, on leading the school to this milestone; the school's guest of honour for the celebration, Terry Bracks, AM; the mayor and deputy mayor of the City of Wyndham, Cr Henry Barlow and Cr Kim McAliney; chair of the school board, Ilija Grgic; former principal Geoffrey Ryan; and my federal colleague Joanne Ryan, MP, who was also present at the opening. I wish the school and the class of 2017 all the best. Congratulations once again.

AFL Women's league

Ms PATTEN (Northern Metropolitan) — I too was fortunate enough to attend the Carlton-Collingwood football match on Friday night, and it was an amazing experience. I was sitting behind the goalposts. Fortunately as both teams are in my region, I was able to cheer for every goal.

Supervised injecting facilities

Ms PATTEN — I rise to thank the 48 individual signatories for their open letter in support of a medically supervised injecting centre trial published in today's *Herald Sun*. I also would like to thank the Chief Commissioner of Police, Graham Ashton, who this morning announced on radio that if a medically safe injecting centre was to become government policy, he would support it.

Right now, people are injecting drugs on the streets, in car parks, doorways, lanes and toilets, and on Monday I saw someone openly injecting. A medically supervised injecting centre would clean up our streets. This is about law and order as well as saving lives. This leaves the police to be able to attack and catch the perpetrators, not the victims.

I would like to thank some of the authors of the letter for their support: Laurence Alvis, CEO, UnitingCare ReGen; Dr Simon Judkins, clinical director, emergency department, Austin Health; Dr Cameron Loy, chair, Royal Australian College of General Practitioners, Victoria; Paul McDonald, CEO, Anglicare; Michael Moore, World Federation of Public Health Associations; Bernie Geary, AO; and Dr Mike McDonough, head of unit, addiction medicine, Western Health.

Northern Victoria Region roads

Ms LOVELL (Northern Victoria) — I rise to speak about the state of the roads in northern Victoria. This is an issue that I spoke about for many months in this chamber last year, and it disappoints me that I come back to the chamber this year and still have to raise the issue of roads. In particular last year we were concerned about the Goulburn Valley Highway, just south of the Calder Woodburn rest stop, where a 110-kilometre-per-hour highway had been reduced to one lane and a 40-kilometre-per-hour limit. Some work was done on that just prior to Christmas, and that section was completed, but just north of that we now have signs saying, 'Slow down, rough surface' because the rest of the road is cracking up.

Many of the roads in Northern Victoria Region and particularly around Shepparton are in dreadful condition and are in need of urgent maintenance. This government must take action. I am continually contacted by constituents who want to pass on their concerns about roads across the region, and three roads in particular that are brought to my attention time and time again are the C357 between Tatura and Murchison — this is in the worst condition that I have ever seen a road; the C351 from Kyabram through Lancaster to Mooroopna; and the C369 from Mooroopna through Old Toolamba to Murchison.

Some other main roads in the district that experience high traffic and are in need of priority works are the C357 from Tatura to Undera — especially between the Midland Highway and the Mooroopna-Lancaster Road; the C355 from Mooroopna to the Murray Valley Highway; and the C361 from Numurkah to Nathalia.

The minister keeps claiming to have put in money for maintenance, but it is time he published a full list of roads and a time line for the maintenance works to be carried out.

Jigsaw Childcare

Mr EIDEH (Western Metropolitan) — I was pleased at the announcement made last week by my colleague the member for St Albans, Natalie Suleyman, that an additional 36 kindergarten places would be offered at Jigsaw Childcare in Sunshine North. The growing number of young families in the western suburbs has placed a strain on early childhood education and care services, especially in and around Sunshine. This important addition to the existing centre will meet the increasing demand from local working families. It will give more four-year-olds the opportunity to access the kindergarten program during long day care at the centre.

Fifteen hours per week of kinder is vital to the development of children's social and emotional development, as well as language, literacy and numeracy skills, and it assists in preparation for the first year of primary school. It is through the partnership of the Andrews Labor government, which has contributed $300 000, and Jigsaw Childcare, which has contributed an additional $44 405, that this vital upgrade has been made possible. The Andrews Labor government is investing in and boosting early childhood education services to make Victoria the education state, and it has already invested $60 million to build and upgrade kindergartens and early learning centres.

Bentleigh Bayside Community Health

Mr DAVIS (Southern Metropolitan) — I want to draw the house's attention to a letter I have received dated 20 January 2017 from Bentleigh Bayside Community Health, a fine organisation with which I have done a lot of work over the years. They provide a hydrotherapy group for the Bentleigh Bayside seniors action group. This is an important program that has been running for over 10 years.

One of the issues that has arisen — and this is an issue that may apply elsewhere as well — is the introduction of new child safety and wellbeing standards from 1 January 2017, which has had an impact. The school where they share access to a pool, the Berendale School, has made a decision to restrict access to the hydrotherapy pool. That is a significant risk to many of the older members of the community and those who would seek to access such hydrotherapy.

What I am seeking — and I think the community would support this — is a solution to this problem. It is clearly an unintended effect of greater child safe standards. Nobody would want to see those seeking access to hydrotherapy denied that access. This is something that the government will need to work through to make sure that people are not denied that access to important hydrotherapy and that safety is also highlighted.

Linda Dessau, AC

Mrs PEULICH (South Eastern Metropolitan) — I wish to add my congratulations to our first female Jewish holder of the esteemed office of the Governor of Victoria, Linda Dessau, on her recent Australia Day honour for service to the community as a Companion of the Order of Australia, and I wish to extend my congratulations also to her husband, Judge Tony Howard, and her family. Indeed she is doing a fine and outstanding job.

Chinese New Year

Mrs PEULICH — I would also like to take the opportunity to wish our Chinese community, or our Asian community, a very happy Year of the Rooster. I have attended many functions, and no doubt many are yet to be attended by other members. It is a fine example of our multicultural society retaining its legacy and cultures but also making a fine contribution as Australians.

Supervised injecting facilities

Mrs PEULICH — Lastly, in relation to the call for the establishment of drug injecting rooms by the City of Yarra and others — we have been there, we have done that. We have in words spoken about the war on drugs, but we have actually never had one. It would probably be a fine thing for the City of Yarra to allow some closed-circuit TV so that those who trade drugs can actually be caught and something can be done about it. If we further soften policy, we could be looking at drug injecting rooms in Cranbourne, in Frankston, in Carrum and in Mordialloc. This is a frightening thought, in view of the scourge and the epidemic of drugs that is the besetting our community.

Ms Patten interjected.

The PRESIDENT — Order! I point out that Ms Patten is not in her place and that interjections are disorderly at any rate.

Australia Day awards

The PRESIDENT — Order! I said yesterday, when I mentioned a couple of the awardees in the honours list, that in picking out some you are inclined to forget someone. Hopefully this is as far as I need to go, but I did forget yesterday another significant person connected with this place, Justin Madden, a minister in a previous government and a former member of this house. He was also honoured in the Australia Day awards. I mention that for the edification of the house.

OMBUDSMAN REFERRAL

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

> That, further to the resolution of the Council of 25 November 2015, this house —
>
> (1) pursuant to section 16 of the Ombudsman Act 1973, refers the following matter to the Ombudsman for investigation and report:
>
> > In relation to members of the Legislative Council of the Parliament of Victoria representing the Liberal Party of Australia — Victoria Division, the National Party of Australia — Victoria and the Australian Greens — Victoria —
> >
> > (a) the nature of staff pooling arrangements entered into by those parties, or those members individually; and
> >
> > (b) whether any arrangements entered into by those members contravene the terms of the Members Guide relating to political or party duties, or have seen the diversion of the electorate office budget resources, in particular the communication allocation, in breach of the electorate expenditure guidelines; and
>
> (2) requires the Ombudsman to investigate and report on this matter concurrently with the matter previously referred on 25 November 2015.

In speaking in support of this motion I would actually like to keep this relatively simple in a world where there are quite a lot of complex issues that the Parliament and the courts have been forced to deal with and the Ombudsman has had to confront in terms of acquitting her responsibilities. Basically the spirit of my contribution today will be to tap into the rhetoric that we have heard from political parties in the state of Victoria that if you have got nothing to hide, then you have got no reason to resist an investigation. This is my version of the 'nothing to hide' arrangements and an invitation to establish a level playing field of scrutiny for all organised political parties within this Parliament and, for that matter, the previous Parliament in the lead-up to the last election.

In relation to my position on this issue, a lot of people have chosen to be confused between what they perceive to be my exclusive party interest, as distinct from my interest as a member of the Legislative Council and as distinct from what my responsibilities are as a minister who has an obligation to protect the statutes, so I just want to run through in a structured way my contribution on those three interlocking elements.

Let me start from the premise of my being a member of the Australian Labor Party. The Australian Labor Party does not deny, and has never denied, that in fact as part of the way in which electorate officers work, the way in which they acquit their responsibilities, there have been staff pooling arrangements entered into by the Labor Party over many terms of this Parliament. Everybody knows that the Greens enter into staff pooling arrangements; everybody knows that the Liberal-National party coalition enters into staff pooling arrangements. Everybody knows you do that.

Everybody knows that in this Parliament and parliaments of recent times there have been ways in which resources are accumulated by political parties to enable electorate office work and to support policy development work. Everybody knows that that occurs. Everybody knows the fine, tenuous line that crosses over between those activities — what are party-political interests and what are campaigning interests. Everybody knows that you breach it every single day. Everybody knows this.

The thing about this issue is that the Australian Labor Party's position is that it does not deny there have been pooled staffing arrangements. We do not deny that in fact those staff pooling arrangements lead to policy advice, the accumulation of research information for campaigns and the use of it. We understand that how you define a line between that activity and campaigning is the intrigue that in fact has been the source of this referral from the Legislative Council and, I would think, the supreme hypocrisy of the Liberal Party, the National Party and the Greens in relation to their ongoing denial that those activities take place within their organisations. In the spirit of everybody knowing this fundamental truth, as distinct from the denial or the hypocrisy that is around this, here is an opportunity to get out in front of the denial and the hypocrisy. Here is an opportunity to embrace the scrutiny that in fact has been subject to a resolution of this chamber to exclusively say that this scrutiny should only apply to the Labor Party.

I look forward to one of two things: either the Liberal Party, the National Party and the Greens will vote in support of this resolution today in the spirit of 'If you've got nothing to hide, why would you resist it?', or alternatively, today will be the day that their rhetoric is no longer valid in relation to 'If you've got nothing to hide, then why would you oppose scrutiny?'.

Ms Crozier interjected.

Mr JENNINGS — Today might be the day, because of the ridiculous interjection that I am listening to at the moment, I would anticipate that there will be attempts to continue the hypocrisy by the Liberal Party, the National Party and the Greens. That is what I would anticipate, but I will listen to see whether they stand up to the reasonable benchmark and standard that they seek to apply to others.

The issue about this matter is that it is not contested. The only issue that is contested is that dividing line between staff pooling arrangements and electorate office activities and how it may traverse policy developments or campaigning material and effort, and how that actually sits, comfortably or uncomfortably, with parliamentary guidelines in relation to how electorate office resources should be used. That is the issue that is applied to scrutiny; that is the dividing line.

The interesting history about this is that when the audit committee of the Parliament of Victoria had a look at this issue they said, 'I think there is some reason for us to reflect on the veracity of those guidelines. Those guidelines may not be as robust as they perhaps should be, but any breach of them is basically a matter of interpretation. It is wise for all of us to try to apply a caution principle in relation to the way in which those guidelines are understood to have effect in terms of what the community's perception may be, what the political commentary may be, and to comply with them'. That is the space in which this issue has been considered and needs to be considered.

What has been very clear is that from the police investigation of this matter, from the audit committee's consideration of this matter and from submissions made by the Parliament — not by the Labor Party; not by the government — to the Supreme Court, it was said that in light of the police examination and in light of the audit committee's examination it has been conceded that no fraud has taken place. That was said not just by the government; that was actually said in submissions by the Parliament — that no fraud had taken place. So there is a lot of political intrigue. There was. Your counsel in the Supreme Court said that no fraud had taken place. You do not believe that? Well, if you do not believe it, you may as well pull me up.

The PRESIDENT — Order! Go on. It is your debate.

Mr JENNINGS — But if you don't believe that, pull me up.

The PRESIDENT — Order! All I can say is, Mr Jennings, you are taking some licence. I will go no further because I am in the chair.

Mr JENNINGS — President, I do not want to be discourteous to the chamber. I am saying that if you believe that I have inappropriately attributed an argument that was mounted in the Supreme Court by your counsel, please pull me up; take the opportunity to pull me up. That is what I am inviting you to do. I am not choosing to debate this issue. I am identifying what I believe was made in submission by your counsel in the Supreme Court, and if you believe that is not the case, I am happy to qualify what I have said.

The PRESIDENT — Order! Minister, I am not going enter into the debate.

Mr JENNINGS — No, I am not asking you to, President. I am saying that if you believe I have misled the house to please formally direct me that way and I will accommodate that in my contribution to the chamber.

The PRESIDENT — Order! I think, Minister, if you just put it in the context of 'This is my understanding'. The submissions that I saw that went on my behalf, in terms of the instruction that I was given by the Parliament, made no such assertion or claim or such like. I was not at all the proceedings; I do not think you were either. But at any rate I am prepared to allow you to continue with your line of argument. All I am saying is that I think in a couple of those remarks you have taken a little bit of licence in terms of the position that I adopted on behalf of the house.

Mr JENNINGS — President, I did not intentionally take licence with that. I do not believe that I need to formally withdraw, but I will assist the chamber by clarifying that I have no difficulty with what the President has said in relation to the formal written submission from the Parliament to the Supreme Court. The comments that I have actually made did not relate to the written submission. My position is that your counsel in the proceedings did indicate that to the Supreme Court. That is the basis on which I believe I had the ability to make that assertion. That is my basis, and if that is incorrect, I will come into the house at the

earliest opportunity and withdraw it. I believe that that submission was made formally in the running of the proceedings before the Supreme Court.

At the end of the day the Australian Labor Party is prepared for whatever scrutiny is applied to this matter now or into the future, either by the courts, by the Parliament, by the Ombudsman or by any other aspect of the integrity framework, and we continue to say that we are open to that scrutiny. We are today inviting other parties, who have been somewhat opportunistic, somewhat hypocritical and to some extent choosing to this very day not to look in their own cupboard in relation to their own affairs, to be prepared to join in with this scrutiny. If the Ombudsman does proceed at any point in time, either at her own instigation or following the consideration of the High Court, then let everyone be subjected to the same degree of scrutiny so that all of us can be tested by the same adherence to the guidelines and by the same practice. None of us will actually have the luxury of having our internal considerations being ignored whilst others are being criticised, pilloried in the public domain and kept to a standard that we are not prepared to keep to ourselves. That is my party-political contribution today.

Mr Finn — Now tell the truth. Not once will you tell the truth.

Mr JENNINGS — Not once, even when I invited intervention to say that I was not speaking the truth, did that happen. That is not exactly what happened. What I am interested in now is in fact what this house understands as its responsibilities in relation to this matter. I am wanting us to consider, just as the Legislative Assembly is considering at this moment — I believe — the rights and privileges that are described as the exclusive cognisance of one chamber vis-a-vis the other chamber in the Victorian Parliament or in any Parliament for that matter in terms of Western democracy. What is the degree of privileges that are assigned to one house over another? One of the reasons why the government has taken action in the Supreme Court is because of the folly of the resolution of this chamber — the one that I referred to on 25 November 2015 — which was blind to what is the accepted practice and procedure of the Parliament, that the privileges of one house should not impact upon those of the other.

That open-ended resolution did not protect that principle. It did not protect that precedent. It was in fact open-ended in relation to the application of scrutiny of one house imposed on the members of another chamber. It was also blind to whether in fact it is the prerogative of the Legislative Council in this term to make a determination about the scrutiny and investigation of the constitution of the Legislative Council in the previous term. It was open-ended in relation to that matter as well, so we have got two parameters by which this in fact opens up new ground of consideration. One chamber is looking into the affairs of members of the other chamber, which is potentially being compounded by this chamber in this term saying that it should scrutinise the activities of members of the chamber in a previous term of the Parliament.

The resolution relied upon a narrow interpretation of any matter being considered by the Ombudsman, regardless of the matter. Any matter is actually seen as an all-encompassing phrase that flies in the face of the principal objectives of the act and of the scope of the act.

Mr Barber — You ran this argument in the court twice and lost.

Mr JENNINGS — We are still running it. We are still running the argument. That is exactly what we are running.

Honourable members interjecting.

Mr JENNINGS — Exactly. No, there are relevant matters here today. Are you actually asserting today that the Legislative Assembly does not have the prerogative to do what it is doing today in relation to saying that there is a demarcation between the Legislative Council and the Legislative Assembly?

It is an extraordinary thing that I am being invited to do. We believe the original resolution was ridiculous and we actually think it has profound consequences, because what is to deny, on the basis of the principle that is applied through your actions in relation to being an advocate for the original resolution, and what is to stop my colleagues in the Legislative Assembly, who do have the numbers, from saying that from today the Ombudsman should investigate the behaviour of a minister in this chamber in the last term of office? What is to stop them applying your logic? There is nothing to stop them from doing that. For ministers in the previous government in this house to be subject to the scrutiny imposed by the Legislative Assembly in this term of office is an extraordinary exposure that I cannot believe. I cannot believe that there would be any advocate in this chamber for that outcome. I cannot believe that there would be, but the implied logic of the opposition's position and the Greens' position is that that is what you are inviting. You are inviting a

chamber, if it had the malevolence and the opportunism that has been on display in this chamber, to do just that.

In fact for the last year there has been a monumental resistance on the basis of a mature and appropriate response to this matter to see it pursued through the courts as distinct from tit-for-tat references in relation to the Ombudsman. In fact it is only through the maturity of the government and respect for the institution, ironically, that it has not done that. In fact at a time when my ministerial colleague was actually under scrutiny in this chamber for his use of ministerial chauffeuring arrangements in this term of office, it would have been pretty compelling for the Legislative Assembly to move a resolution to say, 'Let's have a look at ministerial chauffeuring behaviour by a minister in this chamber in relation to the last term'. It was all pretty compelling, but in fact it was something that the government resisted, because the government is protecting the interests of the exclusive cognisance of the chamber and protecting the interests of the integrity of the legislation that I am charged to support.

Ms Wooldridge interjected.

Mr JENNINGS — I am not talking about the relative behaviour of anybody. I am talking about what is possible under the scope of the provisions that you have supported and the interpretation of the act that you continue to this very day, apparently, to support. It invites the opportunistic and malevolent behaviour that was evident in this chamber last year that saw me kicked out of the Parliament for six months in an unprincipled and unprecedented fashion.

The opportunism and venality of what happened in this chamber last year cannot be ignored. The immaturity that comes from the drafting of that resolution, the moving of it and its passage in the first instance indicates that there is no understanding of statute, there is no understanding of the privileges of the chamber and there is no understanding about the way in which something should be benchmarked consistently. One rule should apply to all people in this chamber, not the selective version of opportunism that associates with the scrutiny without necessarily being open to full and open scrutiny.

I can imagine the tumble turns and the tortuous response on the matter of principle, on the basis of practice and on the basis of the hypocrisy of saying to the Labor Party, who have got nothing to hide, 'Allow the investigation to proceed'. What on earth are you going to say today unless you agree to this resolution? What on earth are you going to say? It will be a tortuous contribution if you are not going to vote in favour of this.

The great problem about what has occurred, and the reason why the High Court matter has to be considered, is that in the government's view the cumulative effect of what we are talking about is that the Ombudsman Act 1973 is unworkable.

Mr Finn — Why don't you amend it, then? You're in government.

Mr JENNINGS — Mr Finn, I think you and your colleagues may hope that one day soon we will amend the Ombudsman Act. I think you would probably hope that we would, but at the moment your political opportunism and the opportunism of your colleagues are running ahead of the logic that says that if this is the interpretation of the act, in fact the Court of Appeal — —

Mr Dalidakis interjected.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Mr Dalidakis, I think Mr Jennings has actually got the call on this contribution. I do not think he needs assistance.

Mr JENNINGS — Again, the President has already been a little bit anxious about my interpretation of the shorthand of what actually transpired in the Supreme Court, and I am — —

Mr Finn — You're making it up as you go along.

Mr JENNINGS — No, I have not made up a thing. In fact go back and have a read of the transcript. My shorthand may only be shorthand, but it is not out of kilter with what was said, and I am just about to make another contribution along those lines.

Justice Cavanough clearly said that if there is a matter of exclusive cognisance and this resolution falls foul of it — that means that the Ombudsman has been given a reference that should not apply under exclusive cognisance — then the Parliament itself should remedy it. That is effectively what Justice Cavanough said, and that is what is currently happening.

The Court of Appeal also indicated that in fact the argument that was mounted by the solicitor-general in relation to any matter should not be taken in isolation of the architecture of not only the Ombudsman Act but the integrity framework more broadly. One of the appeal court judges did ask the solicitor-general at that point in time, 'Is the logic of your position that any interpretation of this matter should be always seen in

the suite of legislation and the broader accountability framework every time that that phrase needs to be assessed?'. The solicitor-general answered that question to say, 'Yes, effectively that is what I am saying'. And that is what I am arguing before you.

That dimension of the analysis that would impact upon the Supreme Court of Victoria in relation to its interpretation of these matters begs the question: if in fact it can fall foul of privilege, it can fall foul of scope; if it can fall foul of the integrity framework in terms of the interlocking nature of the integrity and accountability framework, can it actually take away from the Ombudsman her statutory responsibilities and give priority to any resolution of this chamber, the other chamber or any committee — on a whim, on a fancy, on a frolic — and divert the resources of the Ombudsman? Does that suggest that there may be a failure in the legislation because 'any matter' has been read up rather than limited by all those constraints?

If that is the case, then we would be of the view — and this is what we are testing in the High Court — that there is a fundamental flaw in the act that has led to this situation. The logic of our position is that either the High Court will follow in a determination that is consistent with our interpretation of it or I would say — in terms of not only the structure of legislation but the political consequences of that — that in the proper administration of the Ombudsman's operations into the future there will need to be a remedy in the legislation. That may be another matter for another day, but that is the inherent logic that the government has applied and its consistent position.

Mr Barber — If you lose in the High Court, you change the law. Is that a shorthand version of what you are doing?

Mr JENNINGS — We may not, because who knows what ludicrous position you may adopt? Who knows what torture you are just about to go through in your contribution, where you will be all over the shop in relation to precedents and principles and whether in fact you recognise any issues and how in fact you will deny that you fall within the scope and the scrutiny of this activity? At the same time presumably, unless you pleasantly surprise me, you will end up opposing this resolution — if you pleasantly surprise me. The only way to reconcile your rhetorical position with your principled position is to vote in favour of it. I would have thought that was a huge test for you today, but most of the tests in my experience you have not stood up for. But let us see today.

I think the cumulative effect of these issues is that I am not threatening to change the law, because I am not in a position to be able to change the law. I am actually talking to the logical consequences of the construct of how any matter has been used outside the scope of the Ombudsman Act 1973 and outside the investigative pathways for the Ombudsman, blind to the administrative units which are available for the Ombudsman to scrutinise and blind to the notion of how the integrity framework works with the responsibilities of the Independent Broad-based Anti-corruption Commission, the Auditor-General and the police — it is blind. Any matter becomes blind to all of those relevant factors. It becomes blind to privilege. So whilst justice is blind in many instances apparently, rhetorically, what we need to do is open our eyes to what is the reality of the consequences of our actions. At the end of today I am happy to have my actions scrutinised. I am. Are you? Basically that is the test, and I hope that you actually step up to that test and I hope you pass it.

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

That the debate be adjourned until the next day of meeting.

Mr Dalidakis interjected.

Mr RICH-PHILLIPS — I do so on the basis that for the government to bring forward this motion this morning is a discourtesy to the members of this house and it flies in the face of the processes that this house has adopted in order to facilitate the smooth running of this place. As the Leader of the Government knows and participates in — Mr Dalidakis may not be aware, but the Leader of the Government is certainly aware and the leadership groups of the other parties on the crossbenches and the Greens are aware — this house has adopted a process whereby matters that are for consideration in the sitting week are flagged to the members of the house the Wednesday prior to a sitting week and are then considered at the business committee meeting which is convened by the President or Deputy President on the Monday night prior to a sitting week.

When we met last week, when matters were ordered for this week and when the Government Whip, Ms Symes, flagged the government's agenda for this week last Wednesday, at no point was notice of intent for this particular motion given to the members of this house. When the business committee met on Monday night with the leaders of the government, leaders of the opposition and leaders of the crossbench parties, again the government's intention to bring forward this motion was not flagged. In fact the first time the government's

intention to debate this motion this morning was brought to the attention of some members of this house was at 5.45 p.m. last night, just as the house was adjourning.

Ms Symes interjected.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Ms Symes!

Mr RICH-PHILLIPS — An email was circulated by the Government Whip to some of the members of the house indicating the government would bring this motion on this morning. We believe this motion should be adjourned until the next day of meeting. We are happy to consider the merits of this motion when it is brought on in the ordinary course of debate in a future sitting week on a future sitting day, but for the government to bring this on because it simply sees it as a convenient stunt this morning flies in the face — —

Mr Dalidakis interjected.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Mr Dalidakis, you will have an opportunity to speak to this motion if you wish.

Mr RICH-PHILLIPS — To fly in the face of the practices which have been established for the smooth running of this house, with no knowledge given to the crossbenchers and no knowledge given to the opposition members is unacceptable to this side.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Enough! Thank you. Please let Mr Rich-Phillips finish without assistance.

Mr RICH-PHILLIPS — This side of the house will be happy to debate the substance of this motion in the ordinary course of this house's consideration of these types of motions, which is not today; it is on a future sitting day.

Mr BARBER (Northern Metropolitan) — As a result of Mr Rich-Phillips's amendment, I now only have 5 minutes to speak. The question has become one of not the merits of the motion but the urgency of dealing with this motion today, right now, as opposed to perhaps next sitting Tuesday. Therefore I will not have time to address many of the things that Mr Jennings raised, such as the complicated questions around privilege, nor would I be able to reprosecute two court cases — and we are waiting on the third one — which Mr Jennings attempted to do. So the question really is: should we be doing this today? Is it so urgent that we should be doing it today, or should we be doing it on Tuesday?

I will make a few points about that question. The first is: as the motion itself notes, this was first referred to the Ombudsman on 25 November 2015, more than a year ago, and suddenly the government has decided that they want to attach other people to the investigation. It suddenly decided. Why would that be? I suspect it is because the Ombudsman's net is starting to close. When I look at the motion in the lower house, I suspect that the Ombudsman is getting very close to actually starting to interview some MPs. She may very well have investigated already those who instigated this whole matter — that is, former ALP staffers — through their disclosures.

The second matter of urgency relates to the absolute absence of any kind of allegation that is being attached to the reason that the Greens, the Liberals and the National Party should be investigated. If there was an actual allegation being brought before the house that someone had done something wrong, there would be a question as to how and when that should be investigated, but there is not. There is a hypothesis being put forward by the government that maybe the Greens did something wrong, but that is not an allegation.

If the Ombudsman were to come and ask me about the points in these matters — that is, paragraph 1(a) and the nature of staff pooling arrangements entered into by the Greens — I would simply say that there are no staff pooling arrangements. There have been staff pooling arrangements available to the Labor and Liberal opposition as they do their roundabout in and out of government, but there are no staff pooling arrangements that have ever been made available to the Greens. In fact we were not even aware of such arrangements for many of the years that we were here.

The second item that they are attempting to lay at our feet is the diversion of the communications allocation. Communications, by definition, are public. For it to be a communication, it has to be out there in the public somewhere. If the government has got an example of a communication that has arisen out of a Greens MP office — a postcard, a community newsletter, a billboard, a Facebook post — that they believe has breached the guidelines, they should bring it to us. They have not brought it today.

Mr Dalidakis — Why to you? Why don't we give it to the Ombudsman to look at?

Mr BARBER — Give it to the Ombudsman, give it to the President, bring it to the chamber or write a letter. You have not got an example of a misuse of a communication budget by the Greens or in fact by anyone else. If you had, you would have brought it into the chamber, and you would have brandished it about. But here is a deal: I will give you until the next sitting Tuesday to go away and find a specific allegation.

What this amounts to is that Labor got themselves in trouble. The net is closing, and they have lost two court cases. I am not taking any view, as Mr Jennings attempted to do, about the merits or otherwise of their High Court appeal. We will get our answer there soon enough. As I said, they simply seem to have developed some kind of hypothesis that because they are doing it, everybody else must be doing it. But they have not even got a testable allegation.

I will address just one more matter in the 22 seconds that I have left. Another reason this should be delayed until the next sitting week is that the Leader of the Government came in here and asserted that the President's counsel in court cleared them of fraud. He said they cleared them of fraud. We need to find out whether in fact there has been a fraud investigation by the President and whether it has cleared the Labor Party.

Mr JENNINGS (Special Minister of State) — In relation to Mr Barber's last imputation, at no point in time did I actually say that he will try to use his communications budget in some shape or form to communicate that I said that the government was cleared of fraud. I said that no fraud had been found or argued in court. I stand by what I said and by the police and by the audit committee. That is what I said. I think the pathetic response today is indicative of what your position will be in the long run, because in fact you did not bring any evidence to bear either in relation to your existing resolution. It was all on the basis of what you believe was the result in newspaper reports — —

Mr Barber — It was your staff who were singing like canaries.

Mr JENNINGS — I do not think so. The nature of the evidence that Mr Barber is now calling upon me to provide was not provided by him or to him. He actually invites us to make a deal in relation to the passage of this motion. I am not making a deal on this matter or any other matter. In fact when we started our term in this Parliament, your party tried to do a deal with me about resource support in relation to the vote for who was going to be President. Your party tried to do that. You have denied it since, but I know that it occurred. In fact somebody sitting very near you knows that it occurred. No matter how many times you try to spin it, that occurred, and it led to a deterioration in the relationships in this place from that day forward. Let us be pretty clear about that, because the sanctimonious attitude and the hypocrisy that is on display here is very galling. Let me not be distracted by that any longer.

My interest in this matter is to enable the Ombudsman to apply open scrutiny to all of our behaviour to see whether all of our work complies with the guidelines and whether there are any deficiencies in our guidelines that require remedy. I want to make things tighter and clearer so that we can all act confidently within our electorate responsibilities and our electorate staff can acquit the range of their activities that are well-established practice. There is a crossover of electorate office work, policy development work, campaigning work, and all of us undertake those activities to various degrees. All of us have had mechanisms by which there have been contributions made directly or indirectly in relation to the accumulation of a resource that is used by multiple members. If you choose to continue to deny that that occurs, then that is a lie. I think the sooner we become honest with each other, the better. The sooner we comply with our obligations as members of political parties, as members of this house, as members of an institution, as members of the Parliament and as members who defend legislation, the better. In my case I am responsible for the Ombudsman Act 1973.

I believe that what this chamber has done has the potential to make the Ombudsman Act 1973 unworkable, and in that context I foreshadow that the act would need to be remedied, in my view, if that is the determination of the High Court, because any matter would subvert the logic of the structure of the act, the investigative method and the scope of responsibility of the Ombudsman. Certainly the way in which the Ombudsman could acquit her statutory obligations would be turned completely on its head if she had to give priority to the capricious resolutions of not only a chamber but a committee of this Parliament, whatever the consideration.

It is pretty convenient to say that the government today is actually confronting the business of this chamber when the business committee was flouted last year time and time again by the opposition. We had a level of agreement about what the business of the week was going to be, and week by week you changed and did not comply with undertakings that were made consistently during the course of the year. Now you fall back conveniently to actually say that the government has fallen foul of the business committee this week. It is

very convenient. You do not pass the test. You are lining up to fail the test by proxy. You are just putting yourself on the drip for however long it takes you to get through the logic and the spin of your position, but ultimately you are failing the test. The question is just how far you are going to go down under the surface before we all collectively come back up again.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I rise to speak on the motion that the Honourable Gordon Rich-Phillips has put. I use the honorific 'Honourable' because I do so for the Honourable Mary Wooldridge. People may have forgotten that she pulled me up last year when I did not use the title 'Honourable' and she decided that she needed me to call her by the honorific 'Honourable'.

What we have got now is the Honourable Mary Wooldridge, who shows such a distinct lack of leadership on that side, sending Mr Rich-Phillips in like a lamb to the slaughter. She is not prepared to stand up. She is not prepared to lead the debate in this area. She gets somebody else to do her dirty work — that is right. So it is an abrogation of leadership on that side because they are too scared to confront the motion that the Leader of the Government has moved in this place. Why? Because they had ministerial staff working, not taking leave, during the election campaign. They had ministerial staff working. I will make that allegation outside the chamber. I will make the allegation that they had electorate officers working in the campaign, not taking leave.

So the very thing that they accuse the government of having done they did themselves, and they want to hide from scrutiny. They do not want their conduct being brought into question by having the same level of review they are attempting to subject the government to now. Why? Because they lost the election. That is what this is about. It is the biggest dummy spit in history.

Not only is there a lack of leadership in this place, but we see reports today that they are going to take votes from One Nation, a party that has built itself up on racism, divisive politics and dog whistling. Because of the lack of leadership in this place — —

Mr Rich-Phillips — On a point of order, Acting President, this motion is about the adjournment of Mr Jennings's motion. I do not know how preference deals and other elections are in any way relevant to an adjournment motion.

Ms Shing — On the point of order, Acting President, the minister is in a position to be able to respond to the contributions that have been made to date in the course of this debate, and that is entirely what he is doing.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I will deal with Mr Rich-Phillips's point of order. I actually uphold that point of order. In fact Mr Dalidakis, as the President has indicated in previous rulings, what happens within parties is not the business of this chamber, preference deals or not. I uphold Mr Rich-Phillips's point of order. In relation to Ms Shing's, I do not. I call on Mr Dalidakis to be relevant to the procedural motion that Mr Rich-Phillips put to this chamber.

Mr DALIDAKIS — Thank you, Acting President. It was directly relevant, and the reason it was directly relevant is that we have a lack of leadership in this place and we have a lack of leadership outside of this place directly because those opposite are having the world's greatest dummy spit because they are in opposition. They fraudulently used taxpayer funds during the election campaign. They used ministerial staff on election campaigns. The member sitting opposite, who has recently come into this place, was a chief of staff to a minister in the previous government, and he was also on the election trail. So come up, stand up on a point of order and tell the chamber that what I am saying is incorrect. I dare you to. You cannot, because you will mislead this place.

Ms Bath — On a point of order, Acting President, the gentleman speaking happens to be gesticulating across the chamber at another member, which is unparliamentary.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I do not uphold that point of order, but I take Ms Bath's point. Of course the gentleman who was being pointed to may well, if he wishes, find that it is in a threatening matter to his person.

Mr DALIDAKIS — Unfortunately Mr O'Sullivan cannot stand up and take a point of order on what I am saying because it is correct and he does not want to mislead the chamber, so he tries to get Ms Bath to do his dirty work. Apparently everybody is trying to get everybody else to do their dirty work because they are not prepared to stand up themselves and put their name and their words to the motion before this chamber.

Then we have the Greens pontificating and standing up, saying, 'We have got nothing to hide. We are perfectly clean and clear. We do not mind. We can bare ourselves to the world'. Well, stand up and support the motion, Mr Barber. Do not pretend to ignore me. Do not pretend you cannot hear me. I am very loud, and I

know that. I know you can hear me. Stand up and be counted. If you have got nothing to fear, then agree to the motion. If you have got nothing to hide, agree to the motion. This is government business time. We foreshadowed the motion last night, and we are putting it to the house this time. Do not hide from it, bring it on. Then we will get a contribution from Mr O'Sullivan as well, and from Ms Wooldridge and from Mr Rich-Phillips and from Mr O'Donohue about their ministerial staff being used — —

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

House divided on Mr Rich-Phillips's motion:

Ayes, 25

Atkinson, Mr	O'Donohue, Mr
Barber, Mr	Ondarchie, Mr
Bath, Ms (*Teller*)	O'Sullivan, Mr
Carling-Jenkins, Dr	Patten, Ms
Crozier, Ms	Pennicuik, Ms
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr (*Teller*)	Purcell, Mr
Dunn, Ms	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Springle, Ms
Hartland, Ms	Wooldridge, Ms
Lovell, Ms	Young, Mr
Morris, Mr	

Noes, 14

Dalidakis, Mr	Mikakos, Ms
Eideh, Mr	Mulino, Mr (*Teller*)
Elasmar, Mr	Pulford, Ms
Herbert, Mr	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr	Symes, Ms (*Teller*)
Melhem, Mr	Tierney, Ms

Mr Rich-Phillips's motion agreed to and debate adjourned.

Debate adjourned until next day.

TRANSPARENCY IN GOVERNMENT BILL 2015

Second reading

Debate resumed from 14 April 2016; motion of Mr HERBERT (then Minister for Training and Skills).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this morning to speak to the oddly named Transparency in Government Bill 2015 — —

Mrs Peulich — Labor style.

Mr RICH-PHILLIPS — Labor style, Mrs Peulich. The first point I would make is the priority that the government has assigned to this bill, because as the title indicates this piece of legislation first came to the house not this year, not last year, but in fact the year before last year. So in terms of the government's legislative program — its priorities as a government, its priorities in integrity — this is actually a piece of legislation which was brought in by the government two years ago now and which has been sitting on the notice paper in this place for more than a year. It is curious that we now see it come forward today — that the government has now, suddenly, at this point — —

Ms Symes — Because the minister's back!

Mr RICH-PHILLIPS — I welcome the interjection by Ms Symes, who says, 'The minister's back', because it is curious that where legislation in the name of the Special Minister of State was a priority for the government it was handled through this place by the Deputy Leader of the Government — —

Ms Symes — No, it wasn't.

Mr RICH-PHILLIPS — Well, Ms Symes, I think if you go back and look at the taxation legislation and a number of portfolio areas that the Special Minister of State has carriage of, where it mattered to the government, the Deputy Leader of the Government carried it. This piece of legislation, which has been in this place for over a year, has not been brought forward. I also point out, Ms Symes — through you, Acting President — that this piece of legislation sat in this chamber for a full five months before the Leader of the Government was suspended. The fact that it now comes forward, a bill from two years ago, as a priority of the government is curious at a time when we have the issues we have seen in recent weeks around the bail system, around crime and around youth justice in this state. There is the need for the government to move on those.

The Office of the Chief Parliamentary Counsel has many talents in the preparation of legislation and the preparation of amendments, but it is fair to say that one of the talents the Office of the Chief Parliamentary Counsel does not particularly have is being creative in the titles of bills. Many of the titles of bills we see — the Crimes Legislation Amendment Bill 2016, the Crimes Legislation Further Amendment Bill 2016, the Statute Law Revision Bill 2017, the Statute Law (Further Revision) Bill 2006 — are pretty dry. So when you get a bill in this place titled Transparency in Government Bill it is a pretty good indication that the title did not come from the Office of the Chief

Parliamentary Counsel, and that this was in fact a creation of the government.

Mrs Peulich — Black comedy.

Mr RICH-PHILLIPS — Mrs Peulich calls it black comedy. I think it is in fact the Special Minister of State being ironic — him having a joke with his colleagues; him having a joke with the house to say the government is bringing forward this platform on transparency in government. In fact it is the sort of legislation which could come from the Ministry of Truth, such is the title.

Mrs Peulich — Maybe he is the minister for propaganda.

Mr RICH-PHILLIPS — The minister for propaganda — put it all in the title and make up for the sins of omission in the content.

We have a bill before us this morning which is boldly titled the Transparency in Government Bill and we have a second-reading speech from the minister which sets out and purports to indicate that this bill is going to lead to enhanced transparency in government reporting. In fact there are some bold claims in the second-reading speech for this legislation: that it will lead to the mandatory release of certain important performance information and that it will ensure the regular release of certain performance data by public health services and denominational hospitals. It goes on to say that Victorians have a right to clearly understand the performance of these services, being the health services, and have a right to do so without having to go through the freedom of information process to access information. It says the government is committed to providing greater transparency about the way in which the crucial services — health, ambulance and fire services — are operated. It goes on to say that Victorians are entitled to understand how their critical services are performing.

The conclusion of the second-reading speech indicates that this bill will facilitate better access to important information to the public. It will improve the public scrutiny of the critical services that every Victorian values. It goes on:

> The bill will also promote a culture of transparency in the reporting of government information, providing Victorians with access to data about the government services which are so vital …

Of course, no-one disputes that the health services, the ambulance services and the fire services are crucial to service provision here in this state and that as part of the accountability of those services, reliable, accurate, regular data on their performance is important. It is a very important accountability mechanism for the services themselves, for the department — or departments in the case of our emergency services and health services — that are responsible for them, and it is an important accountability for the ministers who oversee those departments and agencies. So a framework which would genuinely deliver improved transparency in the release of performance information is one that would be welcomed. It would be a very positive development, but unfortunately the only transparency we get from this piece of legislation is the reference to transparency in the title, because this bill actually takes us backwards.

This bill sets out some performance measures with respect to fire services and with respect to the performance of the ambulance services and the health services, but in fact the statutory framework set down would, if agencies followed it, lead to substantially less data being released publicly than is currently the case. The government trumpets the fact that, for example, the legislation would require the release of statements of priorities by the health services. The reality is that that already occurs, and if any member of the chamber or member of the public wishes to see a statement of priority, they only need to look at the website of the Department of Health and Human Services, which publishes in PDF form those statements of priorities. The suggestion that this legislation will somehow mean that people will avoid having to access the freedom of information framework to get data does not stand up to scrutiny, because many of the key datasets that this legislation talks about are already available online through the services themselves.

What is concerning is that the policies for which it has become common practice to release datasets, particularly in the health area, are actually being wound back by this legislation and the datasets that the legislation will mandate the release of are far less than the datasets which we have come to accept in relation to our individual health services and in relation to ambulance services, both in the nature of the data that is collected, as in the sense of the types of services and activities that are reported on, as well as in the geographical make-up of that information, particularly in the case of ambulance services. So we on this side of the house are concerned that we are seeing a statutory framework being introduced which will lead to less information being made available than is currently the case.

One of the other problems with doing that, in changing the basis of reporting of health service data, is the lack of comparability. One of the key ways in which this data is used in this place, by the committees of this

Parliament and by the public in scrutinising the operation of health services — indeed internally — is to compare previous years performance with current year performance, to look at historic trends and to look at changes in those trends. This framework, in dramatically changing the datasets which are required to be reported under the statutory framework, will make that historical comparison impossible. This is of great concern.

It has been the case in the past that health services, in reporting their performance information, would record a substantial historic time series in each of their periodic publications. That has varied through the years; some quarterly reports do not record as much historical data as others back through previous quarters and previous years. But with a change to the framework that is required to be reported — the base datasets that are required to be reported — any historical comparison is going to become effectively impossible. That is a big concern. This data is important for assessing the performance of our health services. It is important in a budgetary context of understanding where the pressures are, where the changes have occurred and what budgetary interventions have been made in a policy development sense and in a budget setting sense, and it is appropriate that that be in the public domain and that it be in the public domain in a way in which the public and members of Parliament can compare historical performance. So we are deeply concerned that this legislation and the framework it establishes will not allow comparability with the existing reporting framework that has become the accepted practice over the last 10 to 15 years in Victoria.

One of the other concerns relates to integrity of data. This is a huge challenge across government in any number of areas. Governments are necessarily becoming more reliant on data in policymaking, and data-driven policymaking is a great opportunity for governments here in Victoria, here in Australia and indeed around the world. Some governments — New Zealand is a classic example — have adopted the use of data in policymaking as a priority, using sophisticated data analysis, using broad datasets across multiple agencies, and private sector data as well, to really get a true understanding of the challenges, in the case of New Zealand, in society and where government policy interventions can lead to changes. Having that data available and being confident in its integrity is incredibly important in being able to rely upon that data in making policy decisions.

It is surprising when we have a statutory framework being established for transparency in government, as the title suggests, that there is nothing in this legislation which leads to any assurance as to the integrity of the data which is being reported. We need to look back no further than the 2008–09 period, when over a series of investigative articles by the *Age* newspaper it became very apparent that the reporting of hospital statistics, I think particularly in relation to the Royal Women's Hospital, were heavily compromised and that data that was being reported through that 2008–09 period was wrong — substantially wrong. That related to the systems that were being used at the hospital. What emerged at that time though from the government of the day, the Brumby government and indeed the then health minister, Daniel Andrews, were initial denials that there were any problems with the data. For a period of some 12 months there were strident denials that there were any faults with the data that was being reported through the regime at the time, and it was only after an extensive investigation and reporting by the *Age* newspaper that some 12 or 18 months later it was in fact exposed that those datasets had been corrupted and the data that was reported was substantially false and misleading.

The Auditor-General of the day, Des Pearson, undertook an audit at that time titled *Access to Public Hospitals*: *Measuring Performance*, where he commented on the nature and integrity of the reporting framework. His first substantive key finding in that report, which is key finding 1.2.1, notes:

> It was not possible to assure that reported performance against the majority of the access indicators fairly represented actual performance.

That is a substantial criticism of a framework which is supposed to provide the data for decision-making purposes — budgetary decision-making purposes and resource allocation decision-making purposes. That investigation by the Auditor-General really highlights the need for a framework that ensures the integrity of the data that is being reported through the periodic reports that come from our emergency services and health services.

So we are concerned that this Transparency in Government Bill does nothing to provide assurance or require assurance as to the integrity of the data that is being reported. To address that, work is done elsewhere in government around data integrity, particularly in the information systems area, particularly work done through the privacy and data protection commission area, around encouraging standards for the protection of data and standards for the integrity of data, but this key statutory framework is not going to do that.

So as one of a number of amendments that the coalition will be moving later in the committee stage we will be

seeking to insert in the bill in relation to each agency that is obliged under this framework to report a requirement that both the responsible agency head — the secretary — and the responsible minister certify in each report by way of statutory declaration that they are not aware of any defect in the data that is being presented.

We believe that is a reasonable threshold to require ministers and agency heads to meet. It does not mean they must certify that the data is not wrong — we accept that errors can occur. Through problems with the reporting framework, typically electronic reporting and aggregation, errors can occur, but by inserting an amendment of that nature we are at least getting an assurance that we are not being deliberately misled. The head of an agency and the minister must both certify in a statutory declaration, in the context that they are subject to perjury if they deliberately lie, that they are not aware of errors.

We cannot have a situation where an agency head or a minister becomes aware that data is corrupted but, because the numbers are positive, allows them to be published anyway. We see that as a minimum integrity threshold which would give this framework some basis, some validity of a statutory nature. Currently all this bill does is say that these agencies as named — the health services, the ambulance service, the Metropolitan Fire and Emergency Services Board — must report. They actually must report less data than they report now, and there is nothing about data integrity. At least inserting a provision that says that the minister and the secretary must certify that they are not aware of errors gives some rigour to the data that is being reported and gives some validity to having a statutory framework.

The other area that we are seeking to amend, and that is largely by way of a proposed schedule, is to preserve — and the Leader of the Opposition will no doubt talk to this at some length given it is her portfolio responsibility — the existing datasets which are reported under the current voluntary reporting framework. Those datasets have become widely accepted and understood in the community, and for reasons, as I said before, of historical comparability as well as transparency we believe it is appropriate that those existing datasets are preserved. Given it is the government's desire to establish a statutory framework, we believe they need to be reflected in the statutory framework.

The coalition is not going to oppose this legislation. Our concern is that most of the transparency in this legislation is in the title and not in the contents. If we are to establish a transparency in government framework — a statutory framework for performance reporting by ambulance services, by the fire service and by hospitals — there should be some rigour to it. It should reflect as a minimum the current datasets which are being released now and have been released periodically for the last decade to 15 years, and it should have at least a minimum requirement that the integrity of that data be attested to by both the secretary and the minister. They should both have to individually give their endorsement that they are at least not aware of errors in order to give this some rigour.

We will not oppose this legislation. We do look forward to the committee's consideration of this bill and the consideration of these amendments. If we are to have a statutory framework, it needs to at least give us what we have now and at least give us some assurance around the integrity of the data that is going to be reported.

Mr EIDEH (Western Metropolitan) — I rise to speak briefly on the Transparency in Government Bill 2015. This is an important bill that will fulfil the Andrews Labor government's election commitment to engender greater transparency in government, particularly surrounding hospital performance data and emergency services response times.

The Transparency in Government Bill 2015 implements this commitment by requiring the quarterly release of emergency response times and relevant health services performance data and the annual release of the relevant health services' statement of priorities. The bill creates a statutory framework for the regular reporting of this information and is a tangible example of this government's commitment to transparency in the reporting of emergency services and health performance data. Transparency in government is not just a catchphrase or a clever title. This is about delivering to all Victorians what they rightly expect and demand of government and the way it approaches complex and often sensitive information. If the aforementioned statement of priorities is not agreed to in time to be published by 1 November, then this bill ensures that the minister will publish reasons for the delay and will ensure the publication of the statement of priorities as soon as practicable.

As Minister Jennings has stated:

> The former Liberal government refused to release ambulance response times and hospital performance data — this legislation will ensure Victorians will now have access to this critical information.

These tough new laws will deliver greater transparency about the way Ambulance Victoria, hospitals and other crucial services operate.

This bill is not in any way criticising our hospitals or emergency services. The great work carried out by Victoria's hospitals and emergency services staff is second to none in Australia. Their dedication and contribution to the health and safety of Victorians is to be commended. What this bill will do is allow Victorians to be better informed about how stresses in the entire system will impact directly upon them and those in their communities.

The government is well aware that response times are not the only indicator of the performance or effectiveness of an emergency services agency. There are a range of other factors that could possibly impact upon this, so this bill provides capacity for agencies to include further information and commentary in their reports. This will make available the most up-to-date information and provide greater transparency to the public. The reports and information contained therein are not going to be tucked away in lengthy government reports or in *Hansard*. The information will be published on the websites of the relevant emergency services and the Victorian Health Services performance page on the health.vic website, making it readily accessible to all.

The Victorian Auditor-General's Office 2015 report into emergency service response times indicated that there is limited reporting of the actual number of minutes it takes to respond to urgent calls to the public and that a focus on only reporting high-level statewide data means that there is little understanding of how performance varies across Victoria. This bill addresses the reporting of response times as part of the Victorian Auditor-General's Office recommendations and will provide more than enough details to give an indication of actual response times and the regional variation across Victoria.

The Transparency in Government Bill ensures that neither the current nor future state governments will be able to keep hospital performance data or ambulance and fire services response times secret. This level of accountability and transparency in government and in the public service was demanded by Victorians, and the Andrews Labor government listened and has acted. I commend this bill to the house.

Ms HARTLAND (Western Metropolitan) — The Greens welcome this important bill, and I am glad that it is finally being debated. The Greens think that this is good legislation because it acts to improve the transparency and accountability of our essential services. We see performance reporting as essential to providing both the government and the community with critical information about the quality and timeliness of our health and emergency services. This is essential for accountability, for identifying problem areas and for continuous improvement of our health and emergency systems.

There has been quite a bit of debate over the years about the relevance and appropriateness of certain performance data measures and on how best to provide meaningful, localised information in a timely way to the public but which at the same time is not overly burdensome on health and essential services to collect and compile. The Greens have concerns about a lack of reporting of some performance areas, such as outpatient waiting lists, clinic level dental data, maternity data and so on. We also have concerns about the way some things are measured or reported.

The Victorian Auditor-General in 2015 released a rather scathing report about emergency service response time reporting measures. He found that the emergency response time measures do not provide useful performance information; that targets for the number of minutes to arrive are outdated and not based on evidence; that measures are often narrowly defined and exclude significant proportions of emergency response activity; and also that data quality is not assured in a number of instances — Victoria Police does not measure its response times at all.

The Auditor-General also found that there was limited public reporting of performance measures and that only the Metropolitan Fire and Emergency Services Board routinely reported the actual number of minutes it takes to respond to urgent calls to the public. He found that a focus on reporting only high-level statewide data also means that there is very little understanding of how performance varies across Victoria. I note that over the past year the government has made some reforms in what and how it reports datasets, and this has been a step forward. The Greens hope that this legislation will provide the next step in reform and improvements to ensure meaningful reporting measures are regularly and publicly published.

This bill provides a framework for transparency in three areas: the release of data on response times for Ambulance Victoria, the Country Fire Authority and the Metropolitan Fire and Emergency Services Board; statements of priorities by health for ambulance and health services; and performance data for public health services and denominational hospitals against the performance indicators in their statements of priorities.

Reporting on these areas already takes place today; however, it has not been legislated, meaning a government or a department could choose to withhold information if it decides to at any time. This has occurred in recent years on a number of occasions, so the Greens very much welcome this bill in that respect. The legislation allows that only in truly exceptional circumstances can data reporting be delayed.

Having said that, this is framework legislation, meaning that the majority of the performance measures that will be publicly reported on will be set via regulation. It is just in the past week that the government has actually provided those regulations. The government has chosen to include in the legislation a requirement for quarterly reporting of 50th and 90th percentile response times by municipal local government area. The Greens welcome the reporting in this manner as it is a step up from previous measures of within 15 minutes and average response times. This is a more meaningful measure of reporting as you can compare responses in minutes across different parts of the state. But having said that, there are some limits to this, as it does not reveal specific information about outliers, and this can often be important to identify problems in the system. It is also welcome that the reporting is quarterly, as in some cases only annual data has been available in the past.

The bill should also facilitate the standardisation of recording and reporting details, which will help provide meaningful information. The Greens' concern is that the legislation does not specify that reporting must differentiate between different categories of call-outs, as the lack of categorisation of data has been a problem in the past. Separated data is important information that helps us to understand the data more meaningfully. For example, Ambulance Victoria now differentiates between code 1 and code 2 call-outs for response times. This is important as code 1 call-outs are often far more critical and thus should be prioritised and have shorter response times.

In relation to transparency in performance indicators, this legislation provides for the Minister for Health to issue a notice specifying which performance indicators from each statement of priorities must be included in the quarterly reports. The detail of what performance measures the government plans to move ahead with and publish are not totally clear at this stage, so the Greens will have further questions of the government when we go into committee of the whole.

In conclusion, the Greens will be supporting this bill. I think at last it is a step in the right direction. We just have to make sure that it is used properly.

Ms WOOLDRIDGE (Eastern Metropolitan) — I am very pleased to speak today on the Transparency in Government Bill 2015. It is amazing that now in 2017, all this time since the bill was introduced, we are actually getting to debate it in this chamber. It is good that we can now, although I make the reflection that this bill does what is in effect already happening and what was already happening in relation to the release of data under the previous government. It is fair to say that we do now have regular releases on specific dates, which gives the government the capacity to plan and to understand. More data has indeed been published, but this bill is in effect legislating for something that is already occurring. The bill seems to be more about the effect rather than the impact and about the impression created rather than its specific impact. Nonetheless we will look at it on its merits.

I particularly want to focus on the aspects in relation to the reporting of health data. As Mr Rich-Phillips foreshadowed, the coalition has a number of amendments it believes will improve the way data is reported, which in turn will have a positive impact on and benefit for the Victorian community and for health and dental services.

I will just run through some of these details now. One of our concerns with this bill is that it only relates to health services and not to hospitals. There are actually many, many hospitals that are excluded from this bill which currently report extensive data. It is unclear to me why they would not be included in this bill, because this bill only defines a subset of what is actually reported. Public hospitals such as Bass Coast Health, Colac Area Health, the Gippsland and Southern Health Service and Heathcote Heath et cetera report a lot of data now but are excluded from this bill. This bill only relates to 18 health services rather than to the full range of public hospitals in Victoria that also report. We will be seeking to remedy that so that the data is more comprehensive by including schedule 1 in the Health Services Act 1997 as well as the health services that are currently listed under schedule 5, which is specified in the act.

We also think that there are some opportunities here. In talking extensively with the people in the sector in relation to this, they want their data reported and they want the information provided because they know that transparency and information gives them the basis of an argument for additional funding, for additional support and for resources. It is a benchmark in terms of the work that is being done, because some of that information is currently hidden. Emergency departments, for example, currently do release information across the board, but with urgent care

centres, many of which see many thousands of Victorians each year, the government does not report their data publicly. They provide that data to the government. We will be seeking to expand the information and transparency provisions to urgent care centres as well as the emergency departments. Some of these are large services, such as Benalla Health, Castlemaine Health, Colac Area Health, Djerriwarrh Health Services and the East Grampians Health Service. These are big communities that have funded urgent care centres, and we believe they should be releasing that data and information.

The other thing about the information that is currently released is that it only includes information in relation to elective surgery that the government chooses. It was only after pressure from the local member, the member for South-West Coast in the Legislative Assembly, myself and others to release the elective surgery waiting lists from South West Healthcare and Albury Wodonga Health that about three months ago the government started reporting it for the first time. These health services were conducting many, many elective surgeries, and while the data had been collected for some time, the information had not been reported. It was that pressure that brought action. There was a *Herald Sun* editorial at the time titled 'PM unlocks the future', which stated:

> The community is entitled to know the full extent of waiting lists across the state. Not just from the hospitals the government chooses to include.

Our amendments actually seek to ensure that all hospitals that have two operating theatres or more must report. That was a number I discussed in detail and came to agreement on with the sector. One operating theatre may or may not be used extensively, but certainly if a hospital has got two operating theatres, then it should be reporting that data. Interestingly some hospitals that have two operating theatres do report that data, such as the West Gippsland Healthcare Group, but many that have two operating theatres do not. Some, like Echuca Regional Health, which has three operating theatres, do not currently report their data. We believe that should be transparent to the community and it should be provided.

I suppose this all goes to the point that there is an extensive schedule in the amendments that are being put that outlines the data to be captured. The point of doing this is that the government's bill, and even the regulations that we saw just in the last couple of days, define a much more limited set of data that is required to be captured and required to be reported on. So we have got a situation with this bill that, while claiming transparency, does it for a limited number of hospitals on a limited number of measures, whereas what is happening — and certainly what is coming through from the hospitals and the health services — is a lot more data and a lot more information. What we are seeking to do with our amendments is put a line in the sand and say, 'The information that is provided now should be the baseline of the information that is provided in the future. If you are going to make a commitment to transparency, make a commitment to continue to report the data that you currently report'.

That does not stop the government from seeking additional measures and adding them in, but what we say is, 'Don't go backwards. I am sorry, but we are not going to rely on the fact that you report them now. We want this requirement with this legislation to set that benchmark, that line in the sand of what is reported now as the base measure for what goes forward into the future'. On top of this we are adding some additional groups to report that we think — and certainly from advice that the hospitals and the healthcare services have provided they also think — would be valuable additions to expand the nature of the groups that report, and potentially over time measures that are reported on as well, which brings me to dental services.

Dental services have exceptionally limited reporting under the government's current measures. Interestingly just in January some additional measures were added under the dental tab on the Victorian Health Services Performance website, including some of those that we had been canvassing and supporting and were planning to put as amendments when this bill could have been debated six or nine months ago. However, that is good to see — it is good that they are added in — but there is still further to go. There are additional measures that should be reported on in data that dental services provide to the government that are not transparent, but the important thing is that at the moment dental health services are reported as one single number.

What we know is that there are many health services, including many community health organisations, that provide dental health services across the state, and they are all funded individually. Sometimes they have multiple clinics, but they are all funded through the dental hospital to provide these important dental services.

I just want to quote from a letter from the Australian Dental Association Victorian Branch (ADAVB) in relation to the amendments. This is from a letter that went to many back in May last year when we were working on these amendments:

> We are committed to promoting the oral health of all Victorians and the professional lives of our members. I am

> writing to you to raise our concerns about a lack of transparency and accountability in the reporting of performance in Victoria's public dental sector. The Transparency in Government Bill offers an important opportunity to address some of these concerns.
>
> We understand that amendments to the Transparency in Government Bill will be proposed by the opposition, which will seek to improve the transparency and accountability of public dental services. We are strongly supportive of these measures and we urge you to consider supporting these amendments also.

Gary Pearson, the ADAVB chief executive, then went on to say:

> The prime example of how this problem impacts transparency and accountability —

that is, not reporting on the individual services —

> is that patient waiting time to access public dental care is reported as a statewide average, but in reality, there is no such thing as a statewide waiting list, and people seeking public dental care are placed on a waiting list at their local clinic. The statewide average waiting time could therefore mask large variations in waiting times between different providers …
>
> …
>
> Given that individual public hospitals are required to report on patient waiting times for a variety of medical services, the public may well ask why providers of public dental care are exempt from this responsibility.

It is very strong support for reporting at a more detailed level for our dental services so that people can make active choices in relation to where they access dental care. It is fair to say that there has not been the focus on dental care that is needed, and this will help to shine a light on that issue. I think the recent Auditor-General's report on dental services was shocking to many in relation to some of the waiting times and the impact on dental health in this state.

Ambulance Victoria (AV) is another area where we will be seeking to clarify and put a line in the sand of what is currently reported continuing to be reported into the future. I commend the government for their new measures for Ambulance Victoria, which are now also on the Victorian Health Services Performance website but also reported by AV on their website, where they break code 1 down into priority 0 and priority 1. That is a reflection of some of the recommendations that have been previously made by auditors-general and others of prioritising within code 1 to 'life-threatening' and 'lights and sirens but not necessarily a life-threatening response'.

But the Auditor-General's report also did recommend — and I am looking at the emergency service response times from March 2015 — recommendation 4:

> That the Department of Health and Human Services' and the Department of Justice and Regulation's public reporting of response time measures clearly attribute accountability for each phase of emergency response, including call-taking time involving the Emergency Services Telecommunications Authority.

We do not have an amendment on this, but I am foreshadowing a question to the minister at the table about the implementation of this recommendation from the Auditor-General which will give further transparency and shine light on the performance of both the Emergency Services Telecommunications Authority and Ambulance Victoria rather than it being lumped into one separate process.

There are a number of other amendments that we are putting forward. Mr Rich-Phillips has gone through in detail some of those, which basically once again help this data to be usable and accessible for health services, for the Victorian community and for researchers to have confidence in the data and to be able to then manipulate and use the data, such as in a machine-readable format so that it can be examined in detail and calculations can be made as a result of it.

What we are putting forward, I think, in addition to this government bill is trying to make this government bill real. How do we take a bill which is more about show than substance and actually put a line in the sand about what is currently happening? How do we take the information that is currently provided and put that as the benchmark for information being provided to those key performance indicators into the future? How do we make sure that we have got the historical data so we can compare performance over time — that is, not just within governments but across governments, as we all know happens?

While this is not a perfect process, we believe it is a process that will enhance the information that is available to the community to make choices. Such a thing as the publication of the specialist clinic report — something that started under the previous government but has actually gained momentum and regularity under this government — is actually now a tool for patients to make choices about where they go for specialist clinics based on the wait time to get those appointments. That is great information in the hands of the consumer, who can make positive choices about the healthcare services that they access.

I believe that providing additional information, as would be required by these amendments — so that people know what is happening in the emergency

departments in their urgent care centres; so that they know what is happening in the elective surgery waiting times of their smaller hospitals, not just the major ones; and so they know how Ambulance Victoria's response times are going, not just by local government area but also by urban centre locality, which these amendments would require to continue — would allow Victorians to make choices in relation to the public health services that they access and allow us to advocate and the community to advocate for investment and improvement in services over time based on genuine comparable data.

I commend the bill and I particularly commend the amendments to the house.

Mrs PEULICH (South Eastern Metropolitan) — I also wish to speak briefly on the Transparency in Government Bill 2015 and commend the amendments to the house. Certainly for me transparency and accountability of government has always been a very significant priority. Notwithstanding other policy differences, I think it is probably one of the things that the Greens and members of the opposition have shared — that is, the issue of process, accountability and integrity.

I certainly hope the Greens are also considering supporting the amendments, because not to do so would actually make the government less transparent. I note, as has been mentioned by Ms Wooldridge, that it has taken a long time for this bill to come back to the house. Part of that delay was because the minister responsible for the integrity regimes was not prepared to be transparent, notwithstanding the resolution of this house. I think that is incredibly ironic. That is why I referred to it earlier in my interjection as a black comedy.

There have been so many examples where the government, notwithstanding what they said in opposition, have not just been short in their undertakings and the issues they pursued in opposition but have actually been contrary and have gone in the opposite direction. We saw, for example, through the reform of the budget papers a reconfiguration of various output measures. It is a total debacle where you cannot compare outputs from previous years to current outputs. It is impossible for any diligent member of Parliament or member of the public to apply comparisons from one year to the next. It is the oldest trick in the book: you change the measures, you change the goal posts, and the government and successive governments therefore become less accountable and less transparent.

I would really like to see this state and every state come to a position where there are standardised forms of reporting, and that includes the budget papers, from one year to the next and from one government to the next so indeed the public, who are footing the bill, have an opportunity to scrutinise what they are actually getting back in return. The importance of transparency can never be understated in a democracy. If it is consistent, if it is well designed, if the data and information are not manipulated or politically massaged and if they are not withheld, it allows for a measurement of performance and allows therefore for the appropriate allocation of resources.

I pretty much go to all the Auditor-General's briefings, and it is good to see that there are some regular attendees there. A frequent and commonly made criticism of not just this Auditor-General but also previous auditors-general is the need to improve measures of output so they are linked to the resources that are directed to those measures rather than just activities — an activity does not measure whether something has been successful or not — and that is systemic. That does not allow for an appropriate allocation of resources, so a lot of work needs to be done on that. It is good to see the office of the Auditor-General focused on that, but again reform takes a long time to embed and to change a culture.

Transparency also helps to demonstrate whether decisions which impact upon public finances have given taxpayers value for money. It helps to demonstrate the rationale of a policy or spend relevant to the government and the public sector plans and strategies to meet the desired objectives. There is nothing more important to the workings and operations of government than transparency and the mechanism by which that is achieved.

Concern around the lack of standardisation in this particular bill, I think, shows that indeed its name is a little bit of a misnomer. To embed in this legislation the need to report on a narrower set of data to a more limited number of agencies and organisations quite clearly shows that it is a black comedy; it is a farce. It is actually going to deliver less transparency. In principle we support transparency, the Greens support transparency — they are optimistic — but I think without the amendments we would not be delivering that. I would certainly urge the house to support those amendments.

This particular legislation establishes a quarterly reporting system of response time data for ambulance services, the Metropolitan Fire and Emergency Services Board, and the Country Fire Authority; the publication

of statements of priorities for ambulance services, public health services and, in certain areas, denominational hospitals; and quarterly reporting of performance against indicators relevant to published statements of priorities. Ms Wooldridge was very persuasive in outlining her concerns about the lack of standardisation. Mr Gordon Rich-Phillips was concerned about the opportunity for ministerial intervention to prevent the publication of data for a sustained period of time. Often they are in critically and politically important times when data can be massaged or can be withheld. That indeed is a problem.

This government has not really had a good track record to date. We are only two years into their term, and what they have demonstrated is a consistent lack of commitment to transparency. The attempt to nobble the Ombudsman on the investigation of the rorting of our electorate office budgets and taking it to court after court is an example of a lack of commitment to transparency by trying to nobble one of its own important integrity agencies. The questions on notice that we submit day in and day out come back virtually roneoed. They are clearly organised and orchestrated responses showing cross-departmental collusion. They are roneoed with a standard use of terms. It shows that this government has no commitment to being transparent when it comes to this chamber on questions on notice.

The suspension of Mr Jennings from this house for flouting the resolution of the house and then withholding all legislation that is relevant to him and preventing other ministers from answering questions until he was returned shows a lack of commitment to transparency. In many instances, whilst on a personal level Mr Jennings can be incredibly persuasive, his track record as the Special Minister of State and as a minister responsible for all of those integrity regimes shows that his government has been very short of the mark and has shown a lack of commitment to transparency in government. That was something which was a plank of their commitments in opposition.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Serious sex offenders

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Corrections as the minister responsible for the Serious Sex Offenders (Detention and Supervision) Act 2009. Minister, the Harper review made 35 recommendations. Many relate to that act, the Serious Sex Offenders (Detention and Supervision) Act. Implementation of those recommendations has been delayed by your government. Is the government satisfied that, as the act stands today, the Victorian community is adequately protected from this cohort of most serious offenders?

Ms TIERNEY (Minister for Corrections) — I understand that Mr O'Donohue did receive a briefing from my office in relation to this matter and other matters during the Christmas break. That is my understanding. Regardless of that, we have put in an enormous amount of resources, as you well know, in respect of the monitoring and the checking of activities around serious sex offenders. This was the intention of the legislation. We believe that we are meeting all of the commitments that we have provided to the public, and as I also — —

Mr O'Donohue interjected.

The PRESIDENT — Order! Mr O'Donohue, you have developed a rather annoying habit of asking questions and then interjecting on the minister persistently. You have asked a question. The minister is providing an answer. We do not need continued heckling.

Ms TIERNEY — When the member asked this question prior to Christmas my answer was that we will be introducing legislation this year. He is aware of that, and that work has been undertaken and is very well progressed. I look forward to introducing that in the house.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — My supplementary question is: Minister, can you guarantee the government will pursue every possible legal avenue to ensure that notorious sex offender Robin Fletcher remains subject to a supervision order and is not allowed to live in our local community without any oversight?

Ms TIERNEY (Minister for Corrections) — Is this the case that was before the Supreme Court yesterday, Mr O'Donohue?

Honourable members interjecting.

Ms TIERNEY — It is my understanding that the matter was before the court yesterday. The court has determined that the offender is to return to the community. However, as I understand it, there is a stay and at the moment the secretary of the department is seeking urgent legal information. It will be the decision of the secretary of the department that determines what

the next step is. You know that. That is the proper process, and that is what the act requires.

Serious sex offenders

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Corrections. Minister, following the shocking murder of Masa Vukotic nearly two years ago the government commissioned the Harper review. That review was handed to government in November 2015, or 15 months ago. Recommendation 32 of Harper calls for the establishment of a new facility for violent and sex offenders, including those with an intellectual or cognitive disability. Minister, it is 15 months since the review was handed to you. Where will this facility be located?

Ms TIERNEY (Minister for Corrections) — I do appreciate the question posed by Mr O'Donohue. This has been an issue that Corrections Victoria and others have been working on for some time. I can advise you that a lot of work has been done and that there will be further discussions. There will be a decision and an announcement; that is imminent.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — I note the minister's answer that a decision and an announcement about this are imminent. Minister, we have witnessed over the past seven days a completely and utterly shambolic and embarrassing performance from your colleague the Minister for Families and Children in dumping a youth prison in Werribee South without any community consultation beforehand. Minister, can you guarantee that local government, community and relevant stakeholders will be consulted about your imminent announcement and briefed on the facility prior to the announcement of the location to ensure no surprises occur, as we have seen with Werribee South?

Ms TIERNEY (Minister for Corrections) — This government values consultation with the local community. Given that this is not a new issue and people are well aware that we have been working on this issue for some time, of course there have been a number of discussions and consultations with stakeholders around a number of locations. I am confident going forward that there will be further consultations that will support the location of the new facility.

Corrections system

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Corrections. Minister, the chaos and dysfunction in the prison system continues, with reports of fights between rival bikie gangs requiring the calling of ambulances and the subsequent hospitalisation of some prisoners at Port Phillip Prison, who were rendered unconscious after reportedly being bludgeoned with a pool ball following a mix-up in releasing the wrong prisoners from their cells. Last month a prisoner at Port Phillip was stabbed in the neck, which required hospitalisation, and at the Dhurringile Prison two prisoners were hospitalised following a fight. Minister, the report on government services also detailed the rate of assaults in prisons jumping from 12.24 per 100 prisoners in 2014–15 to 16.14 per 100 prisoners in 2015–16. Minister, when is this violence, lawlessness, calling of ambulances and constant prisoner hospitalisation going to be brought under control?

Ms TIERNEY (Minister for Corrections) — The fact of the matter is that no-one appreciates or wants injuries in the prison system, whether they be prisoner on staff or prisoner on prisoner. It is just not acceptable. That is why we have particular benchmarks in the contracts that we have with the Port Phillip Prison, unlike your government when it was in power. Your government had a contract that had clauses that you could actually put bullets through. It was very lax. What we have now are a series of measures within the new contract that make it clear that these sorts of behaviours are not acceptable. Indeed the prisons are penalised as a result of not meeting the targets that are prescribed in the contract, unlike the shoddy contract that you had operating.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — Minister, how many times in 2016 did Ambulance Victoria attend Victorian correctional facilities, and what was the cost charged by Ambulance Victoria to Corrections Victoria of the constant prisoner hospitalisation?

The PRESIDENT — Order! That supplementary question is totally different to the substantive question. The reference to ambulances in the substantive question is part of a range of comments that are made, and I still do not believe that this very specific question actually follows on from the substantive question. I will give the member a chance to rephrase.

Mr O'DONOHUE — Thank you, President. Minister, given the amount of violence and the

requirement for hospitalisation and external medical assistance, including ambulance call-outs, can you provide, on notice if need be, how many times in 2016 Ambulance Victoria attended Victorian correctional facilities?

Ms TIERNEY (Minister for Corrections) — Yes. I refute the proposition, but of course that level of detail I do not have on me. I am more than happy to see whether that can be made available through taking it on notice.

Heyfield timber mill

Ms BATH (Eastern Victoria) — My question is to the Minister for Agriculture. In relation to the 650 employees at the Alcoa Portland smelter, the Premier said:

> We promised Portland workers we would leave no stone unturned in our efforts to keep the smelter open …

Will the government now make the same promise to the 250 workers at the Australian Sustainable Hardwoods (ASH) mill in Heyfield?

Ms PULFORD (Minister for Agriculture) — I think Ms Bath for her question and her interest in the work that our government does not only to create jobs in regional Victoria but to protect those in circumstances where there are pressures on individual companies. We are very proud of the outcome at Alcoa in Portland. I know this is something that Mr Purcell has a great interest in, and of course perhaps all members for western Victoria have had many conversations with Ms Tierney and Mr Purcell about this.

In relation to ASH, as Ms Bath absolutely knows, the government is currently engaged in discussions with them about both timber supply and their desire to make some investments and modifications to their business to put that business on a more sustainable footing than is currently the case. Those discussions are occurring. There have been discussions between VicForests and the company in relation to available timber supply and matters of contract negotiations. It is not appropriate for me to get into further detail about that, but I can assure Ms Bath that there were meetings and discussions to further all of these issues this week on Monday, and there will be again tomorrow.

Supplementary question

Ms BATH (Eastern Victoria) — I thank the minister for her response. The Heyfield mill faces closure because of the Victorian government's failure to provide long-term timber supply. Will the government now secure those 250 Heyfield jobs by providing certainty of supply?

Ms PULFORD (Minister for Agriculture) — As Ms Shing well knows — she has been very engaged in this issue — it was the members for Warrandyte and Malvern in the Legislative Assembly who between them contributed to this problem. The member for Warrandyte put in place a regime to establish special protection zones around each Leadbeater's possum sighting, which has constrained the resource. The member for Malvern — goodness knows how big the pile of things he left on his desk was — —

Ms Shing — He did a side letter — he did a side letter for east–west link.

Ms PULFORD — Yes, he had time to do that dirty, dodgy side letter on east–west, but he certainly did not have time or perhaps did not actually have the inclination to provide the sign-off on the contracts that the former government claimed that they were offering to this business.

As I said, these are delicate issues. We understand absolutely the importance of these jobs to the Heyfield community and to the families that are affected, and we will do everything within our power to ensure that this business is on a more secure footing than it is now. It needs to have a viable business model, and we are working around the clock on these matters.

Honourable members interjecting.

The PRESIDENT — Order! I want to congratulate Mr Dalidakis for not entering into the fracas.

Child protection

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. Minister, I refer to the latest category 1 incident reporting for child protection for quarter 2, December 2016. Of the 213 assaults reported, how many were sexual assaults or exploitation of children living in residential care?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. I make the point to the member that the data that in fact she is referring to is data that our government has been very transparent in making available. We have provided publication of quarterly data about serious incidents on the department's website for the first time — something the previous government did not do — and in addition to this we have also legislated for the Commission for Children and Young People to receive all category 1

incident reports both for child protection out-of-home care as well as for youth justice matters.

I make the point also that it is very important that we have these oversight bodies that exist in relation to these matters and how disappointed I am that the member has publicly criticised an independent statutory officer in a deplorable way — just yesterday — and this is now the second time she has done this, attacking an independent statutory officer in this state, despite the very important role that she performs in producing reports that can create a great deal of discomfort for our government as well as other governments. It is very disappointing that the member has engaged in what I regard as just really grubby politics.

What I can say to the member is that I do not have the data that the member is seeking in front of me. I am happy to provide her with a written response in relation to what data might be available. I can say to her that we as a government have been working incredibly hard over the last two years to improve the safety and the security of children in our child protection and out-of-home care system. We have put in place numerous additional safety measures to enhance their safety, from additional staff dedicated to the issues of sexual exploitation, working with all of our child protection staff and the community sector around this very serious issue, to additional funding and staffing for our residential care units to improve the security and the supervision of those young people. We have put in place the *Roadmap for Reform*, which will actually see a complete transformation of what residential care looks like into the future. All of those measures of course were not undertaken by the previous government. We do take our responsibilities very seriously about enhancing — —

Ms Lovell interjected.

The PRESIDENT — Order! Ms Lovell, for one, we do not use first names across the chamber. Secondly, I have heard enough. The minister to continue, without assistance.

Ms MIKAKOS — The point that I am making is that we are working incredibly hard to improve safety. New protocols have also been put in place with Victoria Police. There is now a pilot that Victoria Police is working on with the Department of Health and Human Services around improved safety responses to these issues in terms of children in residential care, so we have got a range of measures that we are putting in place to address these issues. Some of these matters relate to recommendations that were made by the Commission for Children and Young People. In fact we as a government are acting on those recommendations, but we have gone way beyond that in terms of reforming residential care.

Supplementary question

Ms CROZIER (Southern Metropolitan) — Minister, recent annual statistics detail incidents relating to 'behaviour — sexual exploitation' increased from 162 incidents in 2014–15 to 412 incidents in 2015–16. What advice have you received as to the reason why the number of sexual assaults of children living in residential care has increased by 154 per cent under your watch, and have you received any departmental advice that 2016–17 has increased even further?

Ms MIKAKOS (Minister for Families and Children) — Firstly, on a procedural matter, President, the member is very fond of wrapping up multiple questions in her questions, as she has done in the past. What I can say to the member is that I am in constant dialogue with my department about how we can improve the safety and security of children in out-of-home care. I take this responsibility very seriously. This is why we have gone about reforming what residential care will look like into the future. We have also mandated minimum qualifications for residential care staff, which is something that we are going to be rolling out this year through enhanced training. None of these measures happened under those opposite, under Ms Wooldridge when she was the minister. We have got improved reporting — something that the member should in fact welcome. We want to have the community sector reporting these issues, but most importantly we are working with them to minimise these instances from occurring.

Youth justice centres

Ms CROZIER (Southern Metropolitan) — My question is again to the Minister for Families and Children. Minister, on Sunday at the Parkville youth justice centre young offender rioters got onto the roof, causing mayhem again, and last night a young offender went on an assault rampage against other offenders because he was denied bail. Minister, can you update the house about these two incidents at Parkville this week and how they have been able to occur?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. The point that I make to the member is that we as a government are putting in place a wideranging suite of measures to improve our youth justice system and particularly to improve the safety of both the staff and

the young offenders who live in this accommodation. I know that the member comes in here constantly with a rosy-eyed view of what happened during the previous government's time, but she just needs to look at the *Age* today in relation to a very serious matter that is currently before the courts which details — in very horrific detail — incidents that occurred back in 2011, 2012 and 2013, when Mary Wooldridge was the minister.

Mr O'Donohue — On a point of order, President, the question from Ms Crozier was about incidents in recent days, not about incidents in 2011, 2012 or any other time frame. It was very specific, and I would ask that you bring the minister back to the question.

The PRESIDENT — Order! The minister does have 3 minutes more to make this answer. She is entitled to provide some context. I am listening to make sure that she does not start to debate the matter as such, but the context is okay. She has further time to actually get to the question in regard to those incidents that were the subject of the question, those incidents being in the past week.

Ms MIKAKOS — As I said, we are putting in place a range of measures because we do take the safety of the community, staff and young offenders very seriously. These measures go to obviously addressing infrastructure issues — something that those opposite failed to do. We are going to build a new high-security youth justice facility — something that those opposite failed to act on in an Ombudsman's report. Mary Wooldridge opposite shelved a master plan, yet she has the temerity to want to vote in a no-confidence motion against me — this is someone who shelved a master plan for the redevelopment of the Parkville facility.

We are addressing staffing issues; we have been recruiting more staff — 41 new custodial staff. We have had Corrections Victoria staff come into our youth justice facilities now who have the equipment, the expertise and the training to be able to respond to the challenging behaviour we are seeing in our youth justice facilities. We are also going to put in place legislative measures to respond accordingly to these types of situations, and you will be seeing the legislation very soon. We have got a range of measures. Of course we have announced a machinery of government change that will be starting on 3 April. That will see our youth justice system move across to the Department of Justice and Regulation. We have got a very detailed response as a government to these issues.

Ms Crozier — On a point of order, President — Ms Mikakos, you might throw your hands in the air, but I ask the President to draw you back to the question. It is very specific, and I ask you to just answer the question.

The PRESIDENT — Order! Ms Mikakos, I think I have heard enough context. I have also heard sufficient debate and I have also heard about the investment in staff resources on a number of occasions now, so I am satisfied that is happening, but what I would like to know is the answer to Ms Crozier's question.

Ms MIKAKOS — Thank you very much, President. I can assure you I will be informing this house for the next two years about those investments and the measures that this government is making to improve our youth justice system. What I can say to the member is: in relation to any specific incident, these incidents are responded to appropriately by staff and by management in relation to these particular issues. Ms Crozier refers to incident reporting data; she knows full well that is the system Mary Wooldridge introduced.

Honourable members interjecting.

Ms MIKAKOS — It is the reporting system Mary Wooldridge introduced, and you have the temerity to criticise your colleague's system. That is why we are reforming your system — —

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Ms Lovell

The PRESIDENT — Order! Ms Lovell, I invite you to go and have a cup of tea; 15 minutes.

Ms Lovell withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Youth justice centres

Questions resumed.

Ms MIKAKOS (Minister for Families and Children) — It is good to see Ms Snoozy is on her way out.

The PRESIDENT — Order! Minister, whilst the word in itself was not offensive, it was uncalled for in those circumstances, and particularly when I have taken

action against a member I do not appreciate that sort of commentary. As I said, the word itself is not offensive, but I still seek a withdrawal of that statement.

Ms MIKAKOS — Thank you, President. I withdraw the term 'Ms Snoozy'.

The PRESIDENT — Order! Thank you, Minister. Do you wish to complete the answer?

Ms MIKAKOS — So we are in fact reforming the incident reporting system introduced by Ms Wooldridge to better capture the seriousness of offences and to improve transparency and accountability in relation to these issues. In relation to the specifics that the member is asking for, I am happy to provide her with a written response.

Supplementary question

Ms CROZIER (Southern Metropolitan) — Minister, in addition to the riot and assaults at Parkville this week, on Sunday night five Country Fire Authority (CFA) trucks were called to Malmsbury, and then 24 hours later a further two CFA trucks raced to Malmsbury. Minister, you stood by the Premier as he announced the problem days were over, but the riots, assaults and fires have continued over the past five days since that announcement. What exactly has changed in youth justice as a result of that announcement?

The PRESIDENT — Order! This is the supplementary question; correct? And the first question was about Parkville?

Ms CROZIER — Yes, Parkville, and the second is in addition to the issues that are happening at — —

Honourable members interjecting.

The PRESIDENT — Order! It is my view that this is very tenuous in terms of any connection between the supplementary question and the substantive question. Whilst in the supplementary question the member has referred to it by saying 'in addition to the riot and assaults at Parkville this week' but then has gone on to another matter, that is a fairly broad catch-all. The point is that the substantive question was very specific and the supplementary question is quite different because it involves an entirely different facility.

Ms Wooldridge puts it to me that it is all about the youth justice system as a whole, but that was not really what was put as a proposition in the substantive question. The substantive question was very specific about incidents in the past week, and it did not draw in that proposition of 'There are problems in the whole youth justice system', which might well have then allowed the supplementary question to stand. I give the member a chance to rephrase.

Ms CROZIER — In addition to the riot and assaults at Parkville this week, CFA have been called to other youth justice facilities in Victoria. Minister, you stood by the Premier as he announced the problem days were over but the riots, assaults and fires have continued over the past five days since that announcement. What exactly has changed in youth justice as a result of that announcement?

Ms MIKAKOS (Minister for Families and Children) — I do think that it was a very tenuous link to the first question, but nevertheless, we have made, as I have explained, a number of significant investments to infrastructure and staff and we have also brought in corrections staff with the expertise and the equipment and training to be able to respond to these issues.

Can I make the point to the member that the previous government in fact commissioned three so-called secure units at Malmsbury on an open site and did not have regard for the staffing issues that would need to be addressed but also the implications for the local CFA in that community as well. I want to reassure the community at Malmsbury that we as a government are going to take steps to address the security inadequacies there. We had an escape in 2014; Mary Wooldridge did nothing about it. We are going to take steps on these issues to reassure the Malmsbury community and the wider Victorian community about their safety.

Aboriginal children and young people

Ms SPRINGLE (South Eastern Metropolitan) — My question is for the Minister for Families and Children. Recommendation 145 of the Royal Commission into Family Violence states that within two years of the release of the report the Victorian government would work in partnership with Aboriginal communities to develop a statewide strategic response to improving the lives of vulnerable Aboriginal children and young people. Will the government develop this strategy in the true spirit of self-determination through genuine consultation with Aboriginal communities, not just agencies?

Ms MIKAKOS (Minister for Families and Children) — Thank you very much to Ms Springle for a very welcome question, because I can assure her that our government is doing enormous work to address the over-representation of Aboriginal children in child protection and out-of-home care, having established, for the first time, quarterly Aboriginal children's

forums, which are predicated on self-determination, which allows me as co-chair, together with a CEO of an Aboriginal community organisation, to engage in conversations with the sector, with Aboriginal community organisations and with other agencies who are present to develop effective strategies.

In fact we have already begun the work to develop a dedicated Aboriginal children's strategy in response to these issues, and already we have done an enormous amount of work in respect of these issues. From the budget last year there was $16.5 million more funding for Aboriginal kinship carers and Aboriginal foster carers and the first funding boost in a decade to the Aboriginal Child Specialist Advice and Support Service run by the Victorian Aboriginal Child Care Agency (VACCA), which is a service that has to be consulted before any Aboriginal child gets placed into out-of-home care.

We have taken enormous steps in terms of additional investment, responding to the Taskforce 1000 report that has come to the Parliament just recently in the form of a report from the commissioner for Aboriginal children and young people but also the work that Andrew Jackomos started on this much earlier on. We provided funding to assist him in that work in our first budget.

We have had $880 000 for a transition team to work with Aboriginal community organisations to transfer resources and targets to Aboriginal children in out-of-home care from mainstream organisations; $500 000 for improved access to targeted care packages for Aboriginal children; funding for a return to country program — $340 000 for that program to keep Aboriginal children connected to their culture; and $220 000 to provide support for Aboriginal children leaving care.

The other thing that I would like to mention, which is a very significant reform, relates to the implementation of section 18, because we as a government in our first year brought legislation to this Parliament to make self-determination a reality for Aboriginal children. We have ensured that under Victorian legislation we are now the first state that allows the legal guardianship to transfer from the secretary of my department to the CEO of an Aboriginal community organisation in relation to Aboriginal children. This is something that is being implemented now. VACCA is part of that. There is another pilot that the Bendigo and District Aboriginal Co-operative in Bendigo are doing as well. This is going to see a very different approach to how we support Aboriginal children going into the future.

Ms Springle — On a point of order, President, I asked specifically about whether Aboriginal communities would be consulted in the formulation of the statewide strategic response in the recommendations for family violence, not agencies.

Ms MIKAKOS — If I can conclude, I believe that I addressed this issue about 3 minutes ago right at the outset of my answer, where I talked about how we are developing this Aboriginal children's strategy. The work is underway. The Aboriginal children's forum is meeting very soon — from recollection, in the next couple of weeks — where we are going to have a discussion about this issue and the form the consultation is going to take. But the commissioner for Aboriginal children and young people, Mr Jackomos, as well as the Aboriginal community organisations are going to be at the forefront of working with me and working with government around the development of this strategy.

We are as a government absolutely committed to reducing the over-representation of Aboriginal children in child protection and out-of-home care, and that also goes to much earlier support through early intervention and prevention strategies. We are developing a dedicated Aboriginal maternal child health service as we speak in consultation with Aboriginal community organisations.

The PRESIDENT — Order! Thank you, Minister.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — I thank the minister for her answer. Given the government is into its second year since the recommendations of the royal commission were released, how does the minister propose to meet this recommendation and finalise it within the time frame left?

Mr Jennings — The first year is not even finished. We have not even finished the first year.

Ms MIKAKOS (Minister for Families and Children) — Thank you very much. As Mr Jennings is reminding me, the first year since we received that royal commission report has not even concluded yet, yet there is enormous work happening across government to implement those recommendations. The one-year anniversary, Ms Springle, is actually March, since we received that report. We are absolutely committed to working with Aboriginal organisations and the Aboriginal community around these issues. They were very closely involved in the formulation of our government's 10-year family violence plan, and

they will continue to be intimately involved as we roll out our family violence reforms more broadly and specifically in relation to reducing the number of Aboriginal children in child protection and out-of-home care.

Blue Vein logging coupe

Ms DUNN (Eastern Metropolitan) — My question is for the Minister for Agriculture. Has the minister requested that VicForests undertake an extensive survey of Leadbeater's possum habitat even though logging has commenced at the Blue Vein coupe, given the proximity of Leadbeater's possum sightings in the area, which is adjacent to the 350-year-old, 76-metre-high, 15.7-metre-girth Ada Tree, which is one of the largest living things in the world, is visited by thousands of people and is a major tourist attraction in Yarra Ranges and Baw Baw?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her question and her interest in the activity in a specific coupe. Ms Dunn does like to get to a tree-by-tree level of detail on these questions, so I will provide Ms Dunn with a written response to this very specific question about the very specific piece of land that she is asking about.

Supplementary question

Ms DUNN (Eastern Metropolitan) — My supplementary question is: will the logs from the Blue Vein coupe be graded appropriately, or will VicForests's contractors continue the fraudulent practice of purposely misgrading sawlogs as pulp and selling them to foreign-owned Australian Paper?

Ms PULFORD (Minister for Agriculture) — Oh, my goodness me. Where to begin? It is a variation on a theme that we have discussed in every question time this week. Ms Dunn likes to use question time to express her opinions about VicForests. I will respond by saying that I have certainly always found VicForests to be very professional in their dealings and very conscientious in their management of contracts and contractors, and I see no reason for that to change. Ms Dunn often comes in here making claims that lack substantiation, and I have no reason to believe that this is any different.

As for her slur on Australian Paper and their Japanese ownership, I just simply say that the government is not in the business of disparaging international companies that wish to invest in Victoria and create jobs in Victoria, so I will not be buying into that either.

Youth justice centres

Dr CARLING-JENKINS (Western Metropolitan) — My question is for the Minister for Youth Affairs, Minister Mikakos, and relates to the design of the proposed youth justice facility in Werribee South. I am not going to argue today about where this facility should be placed. My priority is the youth who will be accommodated in a new facility, wherever it may be built. Minister, you have previously described this facility as being purpose built. Building a new facility is an opportunity to emulate best practice models, many of which exist throughout the world, so I would like to ask: what will the philosophy behind the design be, and when will the designs and plans be open to public submissions so that experts in this area may provide specialist advice to the government about the new facility's design? I ask this because I think we need to get this new design right for the good of the youth, the staff and the community.

Ms MIKAKOS (Minister for Youth Affairs) — Thank you very much to Dr Carling-Jenkins for her question. I certainly agree with her that we do need to get this design right. The point that I make is, firstly, that we have already received advice from former Chief Commissioner of Police Neil Comrie around security imperatives. As I said to the house earlier this week, we have accepted all of his recommendations, including his finding, firstly, that Parkville is not appropriate to continue to be used as a youth justice facility into the long term and his recommendation to government that we need a new facility at a greenfield site. We have done that in the announcement that we made of our preferred location on Monday, being Werribee South, and we have taken on board the need to make sure that this is going to be a high-security facility. I think that is going to be a reassurance to that local community and the wider Victorian community about their safety.

But I agree with the member that we obviously need to ensure that the design of the facility internally in terms of its configuration is appropriate in terms of security imperatives — and there will be some non-negotiables in terms of security issues, taking on board Neil Comrie's advice — and that the services provided are adequate going into the future.

The point that I make is that experts Penny Armytage and Professor James Ogloff are conducting a review for me — it started late last year and is ongoing — that will go to the operating model of what this facility and our youth justice system will look like into the future. That is important work, and that has involved consultation with various community sector organisations as well as law enforcement agencies and others. The work that

they have done has already influenced the business case and the investment that we as a government are making.

They have identified the need for greater mental health support in our youth justice facilities. This is why we announced late last year extra funding for 10 psychologists to work with young offenders in custody. That is why when we made the announcement on Monday of the new facility, apart from saying that it will have 224 beds we also announced that there will be a 12-bed mental health unit within that facility. That is going to be the first time a youth justice facility will have dedicated mental health beds. There will be other recommendations I am sure that will come from that important review that will influence the design and the types of services that will be offered in that particular facility.

But in terms of design more broadly I can assure the member and the local community there that we will be working very closely with them to engage them on the design of this particular facility. Community sector and youth justice sector stakeholders will also be closely consulted. We need to obviously have a very careful examination of what this particular facility is going to look like because we do have to accept that there have been shortcomings — many shortcomings — in the past. We need to learn from that. We need to take on board the advice of the experts. We are doing that, and we have already done that in relation to the mental health supports that we have put in place, and we will continue to engage with the community and with experts around the design.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) — I thank the minister for her answer, which provides some assurance around the new facility. I certainly know there are a number of experts in Victoria whom I have spoken to who would be more than willing to assist on the design process and look forward to making their contribution.

Minister, by way of a supplementary I just wonder if you could assure the chamber today that this new facility will comply with UN standards on the deprivation of liberty and the rights of the child.

Ms MIKAKOS (Minister for Youth Affairs) — I can assure the member that the design of this facility will comply with all relevant standards — human rights standards as well as all the other necessary standards — whether they go to disability access, fire compliance or security. All those other standards obviously will be part of our design.

This is a very significant project for this state. It is a significant piece of investment by our government to build a fit-for-purpose facility. That is why we need to work incredibly hard to make sure we get it right, both from a security standpoint but also in terms of what the design will look like, to make sure that the services offered in this facility are appropriate and adequate as well. So we are obviously going to take some time during the course of this year to work through the design issues and to talk to the community and to experts about these issues. I look forward to briefing the member in further detail about this particular project.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — The government has provided four answers to questions on notice today: 7718–19, 8945, 8983.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! In regard to today's questions, Mr O'Donohue's second question to Ms Tierney, both the substantive and the supplementary questions, one day; Mr O'Donohue's third question to Ms Tierney, the supplementary question, one day; Ms Crozier's first question to Ms Mikakos, the substantive and supplementary questions, one day; Ms Crozier's second question to Ms Mikakos, the substantive and supplementary questions, one day; Ms Springle's substantive question to Ms Mikakos, one day; and Ms Dunn's substantive question to Ms Pulford, one day.

I have had raised with me as well by Ms Fitzherbert concern about the answer that she received to a question yesterday that I had sought a written response on. The response from Minister Tierney was to the effect that information could not be provided on that question because she had been advised that it was personal information.

Indeed Ms Fitzherbert sought statistics — numbers, no personal information — by way of her question. What that question sought was numbers, not any details that would have been identifying details for an individual, so I reinstate that question.

Ms Tierney — On a point of order, President, the difficulty that I have is that this sets a precedent and my

understanding has been that there has been a blanket approach to this matter — that is, that you cannot provide information that will potentially lead to the identification of people who are on court orders. That is the advice that I have received. It is very difficult when people ask for locations and facilities — in this case it was a rooming house — to provide information that will not then lead to the identification of a person. That is the dilemma. It is not a wilful wont, not wanting to provide information; it is about the protection of the individual's privacy.

Ms Fitzherbert — On the point of order, President, there are at any given time around 100 people who live at the Gatwick. It often has a rapidly moving population, and I do not believe that the information I have asked for in any way threatens the privacy of any of those individuals or would in any way enable anyone to identify them.

The PRESIDENT — Order! I hear Ms Tierney's concern, and it is admirable that she wants to maintain a position where people are accorded their rights under the law. However, as I said, in considering the question that was put and having regard to the information that was sought, I still believe that that is not a situation that would lead to the identification of individual people who infringe, so I do reinstate the question.

Mr Ondarchie — On a point of order, President, I raise a matter with regard to a written response to a question without notice I have received from the Minister for Small Business, Innovation and Trade. You graciously reinstated that question on Tuesday with regard to the member for Footscray in the Legislative Assembly, with her time in his department, with her car, her parking, her travel and all the other costs that she has in his department. I have now received that response after two days of waiting. I have to say it does not carry any way further the response I had before. It simply says that costs are shared between the Department of Premier and Cabinet and his department. It does not outline the costs. He does say the department does provide office accommodation for the member for Footscray, but does not talk about costs associated with that. Again he really has not answered this question, despite me waiting for two days. It is really not good enough, and I ask you to reinstate it.

Mr Dalidakis — On the point of order, President, on Tuesday when you reinstated the question you directed me to provide additional information, which is what I have in fact done. That additional information identifies that costs are indeed shared between the two departments and that through my department my department is providing the Honourable Marsha Thomson with office accommodation for her to undertake her work. So in terms of providing that, I have very specifically met the question as it was put to me.

The PRESIDENT — Order! The question that was put actually sought a cost figure, not the arrangement by which those costs might have been apportioned, so therefore it is true that this question has not been answered satisfactorily in my view. Nonetheless, I do not have power to reinstate a question a second time. Mr Ondarchie has two courses of action that I can identify immediately: one of them is to take note of the minister's answer and seek to investigate that matter further in this chamber; the other one is by way of freedom of information.

CONSTITUENCY QUESTIONS

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) — My question is to the minister responsible for the removal of level crossings, the Minister for Public Transport, the Honourable Jacinta Allan. On 29 December last year Melbourne experienced a significant rainfall event, which resulted in flooding in some suburbs across Melbourne. One particular area was McKinnon in my electorate of Southern Metropolitan Region and in the Assembly electorate of Bentleigh. One particular street, Glen Orme Avenue, was significantly impacted. Glen Orme Avenue runs parallel to the rail line, where the level crossing removal was undertaken in McKinnon. During that flood experience a number of residents' houses were severely flooded. Very large drains were put into the road during the construction phase of the level crossing. It is reported that a John Holland worker accidentally poured concrete into the drain. My question to the minister is: could she confirm that an accidental pouring of concrete occurred into a drain during the construction and removal of the McKinnon level crossing?

Northern Metropolitan Region

Ms PATTEN (Northern Metropolitan) — My question is for the Minister for Families and Children, Ms Mikakos. I have been contacted by a number of sex workers in my region and their sex worker organisations because they are greatly concerned about the $300 000 awarded to Project Respect to visit licensed brothels — where Project Respect is not welcome — to try to build relationships with family violence organisations. This is an organisation that believes that sex work itself is a form of violence and which calls for the outlawing of sex work in Victoria,

promoting what is known as the Swedish model — a model that is opposed by groups such as Amnesty International, the World Health Organisation and the Australian Federation of AIDS organisations. In fact Project Respect's position increases stigma and discrimination against sex workers, which is the cause of violence. Submissions made to the Royal Commission into Family Violence by sex workers and sex worker organisations strongly opposed any funding of Project Respect. My question is: why did the minister so generously fund this organisation that is not supported by sex workers or the industry?

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — My constituency question is to the Minister for Public Transport, and it follows representations from Ms Rebecca Paszkowski of Pakenham who has asked for a review of the current Pakenham bus arrangements. Much of the residential growth in Pakenham is to the south of the Pakenham railway line and the Princes Highway, but most of the schools are to the north or in and around that Princes Highway location. There are few if any direct north–south bus routes, which makes it very circuitous for the residents of Pakenham, particularly schoolchildren, to access the schools by public transport. Indeed Ms Paszkowski advises that it can take two buses and 50 minutes to go 5.5 kilometres internally within Pakenham. Clearly this is an issue. The question I have for the minister is: will she review the current bus timetables and routes as they pertain to Pakenham?

Southern Metropolitan Region

Ms PENNICUIK (Southern Metropolitan) — My question is for the Minister for Major Projects, and it is in regard to the Kew Residential Services development agreement, about which I asked her a question last year. The minister did respond to me, saying that Major Projects Victoria (MPV) had agreed to an extension with Kew Development Corporation until 27 April 2018, and the letter had been sent to them by MPV on 22 June. However, on the government's contract publishing system website, the sixth deed of variation was not actually signed until 9 December, which was six weeks after the expiration of the current contract on 27 October 2016. My question to the minister is: what was the cause of the delay in signing the deed and will that have any implications down the track?

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Minister for Roads and Road Safety in the other place, and it relates to the government's decision to permanently reduce the speed limit along Bolton Street in Eltham to 50 kilometres per hour from 60 kilometres per hour. I ask: will the minister reconsider his decision to lower the speed limit to 50 kilometres along this busy street and let it remain at 60 kilometres?

There was no formal announcement of this decision that will affect nearly 20 000 traffic users a day. It was merely announced on the VicRoads website that option 1 had been decided as the preferred upgrade and, along with this news, that the speed limit will be reduced. As yet no time frame has been given. The majority of residents who have contacted me have not been in favour of the speed reduction move, labelling it totally pointless, stupid, too slow and a potential revenue raiser. They are at a loss to know how reducing the speed will help with traffic flows. VicRoads committed to providing an information session on the final design, and I ask that they involve this issue in that discussion and listen to residents' views.

Eastern Victoria Region

Ms BATH (Eastern Victoria) — My question is for the Minister for Health. I refer to the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015, which was implemented with concern as to the lack of follow-up on the 16-week grace period. A parent of a kinder-aged child in my electorate recently alerted me to a serious loophole whereby commonwealth healthcare card holders are exploiting the lack of follow-up during and after the 16-week grace period. My constituent is concerned that some anti-vaccine campaigners are utilising this loophole to their advantage. In expressing her concerns to the centre's staff and management, my constituent was advised, 'All that can be done is for teachers to encourage the family to get their child vaccinated'. In this instance there are no consequences if the family does not attend to these requirements. The child is still allowed to attend the early learning centre while being unvaccinated. My question to the minister is: how will Labor remedy this serious loophole which is contradictory to the principle of no jab, no play?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question is for the Minister for Roads and Road Safety, the Honourable Luke Donnellan. The Horsham bypass on the Western Highway has been subject to much planning, consultation and debate within the communities of the Horsham Rural City Council. While a number of options for the Western

Highway alignment have been canvassed, it seems extraordinary that VicRoads would announce option D to be implemented during the recess of local government and before the local government elections and the new council is elected.

Horsham Rural City Council was given an undertaking that no such announcement would be made until a new council is in place. Cr Grimble and CEO Peter Brown have both said that option D does not satisfy the outcomes the council and community were seeking in terms of diverting heavy traffic away from west to south, the preservation of the aerodrome precinct and also the impact on farmland. So I ask the minister: will he intervene in the decision for option D made by VicRoads, which quite clearly neither the council nor the community support?

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) — My constituency question is for Jacinta Allan, the Minister for Public Transport. It has been a number of weeks since the grade separations involving the rail being separated from the road on Mountain Highway and Scoresby Road, Bayswater, were completed, but there is still some work to be done in the coming months on a car park at the train station and for some streetscaping and so forth. The traders along those two particular roads had a challenging time during the project, which the government does not shy away from, and the authority worked with the traders to try and promote their businesses. The question I ask the minister is: what is the authority planning to do to assist these businesses further during the period of time when the finishing works are underway but the roads themselves have been reopened?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is for the Minister for Families and Children. Both you and the Treasurer, the member for Werribee, in the Legislative Assembly, have constantly claimed that your commitment to consultation is rock solid. If that is so and given that there was no consultation prior to the announcement of the building of a youth jail in Werribee South, will the minister put the project on hold until such time as proper and full consultation can be held with Wyndham council and the Wyndham community and until that consultation is taken into consideration in deciding upon a location for the prison?

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — My constituency question is for the attention of the Minister for Public Transport and is in relation to the proposal for grade separations on the Frankston line involving sky rail. This chamber passed a resolution calling for the project to be referred to the federal department for it to be subjected to an environmental impact statement process. Constituents are concerned that they have heard nothing further on that. I certainly have not heard anything further, and I am asking the minister to inform me and my constituents as to whether indeed this action has been taken as per the motion and to report on the outcomes of such an inquiry.

Sitting suspended 1.06 p.m. until 2.13 p.m.

TRANSPARENCY IN GOVERNMENT BILL 2015

Second reading

Debate resumed.

Mrs PEULICH (South Eastern Metropolitan) — Just before the break I was citing some evidence of this government's lack of commitment to transparency in government, which this bill goes to. This morning's motion by the Special Minister of State, an attempt to broaden or perhaps stymie or muddy the waters on the investigation of the rorts, is a case in point in defying the views of this chamber and going against successive court findings.

We heard the Special Minister of State claiming that the presiding officers' investigation into electorate office rorts found that there was no fraud. Anyone who read that report would not see the word 'fraud' used anywhere, but I do not believe that that report exonerates anyone or excludes the possibility of fraud, which is the reason why this chamber voted for that investigation or for the Ombudsman to have the right to fulfil her function.

I was talking about the abuse of questions without notice. This government has been far from willing to provide information that has been asked for within the rules of this chamber, so much so that we saw the Ombudsman, for example, table a special report on youth justice. That was because there was a failure of the minister to provide the information that the public and this chamber have a legitimate right to ask about and know — it was a very good report and hopefully it will facilitate some of the debate — hence there was

that motion for an expression of lack of confidence in the minister.

I was talking about the questions on notice and the way the responses are coordinated and roneoed, all escaping any obligation to provide answers to questions on notice. I was talking about how Mr Jennings's suspension was due to a defiance of the chamber. Indeed he tried to use his seniority in government to prevent other ministers fulfilling their duties to this chamber and to the Parliament by not answering questions. I noted also yesterday his attempt to answer on behalf of other ministers, which I think reflects poorly on him and shows his lack of confidence in his own frontbench.

Mention was made earlier of how this government is committed to consultation. That is a joke. If you speak to any community affected by sky rail and whose lives and homes are being destroyed, whose peace of mind has been destroyed, there would be collective scorn for that claim. There has been no consultation. Consulting after a decision is made is not consultation.

We saw that in terms of the location of the new youth justice facility. Yesterday I received a copy of a letter — the very first time that a resident in that area had received any communication from the government — received after the decision had been made. Mr Finn has provided additional information on that.

Unfortunately the minister for the integrity regime has played more the role of a propaganda minister, and I think that is most unfortunate. Ms Wooldridge indeed elaborated on why these amendments are necessary — without the amendments that the opposition will be moving, there would be less data and fewer agencies would be required to report annually.

Just to recap some of that, Ms Wooldridge said that the changing of the parameters would basically mean that a comparison would not be enabled in relation to, for example, quarterly performance data currently provided by Ambulance Victoria on a quarterly basis for average first-response performance and then percentage first-response performance less than or equal to 15 minutes. The change in dataset as proposed would actually prevent comparison with historical data. This means less accountability and less transparency.

Ambulance Victoria data currently is published for both the local government areas (LGAs) and urban centre localities. The bill only provides for LGA data to be published, so clearly there is a diminution of accountability. The capacity for ministerial intervention, which this bill allows, enabling data to be delayed in circumstances — for example, of sustained industrial action — clearly allows for political intervention, which would no doubt see this government and its political connections, given its very close alliance with only certain unions such as the United Firefighters Union, always trumping public interest.

I see this as actually a retrograde step. In terms of the public health performance measures, which are to be published on a quarterly basis, again there is no standardisation of performance measures across different health services, and publication may be indefinitely delayed in certain circumstances.

The existing ambulance data and certain existing hospital data of course should continue to be reported. We seek to amend the bill to require the responsible secretary and minister to each make a statutory declaration for each report that they have no reason to believe that the data is inaccurate. Hopefully that would prevent manipulation of data, which unfortunately this government in its previous iteration has been known to do.

The data that this bill will require to be released is generally less than is currently released voluntarily, and the minister will be empowered to delay the release of data indefinitely.

For all of those reasons, I would urge the house to agree to the amendments. Hopefully the government will take some notice of the concerns about its lack of transparency. Despite all of the overtures and all of its grandstanding in opposition about how it stands for accountable, open and transparent government, Victorians are not convinced for one minute that indeed the government has been honouring its platform. With those few words, I look forward to listening to the rest of the debate.

Ms SYMES (Northern Victoria) — I too wish to make a brief contribution to the Transparency in Government Bill 2015. As we have read in the second-reading speech, this bill seeks to bring greater transparency and accountability to governance processes. It is human nature to want to know where we are at and what we need to do better. It starts at birth with an Apgar score and maternal health nurses checking the percentiles of babies so parents know what they should be looking to improve in relation to the health outcomes of their children. The same goes for the duration of our education, be it NAPLAN testing, for example, or school reports. I have actually

got my five-year-old's literacy test next Wednesday for prep.

Ms Pulford — That is a big day.

Ms SYMES — It is, and it is followed by a numeracy one. We are conditioned to want to know how we are performing and whether extra support or changes are required to ensure that we reach our full potential. Obviously there is also the workplace. As adults we are performance reviewed, business health is measured via complex assessments and performance reporting systems and indeed governments are assessed every four years by voters on their performance and are turfed from office if their performance is not seen to be up to scratch. It is reasonable and important therefore that we apply this need for assessment and measurement to areas of government so that government and constituents alike can benefit from information that tells them what is working, what is not working and what needs to be changed, supported or fixed to work better.

No area of government is more in need of transparency than that of the emergency services, whose success or failure have the potential for lifelong catastrophic consequences for Victorians. If information is power, then this government is truly giving power back to the people through the passage of this bill, which delivers on both transparency and accountability for a system which during the last term of government was devoid of both. Indeed paramedics being ramped outside our hospitals instead of being on the road ready to respond to emergencies was commonplace. It created an image that there was almost the need to add additional parking bays outside our hospitals to cope with the sheer volume.

This bill will address issues raised by the Victorian Auditor-General's 2015 report entitled *Emergency Service Response Times*, which identified the very compelling need to publish meaningful data in relation to response times. This bill will create a new statutory framework which will see the regular release of government information and data concerning the performance of Victoria's ambulance and fire services, public health services and, in some cases, other hospitals. This bill provides for the release of three different kinds of information that will help us all determine where things are working well and where things need to change. These include: response times for Ambulance Victoria, the Country Fire Authority and the Metropolitan Fire Brigade; statements of priorities agreed to by Ambulance Victoria, public health services and other hospitals; and performance data for public health services and other hospitals against the performance indicators in their statements of priorities.

We appreciate that response times are not the sole indicator of how effective or how well an agency is performing and that there are a range of factors that can and indeed do affect an agency's response time performance, such as geographical and seasonal impacts. For this reason the bill expressly clarifies that further information can be included in these reports to promote greater transparency by contextualising the information and providing more meaningful commentary. This will ensure that response times are given in the context of any relevant circumstances. The bill also recognises that there are likely to be times when the resources of an emergency service are devoted to addressing a major emergency, such as a major bushfire. In such circumstances the bill does allow for the minister to delay the publication of quarterly reports until a major emergency has been sufficiently addressed before reporting, and then at that time reporting can be resumed.

The bill also recognises the potential impact of sustained and prolonged industrial action on the ability to collect and prepare response time data, and it also allows for delayed publication in such circumstances. The bill ensures that there is transparency when these exceptions are relied on by requiring the minister to publish a statement so that the public is aware that a report will be delayed. We all know that our dedicated healthcare providers, paramedics and firefighters do an incredible job. It is a difficult job, and we are all very proud of the work they do. None of us know when we might find ourselves in need of their care and expertise. It is our job as the government to ensure that information that relates to improving the systems that we operate is regularly accessible, transparent and available to every Victorian. If we do not know about the issues, we cannot fix them. Assessment and measurement will facilitate doing things better and making things better.

As a government we are not afraid of the hard work, the challenging situations and the need for change, and we will work with our dedicated emergency services personnel, our nurses and our paramedics to make sure that we are delivering better services across the board for all Victorians. I do understand that there are amendments that have been put forward by Mr Gordon Rich-Phillips, which we will no doubt go over in detail during the committee stage of the bill. They are a rather elaborate set of amendments that appear on the face of it to be impractical, but I will leave them for the minister to respond to during the committee stage.

With that, I would like to commend the bill to the house.

Motion agreed to.

Read second time.

Ordered to be committed next day.

FOOD AMENDMENT (KILOJOULE LABELLING SCHEME AND OTHER MATTERS) BILL 2016

Second reading

Debate resumed from 13 October 2016; motion of Ms PULFORD (Minister for Agriculture).

Ms WOOLDRIDGE (Eastern Metropolitan) — I am very pleased to speak on the Food Amendment (Kilojoule Labelling Scheme and Other Matters) Bill 2016. This is a matter that in our view will assist in and contribute to tackling one of the most significant public health issues we face not only in Victoria but in Australia and, I would propose, around the world as well in relation to the issue of obesity and the impact that it has on health and wellbeing both individually for families and importantly on the community as a whole.

The coalition will not be not opposing this bill. We do have some issues that we want to raise. We have some comments, concerns and questions. I will foreshadow some of those questions in the debate, which will hopefully enable those questions perhaps to be answered in the minister's response. We have just a few questions and clarifications as we go.

The purpose of the bill is to require chain food outlets and supermarkets to display the kilojoule content of menu items. The context is that approximately — and it is amazing to think — two-thirds of Victorians are overweight or obese. I know certainly I and others in the chamber are breathing in and holding our tummies in as we have this discussion because we know it is a challenge. We know it is difficult, and we know these are issues of which personal responsibility is a very important part. At their heart the issues of being overweight and of obesity go to that, but there are things that can be done to assist people to make good decisions in relation to these issues.

No one thing is a silver bullet to solve the issue of obesity. If it was, the person who discovered it would be famous around the world. The fact is that you need a mix of policies and approaches. Kilojoule labelling is one of a suite of mechanisms, and there is some evidence that it can help. It is another step in trying to address this important issue.

I will mention just a few facts. As I have said, two-thirds of Victorians are obese or overweight. There is some good work being put together by the Obesity Policy Coalition and by the National Heart Foundation of Australia. Just to get a little bit more specific, the numbers show — and this is 2014–15 data — that 6 million Australians aged over 18 are overweight. Incredibly one in four adults is obese. They measure that by body mass index (BMI). That represents about 5 million Australians who are categorised as obese. BMI is not a perfect measure, but what it says is that these are very significant issues that affect many. When you look at obesity issues over time, in 1995 — so really we are looking at 20 years ago — about 18.7 per cent of Australians were obese. The figures are roughly the same for men and women. We are now looking at 27.9 per cent — a very significant increase in the numbers over just a 20-year period.

Obesity and being overweight affect different groups of people in different ways. You are more likely to be obese or overweight if you are Australian, as opposed to having been born overseas, and if you speak English at home, as opposed to a language other than English. Interestingly you are more likely to be obese or overweight if you are employed rather than if you are unemployed. Those who come from disadvantaged backgrounds are more likely to be obese. If you live in rural and remote Australia, you are more likely to be obese. This information enables us to target the campaigns and other work that is being done to address this issue.

The Obesity Policy Coalition are saying that they support the view that poor diets and high body mass are now the two greatest risk factors contributing to the burden of disease in Australia — that is quite incredible — ranking ahead of smoking. We look at the focus that has been on smoking in such a sustained and strategic way over such a long period of time, and in this chamber we are still debating improvements in smoking laws. Indeed we recently addressed exactly that issue. The issue of obesity, while it has been increasing over time, has not had the policy focus that it now needs. The fact that it is such a critical issue to the burden of disease shows that we must do all we can to address it.

Obesity places a large portion of the population at heightened risk of developing chronic diseases, such as cardiovascular disease, type 2 diabetes and even some cancers. The flow-on from being overweight or obese,

certainly at a population level, is being seen in terms of people presenting with these very significant diseases.

Some other interesting information is that many people eat out with some regularity. Survey data from 2014 shows that 81 per cent of Australians will eat out at least once a month, with more than half of those visiting a fast-food chain. The thing about food from fast-food chains is that we often see in it a high concentration of saturated fats, sugar and salt, and it is often very energy dense. Amazingly McDonald's was visited by 42 per cent of Australians over the four-week period surveyed. Four in 10 — 40 per cent of people — are visiting a McDonald's at least every month. That is quite dramatic and is probably why we see such a massive proliferation. That is followed not too far behind by Subway — I have got to admit that my family, especially my son, are big fans of Subway — KFC, Hungry Jack's, Domino's and so on.

The magnitude of the problem that we are facing, its impact from a public health perspective on the health of the population and obviously the consequential pressure that puts on our health system in terms of managing that level of chronic disease is, I think, an important context in which to place the debate we are having.

In terms of kilojoule count labelling, this was something that was originally committed to by the then Labor government back in 2010. It was, I think, around the same time that New South Wales made a similar commitment. New South Wales went on and implemented it. It is actually New South Wales that a lot of this legislation relies upon. We were able to use evidence from their evaluation to know that this is going to help to make some difference in the consumption of kilojoules.

In January 2011 the national Review of Food Labelling Law and Policy process recommended national mandatory kilojoule labelling and traffic light labels on food chain menus and vending machines. In 2011 mandatory kilojoule labelling was introduced in New South Wales. That was evaluated, and in 2013 the NSW Food Authority found that the median kilojoules purchased decreased by 15 per cent and there was a significant increase in consumers who knew the recommended average daily kilojoule intake. I think it is really important to have that evidence in relation to being able to impose these costs. One of the facts is that these sorts of laws do impose costs on businesses, and we never do that lightly, so you want to know that it is going to have an effect. The fact that there was a significant decrease in the kilojoules purchased as a result of the evaluation in New South Wales has been important evidence.

Just anecdotally, once these things are drawn to your attention you tend to pay a lot more attention to them. In the last six months since we started talking about this issue I have been looking very carefully, as I occasionally visit fast-food outlets, at their labelling and how the boards work. Actually I was quite proud the first time I did it. My son wanted McDonald's, and I went in too and thought, 'I'll get something light; he can get what he likes'. You know, I could not find a single light thing on the menu, because I saw for the first time the things that were presented as light — as I previously would have assumed they were — when I actually looked at them and could see what the kilojoules were, were all over 2000 kilojoules. When you put that in the context of it being one quarter of your daily intake requirements, it actually changed my mind. I was very proud of myself; I actually turned around and walked out without purchasing anything. I thought, 'Well, actually, that is what we are trying to achieve'. That is the impact of decision-making that affects us all, and having that information does make a difference.

In 2013 and during the course of the previous government we did acknowledge that this was very important. We were looking at the evaluation of New South Wales and had progressed some preliminary work on this issue. The government obviously made a commitment to it, and now we are debating this bill today.

There are a few key elements of the bill that are worth touching on, and they are that a chain food outlet or supermarket must display the average daily energy intake — and that is 8700 kilojoules — and the average kilojoule content of the standard food items on the menu. There is a definition of who is captured by this bill. They must have at least 20 food premises in Victoria or 50 food premises in Australia, including at least one in Victoria, and have a floor area of over 1000 square metres. I will make some further comments on that later. It is estimated from a Victorian perspective that there are about 3000 chain food businesses that fall into this category — KFC, McDonald's, Gloria Jean's, Bakers Delight, Boost Juice. So it does cover a full range, not just what you would normally think of as a traditional fast-food outlet. It also covers about 570 supermarkets, so the impact it is going to have will be quite comprehensive.

In terms of determining what type of food is covered, it must be ready to eat, it must be consumed in the state in which it is served — such as a sandwich or a muffin, but if you wanted a loaf of bread that you are going to toast and put some butter and Vegemite on, that would not be covered — it must be available in two or more of

the chain outlets and it must not be pre-packaged, because of course pre-packaged food already has labelling requirements associated with it. So it does start to become your traditional food, but it does have some complexity. In Bakers Delight your cheesymite scroll probably would be required to display a label but your bread roll or loaf of bread probably would not, so having some clarity in relation to those requirements in the bill is helpful, and I am sure there will be further questions in relation to implementation.

The menu items must display the average kilojoule content, whether it is available for dine-in or takeaway. In the case of a supermarket, they will be calculated on a different basis, which has led to some concerns from the public health sector; they will be calculated per 100 grams as opposed to per the whole item you are purchasing. There is going to be a 12-month implementation process in relation to these laws.

As is normal, I go out and get some input from those in the sector and those who are going to be affected by it. Overwhelmingly there is support to introduce kilojoule labelling, and I just want to run through the responses both in recognition of their having responded comprehensively but also to raise some of the concerns that have come up through the consultation. I think largely the Heart Foundation has taken the lead in relation to these sort of issues. They said, and I quote:

> The Heart Foundation welcomes the proposed amendments to the Food Act 1984 —

well, it is not the Food Act 1984 —

> to introduce a kilojoule labelling scheme for Victoria. Providing clear and consistent nutritional information on menus will provide consumers with the opportunity to make informed decisions regarding energy content when choosing between standard food items in chain food businesses and chain supermarkets in Victoria.

They went on to say:

> Research indicates consumers are more likely to notice nutrition information if it is presented on the menu. When using kilojoule information, evidence suggests that consumers purchased smaller portions or chose bottled water instead of soft drinks or juice. These findings are testament to the potential benefits of introducing a kilojoule labelling scheme in Victoria.

So overall they are positive about the need for the scheme, but they do raise a number of concerns, and I will just run through them. First of all is the issue of consumer education, and there is concern that there have been no indications from the government that a funded consumer education campaign will accompany the kilojoule labelling scheme. If we are going to require businesses to go to the effort and the cost of putting this information into place, then we have got to make sure that consumers are informed and educated and have the capacity to take advantage of it.

I have to say, back to my example of going into McDonald's, I had been in a number of times before and not concentrated on those kilojoules listed on the boards. It was not until dealing with this legislation that I actually raised my consciousness to a level where I started to take that into account. If I think of that, as a group who are very interested in these issues, we have got to be conscious of the Victorian consumer and the need to help them to at least understand the information is available and what it means so that they can then make a choice about the decisions they make in relation to their eating. So I will be asking for information from the government about their plans around consumer education.

The Heart Foundation go on to say that:

> … the NSW government committed $1.18 million to a consumer education campaign, targeted specifically toward 'high frequenters' of fast-food and snack outlets (18–24-year-olds).

The second issue that they raise as an area of concern is, and I quote:

> … Heart Foundation Victoria recommends publishing a 'user guide' for industry to ensure that businesses have the appropriate knowledge and tools to adopt the new scheme as soon as possible.

The foundation also recommends:

> … that the Victorian government form a stakeholder reference group, as has been implemented in other Australian states.

As I have said a couple of times, it is important to acknowledge that we are imposing an additional cost on businesses and we have to help them to make that as easy as possible, as quick as possible and as effective as possible so that the legislation can be implemented effectively and be in place for people to utilise.

I do want to acknowledge that the fact that the legislation in many ways mirrors what has happened in New South Wales is a recognition of easing that transition for Victoria to the new legislation. Many of the larger chains that have established businesses across both states are either already doing it in Victoria on a voluntary basis because it is happening in other states or it has been relatively straightforward to roll out. But there is a portion of businesses — about 20 per cent in all — that do not have another state to rely on, and that will be a cost. So those that are implementing it from other states will need assistance, but I particularly impel

and encourage the government to support that 20 per cent that will be introducing it for the first time.

The other issue is evaluation. There is no information to date, so once again I will be asking the government to provide some details on what they are planning, about the impact of the introduction of kilojoule labelling schemes following implementation. This will not only benefit Victorians in understanding the impact of the scheme that we have introduced — how it could be refined or improved — but when we look at how we have relied upon the information from New South Wales as a guide and a catalyst for what is happening in Victoria, then it is also very important that we similarly see the value of evaluation and make sure that we get that evidence for ourselves and for others to draw on.

The Heart Foundation say that the evaluation in New South Wales demonstrated that there was a decrease in the median kilojoule intake of 519 fewer kilojoules purchased — and that is consumer reported — following the scheme's introduction. Additionally the evaluation found that 40 per cent of consumers indicated that the kilojoule labelling scheme influenced their food choices, either at the time of purchase or into the future. So there are some opportunities there highlighted by the Heart Foundation's thoughtful input into the bill — which were supported — but there are more opportunities, and we have to make sure that we capture them in the process.

The other group that I would like to acknowledge is Diabetes Victoria. They are also impacted by this legislation and have been advocates for it. Carolyn Hines, the education manager, indicates their support of the bill in principle but, once again, they want the consumer education program to accompany the labelling requirements, saying they:

> … believe a consumer education campaign to accompany the labelling requirements is essential.

This is critical to successful implementation. That is certainly a lesson learned from New South Wales and one that it would be good to get some assurances in relation to. As I have mentioned, New South Wales has had this legislation for a number of years now and it is their evaluation on which we have been able to base our own. The evidence and advice we have got from that has been very helpful.

There is one more group that we also had a very thoughtful response from, and that is the Obesity Policy Coalition, through their executive manager, Jane Martin. The Obesity Policy Coalition represent many different groups that have come together to advocate for these issues. The Obesity Policy Coalition strongly supports the introduction of this legislation, but they identify some further issues. The issues they highlight go to some of the exemptions, the differences and the anomalies — you could call them — in relation to the bill. The first one is that cinemas, service stations and small supermarkets are exempted. Now, there are arguments on either side of this. The coalition are concerned that when you exempt one group, you are actually missing a whole cohort of the population. These are also places that may have standardised food. Think about going into a Shell, BP or Caltex service station. You see exactly the same menu items time and time again. They are all exempted. There is obviously a cost, and we understand that, but there is also a loss in the benefit of a kilojoule labelling scheme when such a significant part of the market is exempted. That is an issue that the Obesity Policy Coalition feel strongly about. They say:

> Where a significant part of the market is not covered by the scheme, consumers cannot effectively make comparisons between products and choose healthier options.

One other aspect that they are concerned about is the removal of different rules for supermarkets. They say, and I quote:

> We want the bill amended so that supermarkets are required to display the same information in the same way as other businesses. We do not support supermarkets having the choice to display the energy content per 100 grams and to display it in small text the same size as the unit price. This is because inconsistency between information displayed by supermarkets and that displayed by other businesses means that consumers cannot effectively compare energy information provided by different businesses.

Once again it would be useful to have the government put on the record why they have decided upon that exemption. It is obviously an area of concern for some of our leading public health agencies.

There is also concern about menu boards. The Obesity Policy Coalition would prefer static menu boards. I must say that, having looked at a few of these myself, some of them flick through so quickly that you cannot actually line things up and get the information you need. The coalition say that other states have stronger rules on display.

Interestingly also, while many of the aspects of the bill marry with New South Wales, the penalties do not. Victorian penalties are more akin to other penalties that we use in Victoria, such as for smoking tobacco and those sorts of things, rather than paralleling similar penalties in New South Wales. Once again there are arguments on both sides. Penalties in Victoria are only a fraction of the penalties in New South Wales in

relation to this legislation. The Obesity Policy Coalition's view is that:

> We support penalties that are sufficiently high to encourage compliance and deter breaches.

The capacity for people to engage voluntarily in the scheme is another aspect, but the Obesity Policy Coalition's perspective is that if people wish to voluntarily participate, then they must comply with the requirements of the scheme for content and display of information. This is to ensure that there is consistency. This is one of the challenges, as we know, for consumer education campaigns. The more it is consistent, regardless of where you turn, the more likely it is to have an impact in relation to the consumer's understanding and ability to act on the information they find. That is certainly their argument.

Finally, they emphasise, and I quote:

> … the importance of funding a comprehensive education and social marketing campaign to run alongside the introduction of a kilojoule menu labelling scheme.

So there are some pretty consistent themes but also some important thoughts and input from groups that think about this on a very regular and ongoing basis.

I think it is important — and I do want to get on the record in this context — that while this legislation is hopefully a very positive step forward, and we will see that with the evaluation in relation to these issues, the government's performance on public health has been less than stellar. One of the big messages on public health is that you have got to take action across the board on multiple fronts because there is no one solution to these issues.

I did just want to spend a couple of minutes on the issue of a very important program that Victoria virtually no longer has, called Healthy Together Victoria. This program was initiated by the former government. Its objectives were to slow the rate of growth in the number of people who are overweight, to increase the number of daily serves of fruit and vegetables, to increase the proportion of people who are doing moderate physical activity and to reduce smoking. So it was really to try to tackle some of those major issues that are the cause of many of the chronic diseases that Victorians experience, and once again, by information, education and engagement, because ultimately, as we know, the individual has to make a decision in relation to their actions on these issues.

Healthy Together Victoria was innovative, it was long term and it was a targeted strategy tailored to meet the different needs of different communities. The disappointing thing is — and I think it is disappointing on a number of levels — that the national partnership agreement on preventive health was not continued, and that was obviously a decision of the federal government, but with that withdrawal of funds, or not continuing the funding, I think it is exceptionally disappointing that the Victorian government then made a decision not to continue the program. There was some residual finding that would have enabled it to go for a small period of time. There was some public health funding that was already invested, and that has continued, but effectively the program has ceased. This was a program that had been intended to invest for the long term, work at multiple fronts and on multiple levels and was very locally driven.

I did think it was interesting that the Public Accounts and Estimates Committee had a look at Healthy Together Victoria in terms of the impact of the conclusion of the project. The project, which is Victorian intellectual property, was one of the things that I think was proudly Victorian and an initiative that continued to push us to the forefront of some of the public health initiatives that we have seen in the past. It was for want of about $13 million per annum — the fact that the Victorian government has not put in the $13 million — that the program stopped. In the context of some of the spending that has been made, this is a small order of magnitude. We all know $13 million is a lot of money, but it is not in the context of the investment of this government and the spending of this government in so many different ways. For the want of $13 million a year this program has gone.

The program was employing about 120 local government workers across a range of target populations in early childhood services, schools and workplaces across the board. As a result of the program concluding, approximately 28 per cent of children in preschool centres, primary schools and secondary schools will no longer engage in the Healthy Together Achievement program. Similarly, about 300 000 employees — 10 per cent of Victoria's workforce in 800 workplaces — have ceased their involvement in the achievement program. It supported over 450 organisations, improving food and beverage offerings — they are gone, no longer there.

There were 12 Healthy Together communities aimed at providing measurable evidence of the impact and effectiveness of the systems-based approach to prevention, and that will not continue. This was the only trial of its size and type in the world, and there is no doubt it has had an impact on us in terms of being a leader in preventive health. Interestingly, the New Zealand government's Ministry of Health had

negotiated a licence to use Healthy Together Victoria; they liked the Victorian program so much that they wanted to take it over to New Zealand as well. Now, with the state government making a decision not to continue that program, the licence was reduced from five years to one year, and a non-extension of the licence will result in a loss of over $450 000 in revenue for the department.

On so many fronts this was a very important initiative and an innovative program out of Victoria that could have continued. Obviously it is disappointing that the federal government decided not to pursue it, but a conscious decision by the state government not to fund the continuation of this program for the want of $13 million a year, I think, is devastating for those who developed the program and evolved it; it is terribly disappointing on the policy front in terms of Victoria being a leader in public health initiatives; but most importantly for the hundreds and thousands of Victorians who were impacted by this program, who were making positive decisions based on the information and education that had been provided about their eating, about their smoking and about their physical activity each and every day, that has all ceased.

In relation to an evaluation done out of Mildura on various programs in terms of how you would rate the importance of the work of Healthy Together Mildura, 65 per cent said 'Extremely important' and another 24 per cent said 'Very important'. When ranking how valuable the initiative had been, once again it was overwhelmingly positive. On how effective it had been, it was the same again. One of the quotes that stuck in my mind was 'Political short-termism is not well suited to initiatives designed to change culture — this is long term work'. We cannot have the political nature of saying, 'Well, we did not develop it'. I know it is one of the best in the world, it is one of the biggest trials in the world, the New Zealand government are licensing the program to use it themselves, but disappointingly the state government has decided to walk away from such an important program. Initiatives on the kilojoule labelling are important and they will take things another step forward, but it comes in the context of some decisions that have been made that take us in the opposite direction.

In terms of the bill as a whole, as I have said, I have hopefully foreshadowed a few questions for the minister. There are just a few questions about the education, about the stakeholder reference group and about the evaluation that it would be very useful to have some feedback on, but other than that, as I have said, there have been concerns raised. It is about the implementation of the scheme. We need the information to know what has worked and what has not, and how else we can improve it. We are very conscious about the fact that there is a cost to the business community in relation to that and certainly we encourage the government to do everything it can possibly do to minimise that cost, to assist in the program, to assist in measuring kilojoules in items that are going to be sold to ease that implementation as much as it is possible to do. But on the whole we think this is a measure that can add to the suite of issues and programs that we need to address what is an epidemic of obesity in Victoria and address the very important public health issue and the implications it has for our health system for families and for individuals in our community.

Ms HARTLAND (Western Metropolitan) — I think this is a really interesting bill and is one that the Greens clearly support because we have always had that focus on preventative health issues. As people would be aware, our federal leader, Richard Di Natale, is a GP himself and has been a particular champion of the cause of preventative health.

We welcome this bill. Clearly it brings us broadly in line with most other states, including New South Wales, Queensland and South Australia. I take up some of the comments Ms Wooldridge made about how effective the kilojoule signage is. Recently I was in Ireland, and on the train they actually had all the kilojoules on the card for the tea trolley. It really made me think, 'Do I really want to waste my calories on that piece of cake when it may not be all that good?'. So I think it is a really good way for people to make decisions about what they are going to do and how they are going to do it.

Two-thirds of Australians are overweight or obese and these rates are rising. Australia now has the highest rates of obesity, surprisingly surpassing even the United States. This is one area where we most certainly do not want to be the world leader. Obesity is obviously a major risk factor for cardiovascular disease, type 2 diabetes and some cancers. Both the economic and social cost of obesity is alarming and is escalating. It is an emerging epidemic in our community. Tackling obesity needs a broad and multifaceted approach by government, but food labelling is known to be one of the most effective tools we have in the fight against obesity because it empowers consumers to make better and more informed choices about what they eat and the kilojoules they consume. It is not about saying to people 'You can't eat this' or 'You can't eat that'; it is giving them the information that if they do eat that, that is how many kilojoules that they will be taking.

I note that in New South Wales the average kilojoule consumption is down by 15 per cent since the introduction of their food labelling scheme. It is also a measure which enjoys widespread community support. Overall this bill warrants support, but there are several areas where it could, and should, be strengthened in order to maximise its effectiveness in changing community attitudes and behaviour when it comes to their dietary choices.

The exemption for cinemas, service stations, small supermarkets and convenience stores undermines the effectiveness of this bill. It is at these locations that customers often make their most unhealthy dietary choices, especially children. It is also these locations that tend to stock a greater proportion of particularly unhealthy and kilojoule-dense foods, as well as offering proportionately fewer healthy alternatives.
Ms Wooldridge made the point that many of these businesses have exactly the same menu in all of their outlets, so why would it not be possible to have them comply in the same way?

The Minister for Health noted that consistency with other states was front of mind when drafting this bill, but the Greens believe that the rule has not quite been applied properly to food outlets. Consistent application of the scheme across all large chains where ready-to-eat standardised food items are available is of fundamental importance. This is because it is important that the scheme's effect is maximised by covering as many chains as possible.

If a significant part of the market is not covered by the scheme, consumers cannot effectively make comparisons between products and choose healthier options. We are concerned that excluding these businesses will reduce the effect of the scheme as significant numbers of consumers will be purchasing ready-to-eat food items without information about energy content.

The Minister for Health also asserted that the principle of consistency was front of mind when drafting this bill, but that does not appear to have been extended to consideration of penalties for non-compliance. The bill should be amended to increase the penalties to match those that apply in New South Wales. The penalties proposed for this bill are much lower than those in New South Wales. Victorian penalties currently equate to $3109 for an individual and $15 546 for a corporation. New South Wales penalties are $55 000 for an individual and $275 000 for a corporation for an intentional contravention, and $11 000 for an individual and $55 000 for a corporation for an unintentional contravention. Queensland also has much higher penalties: $60 600 for an intentional contravention, with no distinction between an individual and a corporation, and $12 120 for an unintentional contravention. We support these penalties that are sufficiently high to encourage compliance and deter breaches. We support the application of higher penalties to corporations as a measure to encourage compliance by large corporations and to deter engagement in tactics that undermine the objectives of the proposed scheme.

My third and final point does not relate to the specific change we would like to see in the bill, but it is the most important matter when it comes to effective implementation of this legislation. In addition to these measures we would like to emphasise the importance of the Andrews government funding a comprehensive education and social marketing campaign to run alongside the introduction of the kilojoule menu labelling scheme. There is of course a great deal of evidence that food labelling is more effective when accompanied by education.

We support a campaign similar to the one run in New South Wales, where the state government provided $1.18 million for a campaign targeted towards 18 to 24-year-olds, who are people who frequently use chain outlets. It also launched the 8700 campaign in March 2011 — based around the average daily intake of 8700 kilojoules — using digital, social and radio media, targeting the high consumers. I urge the government to actually look at the New South Wales program and use it here, because we do know that it is effective.

We have made a number of suggestions about improvements that could be made to this bill. The Greens do welcome the introduction of this bill before the house and will be supporting it in the Parliament. One suggestion I think we should take up, though, is that our dining room here would be the perfect place to start having kilojoule labelling, because we all know that we are captive in this place during the week and that even though the food here is excellent, some of it is so delicious that we actually want to know that we are spending our calories properly.

Mr SOMYUREK (South Eastern Metropolitan) — I rise to speak on the Food Amendment (Kilojoule Labelling Scheme and Other Matters) Bill 2016, which gives effect to the Victorian government's commitment in April last year to introduce kilojoule labelling laws. Kilojoule labelling law initiatives have been established in most Australian jurisdictions. The intention of this law is to provide consumers with the information to enable them to make informed, healthy food choices. It will require large chain food outlets and large supermarkets to display the kilojoule content of food

and drinks on menus, menu boards, price tags and online menus.

I listened to the Leader of the Opposition convey her experience with food labelling and kilojoule and calorie counting. In fact I have been calorie counting myself over the last six weeks, and I hope that shows. I am not sure that it does. I can tell you, Acting President, that as the Leader of the Opposition said, you do actually become more aware of what you are eating, and you are quite often surprised at how many calories some food products have. You are surprised that certain innocuous or benign-looking foods contain so many calories and vice versa. Some other foods you think — —

An honourable member interjected.

Mr SOMYUREK — In particular Turkish food. And some other food items you would expect to contain a lot of calories do not in fact contain so many.

This is a good law in terms of helping the public to get an awareness of what they are eating. I normally do not comment on food in this Parliament; I do think not it helps members of Parliament at all. Let me clarify that I am not complaining about the food in this place but it would help if we could maybe look at introducing kilojoule labelling. Again I say to the media: I am not complaining about the food in this place at all, as one member famously did in a Public Accounts and Estimates Committee meeting.

The kilojoule labelling scheme will require chain food businesses with 20 or more outlets in Victoria or 50 or more outlets nationally and supermarkets with 20 or more outlets in Victoria or 50 or more outlets nationally, where the supermarkets have a floor space of more than 1000 square metres, to display the kilojoule content of standard ready-to-eat food and non-alcoholic drinks on menus, menu boards and food labels. It will also require the statement 'The average daily adult energy intake is 8700 kilojoules' on menus, menu boards and display cabinets or stands. If I could just show off a bit my skills in counting kilojoules: 8700 kilojoules is approximately 2000 calories — —

Mr Finn — It is important to be able to count.

Mr SOMYUREK — In politics and in losing weight — through your app. In fact I have been on a 1000-calorie diet, which is probably not healthy but I reckon I have eaten 1000 calories today. I had a steak sandwich and I had some chips with that. I would estimate that to be about 750 calories, and I had three scoops of ice cream so I think I am at about 1050 calories. I do not know for sure because we do not have food labelling in the Parliament of Victoria.

Mr Finn — Does the bill do anything about that?

Mr SOMYUREK — It does not, and maybe it should. Nevertheless, I do know how much I have consumed, and that is an important point. So if we do label food products, we will all know how much we are consuming. We should know this instinctively, but sometimes we do not know these things instinctively. I will miss dinner tonight because I have had 1000 calories already.

An honourable member interjected.

Mr SOMYUREK — Yes, I will — until I go home to the kebabs.

It is intended that the scheme take effect 12 months after the bill passes through Parliament. The scheme will apply to approximately 50 large chain food outlets and four supermarket chains, or 3000 individual outlets and 570 supermarkets, and will be enforced by both the Department of Health and Human Services and local councils. International and Australian evidence shows kilojoule labelling is effective in reducing the kilojoules consumed. As the Leader of the Opposition said, New South Wales achieved a 15 per cent reduction in the kilojoule content of food purchased after the laws actually took effect.

Families today are consuming fast food more than ever before and are often consuming meals that constitute the daily recommended kilojoule intake in one meal. Fast food is typically bulk purchased and bulk produced, and in most cases kilojoule levels are not taken into consideration in their manufacture. Approximately two-thirds of Victorians are overweight or obese. Obesity is harmful on its own, let alone the diseases that obesity can lead to, including heart disease, type 2 diabetes and some cancers.

In congratulating the Victorian government, Cancer Council Victoria provided results of a survey undertaken by the cancer council and the Heart Foundation which found that only two of nine Victorian major fast food chains supplied adequate nutritional information and less than 73 per cent provided legible kilojoule information. The Heart Foundation's Kellie-Ann Jolly stated:

> It's really to create a consistent and easily understood system for consumers so that they can really understand what they're purchasing, what their kilojoules are and then they can make a choice about whether they will actually consume that food or not.

With all of that I might just say that the Food Amendment (Kilojoule Labelling Scheme and Other Matters) Bill 2016 will assist in creating healthy

lifestyles for Victorians, and for that reason I support and commend the bill to the house.

Mrs PEULICH (South Eastern Metropolitan) — It is always interesting to listen to Mr Somyurek, who blends a good mind with knowledge of real life and the challenges that indeed we all face — and there are certainly challenges in the area of food consumption and kilojoule consumption.

An honourable member interjected.

Mrs PEULICH — He does know about challenges. I think it is a theme, however, that does cross party lines, so we will not poke fun at that.

This bill, I understand, has been long in the making. We, especially those of us who have had problems with weight, welcome measures that can help us gain greater control of our lives and improve our health and wellbeing. Whether it is the consumption of food, the opportunity to exercise or other improvements, conceptually I think it is a very good thing. Information can never harm — well, should not harm anyway. There are, however, I think, issues with this bill, and I will refer to those a little later.

The bill was introduced back in September 2016, and the coalition acknowledged the importance of providing consumers with the kilojoule content of takeaway foods. Certainly we have all been waiting to have a look at the New South Wales legislation and what its impact has been. This bill purports to assist people in taking practical steps to improve their health and wellbeing.

I think technology plays a really important part in that as well, whether it is calorie counters or apps of various sorts. Recently my son bought a Fitbit, the task being to do 10 000 steps a day. He compares that with his girlfriend, and they can communicate. He is reminded when to get up and move around and so on. All of these measures are good measures. I think technology will certainly play an important role in drawing our attention to our calorie intake and providing information on it so that we can actually reduce it and increase our expenditure of energy.

Informing us about our kilojoule intake is an important measure to make sure that those who want to make the right decisions about their eating can do so. Of course you can lead a horse to water but you cannot always make them drink. If there is any thought that this would somehow miraculously get rid of the problem of obesity, just as no matter how much money is expended on, say, initiatives such as family violence, it will not, because we, unfortunately, do have human failings.

While the bill is not a holistic change, there are some deficiencies in the proposal, and while the coalition is not opposing this legislation, some concerns have been raised about it. The imposition of criminal liability upon proprietors for failing to meet certain provisions, including the requirement to display kilojoule information at the premises, is one. As Ms Wooldridge pointed out, the need for an education campaign to accompany this legislation is absolutely paramount, because there is nothing worse than imposing penalties on people who perhaps may not be aware that indeed they are in breach of legislation. In addition to that, I know that Ms Hartland on behalf of the Greens has expressed concern about how some of the businesses that are exempt should not be exempt, when in actual fact most of them are often the most common stops for the consumption of fast food — for example, petrol stations. There are concerns about some of the businesses that may not have the support of franchises in complying with the legislation.

The chain food outlet or supermarket must display the average adult daily intake, being 8700 kilojoules — a bit more than 2000 kilojoules, Mr Somyurek — and the average kilojoule content of standard food items on their menus. Yes, some of those fast food outlets are already doing that, and it goes to perhaps helping us make better choices. I am not a great consumer of McDonald's. I have never liked it; to me it is cardboard food. But from time to time I might drive through and get a 50-cent ice cream, and I look at — —

Ms Wooldridge interjected.

Mrs PEULICH — Fifty cents. Yes, it is very cheap. I look at some of their healthier options and the kilojoule content. Does it look appealing? Would I buy it? No, probably not. I think the most appealing food is natural food that is prepared at home, but unfortunately all of that usually costs more money and certainly does consume a lot more time.

Some families have greater distances to travel because they are in suburbs where there is cheaper housing — say, the Casey seats that we both represent, Mr Somyurek. Many of those people work long distances away from their home, commuting in one direction for well over an hour to get home. That is two hours a day, plus more.

Mr Finn interjected.

Mrs PEULICH — They certainly get stuck in an appalling road system and the congestion that this government has consistently failed to address, or they are stuck with public transport deficiencies or

inefficiencies. Some of them are working overtime. They do not have the luxury of time, and sometimes they do buy fast food out of necessity. The bill will certainly impact upon them.

I note that chain food businesses that will be captured by the bill will have at least 20 food premises in Victoria, so presumably they will be larger outfits, or they will have 50 food premises in Australia, including at least one in Victoria. Supermarkets captured by this bill will have at least 20 food premises in Victoria or 50 in Australia et cetera, plus a floor area of at least 1000 square metres. In Victoria, as Ms Wooldridge mentioned, it is estimated that 3000 chain food businesses, including KFC, McDonald's, Gloria Jean's, Bakers Delight, Boost Juice, and 570 supermarkets, such as Coles, Woolworths, IGA and FoodWorks, will also be required to display kilojoule content.

The standard food items must be ready to eat, consumed in the state in which they are served, available at two or more of the chain outlets and not prepackaged. Packaged foods already display energy content. It is, however, difficult to overlook the legislation's financial and regulatory impositions on businesses. For example, it is most certainly going to impact businesses that do not have the support of a franchise with regard to the measurements needed for the kilojoule charts, and so the cost of compliance is going to be a substantial impost on these businesses and will be reflected also in the higher cost of those foods.

Ms Wooldridge has spoken about the importance of a holistic approach to health and wellbeing, and clearly that is needed. She also mentioned that a better policy mix is what is needed, and clearly I think that is imperative. Reducing the cost of living so families and individuals can have higher disposable incomes is really important. If they could actually spend more on better quality food or perhaps have a better work-life balance, maybe everyone in our community would have the opportunity to enjoy better health and wellbeing. Whether it is about staying alive or keeping healthy, this bill is but one element of what really needs to be a holistic approach to health and wellbeing.

Habits in relation to food can impact on work, home life and general recreation, but what I think is the most important point in terms of the role of government is making it easier for individuals, families, businesses and organisations, even the public service, to improve the quality of life for our citizens. We know that this government likes to drive up the cost of living, the cost of electricity and the cost of doing business with burdensome regulations. This makes life tougher for many, especially those on the margins who are hit hardest by the callous economic business and energy policies of this government. Driving up these costs for individuals and families means in many instances less freedom to choose healthier foods, which may not be convenient to purchase and may cost a bit more due to quality. If mum or dad is forced to work another job or longer hours just to make ends meet, you get an impact on the health and wellbeing of families and individuals. This government often conveniently forgets that particular demographic — they are the forgotten people.

Whilst the coalition is not opposing the legislation, one must also consider any extra burden on business because increases in the cost of doing business mean less jobs and less economic prosperity. I note that the Australian National Retailers Association (ANRA) put out a release in 2014, saying:

> Indeed, ANRA supports the policy intent behind kilojoule labelling requirements. ANRA's major supermarket members have now implemented point of sale kJ labelling for the affected items in question on a national basis. However, ANRA remains opposed to the inclusion of supermarkets in these schemes because these schemes were designed to capture consumers of fast food and quick service restaurant meals, not people undertaking a periodic 'grocery shop'.

I do believe it is important that government does everything that is necessary to help our community lead better and healthier lives, but it must also support the businesses that are struggling to stay afloat. There will be some costs to businesses meeting these legislative obligations, and these will need to be monitored so that it does not become overly burdensome. I am yet to be convinced that it will not be the case. I do, however, believe that there is a responsibility to inform the consumer and help Victorians make better choices in relation to food and their health and wellbeing.

There are also some exceptions which the Parliament and indeed the respective departments, agencies and associations may wish to reconsider in future, given the importance of this measure in helping to educate consumers. I find it extraordinary, for example, on the basis of inconsistency, that this legislation will capture many takeaway chains, such as Subway, but Village Cinemas, which sells pre-prepared food at snack bars, is exempt from displaying kilojoule charts. The vending machines found at most railway stations and other public areas will also be exempt. Businesses that serve petrol and takeaway foods will also be exempt. Now, I am not proposing that they actually be included, but that is where I buy all of my junk food. On the way home from Parliament I generally have a little pit stop, especially because of the later sitting hours. I must say that if I were to exclude that little pit stop, I am sure I

would be a number of kilos lighter. These are the places that are the most accessible and most visited points of sale for pre-prepared junk food. So there are some inconsistencies in the legislation.

Making educated choices about food will certainly help Victorians improve their quality of life, but I do believe the government needs to do more in the area of obesity in terms of its multipronged strategy but also most importantly in terms of areas that reduce the cost of living and the cost of doing business, and I think this bill may not quite strike the right balance. Education is a vital element of any policy mix in relation to healthy food choices and in leading an active and healthy life.

In conclusion, I strongly urge the government to consider a greater variety of measures to tackle obesity. I reiterate the importance of working with the Victorian business community to ensure that they are assisted and do not suffer as a result of the costs that will be incurred in complying and the importance of considering deeply the additional cost to government for enforcement and any unnecessary administrative burdens. This will be crucial for the government if it is serious about achieving the outcomes outlined in its bill.

Again, just to summarise, the increasing cost of doing business is a demerit. Achieving health benefits and having better educated consumers is a noble objective, but there is a need for an education program. The compounding costs for businesses and individuals in terms of red tape is reflected in the cost of energy, in the administrative costs caused by the government and in the cost of compliance for business. However, these things are yet to be known, understood and monitored. So with those few words, I understand the opposition is not opposing the legislation but will be monitoring it very closely.

Mr ELASMAR (Northern Metropolitan) — After listening to my comrade Mr Somyurek telling how many calories there were in his small sandwich I refuse to say what I had for lunch, but I can say that I will not have any dinner tonight.

I rise to speak on the bill currently before the house, the Food Amendment (Kilojoule Labelling Scheme and Other Matters) Bill 2016. They say we are what we eat, and anyone who has been to Weight Watchers will know that kilojoule counting is an essential plank to monitoring one's daily intake of food. According to statistics, two-thirds of Victorians are overweight or obese. This is astonishingly high, but when you look at the increasingly fast pace of everyday life, most people grab a quick bite to eat without giving much thought or regard to the healthiness of what they are eating.

At the other end of the scale, there have never been more culinary TV shows showing ordinary viewers how to make gastronomic delights in their own kitchens. This is coupled with the fact that the average Australian eats out more than four times a week, and almost half of these meals are takeaway meals such as burgers, chicken, pizza, noodles and bakery items. In general most people lead busy lives, but all of this comes at a high price health wise. Obesity can lead to many life-threatening conditions — heart disease, diabetes, thrombosis and many more. It is estimated that obesity costs Victoria $14.4 billion a year. It is time for those fast-food purveyors to actually inform people of the kilojoule content of foods by clearly stating it on their menus. This allows informed decision-making by the purchaser. This mandatory legislative requirement has been introduced and applied in NSW and has shown the remarkable reduction of 15 per cent of kilojoule intake.

The new laws will require large food chain outlets and large supermarkets to display the kilojoule content of food and drinks on menus, menu boards, price tags and online menus. The proposed scheme will apply to large food chain businesses that have 20 or more outlets in Victoria or 50 or more outlets nationally. International and Australian evidence shows that kilojoule labelling is effective in reducing the kilojoules consumed per meal by allowing people to compare the kilojoule content of meals within and between fast-food outlets and to make healthier food choices. Many people are unaware that a single fast-food meal may contain most of an adult's recommended daily kilojoule intake. We are making sure Victorians and their families have the right information to make healthier choices about the foods they eat, and this is how it should be.

Upon the passage of this legislation, businesses will be given 12 months to comply with the new laws. We need to act quickly to stem the sharp increase in obesity-related diseases. While it is true that we are all living longer, we want our long lives to be enjoyable. I commend the bill to the house.

Ms BATH (Eastern Victoria) — I skipped lunch and just had a coffee because we had a meeting, so I am probably down a kilojoule or two. I am pleased to rise to speak on the Food Amendment (Kilojoule Labelling Scheme and Other Matters) Bill 2016 this afternoon. This bill brings the state of Victoria into line with legislation that has been in operation in other states in Australia for a little while. The food amendment bill will essentially require chain food outlets to display the kilojoule content of ready-to-eat food and drinks on menus, menu boards, price tags and online menus. The bill will apply to large chain food businesses that have

over 20 or more outlets in Victoria or those that have 50 or more outlets nationally with at least one in Victoria. It will also apply to large supermarket chains.

Currently in Victoria it is estimated, as we have heard today, that there are 3000 chain food businesses, which includes KFC, McDonald's, Gloria Jean's, Bakers Delight, Boost, and over 570 supermarkets, including Coles, Woolworths, IGA and Foodworks. They will be required to display kilojoule content signs. Currently the compliance is voluntary, with about 50 per cent of outlets providing information already. The Minister for Health, Minister Hennessy, noted in her second-reading speech that the rationale behind the bill is to provide families with the information they need to make healthier food choices. We have heard again today that it is estimated that two-thirds of the population in this state are either overweight or obese, which has a financial cost to the state of Victoria of over $14 billion due to ill health and health-related concerns.

It is not just those health-related issues; it is also the personal cost people have to deal with through being obese or overweight. If we look at some of the diseases that obesity will create or have an impact on, we can see that certainly cholesterol is one of the major considerations, as are high blood pressure, increased rate of stroke and type 2 diabetes, sleep apnoea and metabolic syndromes, which is kind of a collective group of factors which raise your risk of heart disease and other health problems.

In my past life I ran a health food store in country Victoria for a dozen years. It was a great privilege to be able to sell people really good quality food. We had organic food, fresh fruit and vegetables — whole food, we will call it — and there were not too many labels about food content back when I started. Over the time I was in business the government introduced requirements for any packaged food to have labels on it. Nuts, for example, had their content labelled in terms of salt, sugar, fats and trace minerals. Even though it was a bit of a chore to implement, it certainly gave consumers a sense of satisfaction when they bought food that was low in both salt and sugar. It empowered them to make some good decisions, and this bill also has that empowerment factor in that people will be able to make choices about their calorie or kilojoule intake for the day.

Back in the day there was also an argument around whether butter was better than margarine. Food sometimes tends to go in trends. Once upon a time butter was thought to be bad because it contains saturated fats, but then the argument swung back the other way, with people saying that trans fatty acid in margarine was not healthy for you. I am a strong advocate for people eating lots of butter, but in moderation, because it also supports our Victorian dairy farmers. I might just relate that having all things in moderation is an age-old stance that we should take, but it is also important for our health.

Maintaining a healthy weight means balancing kilojoule intake from food against your daily needs. In our society people come in all shapes and sizes, and Mother Nature and genetics make that into a reality, but over time we have different metabolic rates. Often young boys have high metabolic rates. I had two of them, and they used to consume virtually whatever was in the fridge. They seemed to have very high metabolic rates but also a high energy output for their day. As we age, passing menopause and the like, then our quantity of kilojoule intake can reduce. When looking at this figure of 8700 kilojoules per day, we should see it as an average. When people make choices about their intake, they should not try to hit that mark. It should be age, health and daily requirement appropriate.

There are also other factors that will influence our food choices, including hunger; taste; and economic, social and psychological determinants, such as our stress levels — maybe our mood, or even guilt and our attitudes to food. We need to live with balance in these things. Enjoying food is important, but we should note that there are consequences for overeating over a long period of time.

This bill provides a mechanism through which families can make informed choices on the kilojoule content of ready-to-eat food. The bill must come into effect by 2018, which provides businesses with some time in order to implement that. Chain food outlets or supermarkets must display the average adult daily energy intake of 8700 kilojoules, and the average kilojoule content of standard food items must be on display on the menu. 'Standard food items' means that the food is ready to eat; that it is consumed within the state in which it is served — for example, a sandwich or a muffin, but not a loaf of bread; that the particular food must be available in two or more stores or chains; and it must not be pre-packaged. As I have said, pre-packaged food already has energy content and food content labels.

I did a little bit of a Google search and found that if I have a Big Mac for the day and some large fries — Big Macs have 2060 kilojoules and large fries a little under 2000 — then I have just consumed almost half of my daily intake. I know Ms Wooldridge related her experience of going to McDonald's. We do have to be

mindful of content. The idea behind this bill is to make healthy choices more accessible for consumers.

I have problems with this bill for a couple of reasons. Firstly, it excludes compliance with chain food outlets such as cinemas and petrol stations. There are hundreds of cinemas throughout our fair state. From taking children to cinemas over many years, I know that there are a number of fast food opportunities — we will call them that. I think it would be appropriate for parents to see the energy content of choc-top ice-creams so they can make choices, including bringing some food from home.

Mr Ramsay — Almonds.

Ms BATH — Including almonds, fruit, grapes and the like.

The other point I make about this legislation is that it needs to come hand in glove with education. It is okay to display signs about food that people can see, but the government must be able to provide education to support consumers to understand how this relates to their health and what the new labelling means. I would be interested to see how the government is going to bring education along with this piece of legislation.

I make another point as a former business owner. From speaking with people in business right across Gippsland, I know there is certainly a burden on businesses to implement all regulations required of them. I am concerned about the cost of doing business at the moment, particularly in terms of electricity prices going up. We have heard about the demise of the Hazelwood power station and the loss of 750 jobs in less than eight weeks. There will be a potential price rise of somewhere between 10 and 20 per cent on businesses in terms of their electricity costs, so I do not want to see another administrative burden imposed in implementing this measure, pushing businesses into more stress as they go forward.

Overall, as I said, this legislation aligns with legislation in other states and is appropriate, and The Nationals will not be opposing it.

Mr RAMSAY (Western Victoria) — I am pleased to make a contribution to the Food Amendment (Kilojoule Labelling Scheme and Other Matters) Bill 2016. It has been said in previous contributions that the bill amends the Food Act 1984 to provide for a kilojoule labelling scheme, requiring chain food businesses with 20 or more outlets in Victoria or 50 or more outlets nationally and supermarkets with 20 or more outlets in Victoria or 50 or more outlets nationally, where the supermarkets have a floor space of more than 1000 square metres, to display the kilojoule content of standard ready-to-eat food and non-alcoholic drinks on menus, menu boards and food labels and to state that the average daily intake is 8700 kilojoules on menus, menu boards, display cabinets and stands.

The issue for us is: is anyone going to read any of that and take any notice of it? And will it change their behaviour in the way they eat? I think that will be the test of this bill, and I see some of the supermarket chains have already put kilojoule labelling against their foodstuffs. Also, as Ms Bath has correctly pointed out, when you go into McDonald's it is very clear now on their display boards the kilojoules associated with the food, whether it is a hamburger or chips or a chocolate shake, which I dearly love on occasion. People can make a choice about what they will eat and how much they will eat, whether it is from McDonald's or some other food chain.

I want to draw to the attention of the house that I think the important part of Ms Bath's contribution was about education. I am old enough now to remember that as part of the curriculum at primary school, apart from the three Rs, we actually had a session on healthy foods, which sadly seems to have disappeared from today's education curriculum. I say that with some knowledge given that three of my daughters are schoolteachers so I get plenty of advice on the weekend about what is happening in the system. At a young age we were made very aware of what foods were good for you and that the foods you should be eating were a mix and balance of plenty of fruit, plenty of vegetables and some raw foods. Through life I have always had an appreciation of seeking that balance out for my own good health. Sadly that seems to have disappeared from the education system, and now the speed of life means that we apparently do not have time to cook properly. We do not have time to source good vegetables, good fresh fruit and a mixture of greens or to drink lots of water.

Now we have of course the coloured sparkling mineral water that everyone seems to want to drink instead of tap water, even though it is six times the price. There are Gatorade and power drinks that rot your teeth and rot your stomach, but we keep on advertising these as a fluid for activity. I guess perception and impression are a big thing, particularly for our youth in what they choose to eat and drink. Somehow we are going to have to respond to that sort of perception advertising and imagery that our youth are sadly seeking for some identification purpose.

I refer back to the last Parliament when the coalition was in government. We actually had some very good

programs labelled under the Healthy Living Victoria initiative, which Ms Wooldridge would be very familiar with and in fact was part of. Between the federal government and the state government we identified a number of local government areas where there was high unemployment and there were high obesity rates, problems associated with diabetes and other ailments that are associated with poor eating, which Ms Bath identified. We then homed in on specific programs through the local councils and local health authorities to develop council-specific programs.

Ararat was a typical example where there was high unemployment and high obesity. In fact *The Biggest Loser* filmed a national program in the town; I am not sure that it did anything for the town except to expose some of the problems associated with unemployment and low socio-economic demographics. But the programs we ran did highlight in regional Victoria the increasing trend of illnesses associated with obesity and poor nutrition. I thought they were really good programs, and Paul Hooper, who was mayor of Ararat at the time, led by example in encouraging the community to get involved.

We do not oppose this bill. It is a mix of things that people need to be aware of relating to how they need to behave, but nothing actually replaces the fact that we as human beings need to be mobile. We are built to be mobile, and we need to walk or we need to run or we need to cycle — we need to be active. It does not matter how many kilojoule billboards we put around the country, the fact is it is only part of the story in relation to living a long and healthy life. A significant player to that end is the fact that we need to be mobile. As part of my role, particularly in rural health, mental health and physical health, and as a rural health ambassador, I have been encouraging wherever I go the importance of not only healthy eating, which this bill supports, but also the fact that there is a combination of things people need to do to lead a long and healthy life. Certainly healthy food intake is one, but equally important is exercise and being mobile. Unfortunately, given the propensity for new technology now, we have become less mobile and more dependent on using technology that requires little mobility but requires a lot of sitting.

Even as a farmer I know that where we used to ride horses, we used to run and chase sheep and we used to be quite active in and out of machinery the whole time — physical hard labour almost every day — we now tend to jump into a vehicle and run around in a vehicle, get out, sit down, get back into a vehicle, sit down, get out again et cetera. In an industry that was once very active we are now finding that because of new technologies there are significant problems associated with poor rural health. This is systemic through regional Victoria, particularly in those smaller towns and communities where there is no leadership shown by the government in its response to the increasing rates of obesity, diabetes and ill health.

Having said all that, though, this bill is helpful. It is a signpost for people to make decisions about what they are going to eat and certainly what impact that food will have on them in relation to kilojoule intake. It is not just about kilojoules in relation to losing weight or reducing the likelihood of good health; it is a combination of a lot of things.

We are very blessed in this country — and I thank our food producers in this nation — that we have a variety of healthy, natural, fresh foods that we can choose from. We can make simple choices, like having a good balance of fresh vegetables and green vegetables. We can choose to have a good balance of meats, although some prefer not to eat meat. They then need to replace that method of getting iron into their bodies with something else. We have a whole lot of options in this country that other countries do not have.

We have fresh, clean water. It still amazes me that people are prepared to buy bottled water at $3 or $4 for 500 millilitres when they can turn the tap on and get it for nothing, basically, by refilling bottles. People for whatever reason buy sparkling water, again at a significant cost compared to plain water, yet the benefits are zero except for some bubbles. They are prepared to pay $5 or $6 for the privilege of having bubbles, but I guess that is choice. We are very lucky in this country to have that choice.

My contribution is more about how this is one part of a bigger picture of options that people can take to lead a long and healthy life. Certainly from an education point of view, as I said, I am disappointed to see that the curriculum in schools does not still have a component that demonstrates the importance of good, fresh food.

I am disappointed to see now, whether it is due to the speed of our lives or something else, that parents are becoming lazy in providing the appropriate nutrition for their children. I cannot believe that we are now actually having to pay schools to provide breakfast for children attending school. Is it not the responsibility of parents to make sure their child goes to school with a full stomach of nutritious food? There is any amount of cereals and other things that children can have before they go to school. It is not hard to pack a lunch box full of carrot sticks and broccoli and make it interesting and nutritious rather than just stuffing it full of candy bars and other things.

These are the sorts of things that parents need to take some responsibility for in relation to providing for the nutritional needs of their children so that they may have a healthy life. As I said, there is also the balance of having the appropriate mobility and the importance of exercise, sport and getting outside in the environment and enjoying the green spaces which we are so privileged to have.

There is an important mix of options that we as a society have to improve our health, and this is certainly one tool that enables people to choose to eat more healthily. On that basis I am pleased to see that the Liberal Party and the National Party do not oppose this piece of legislation.

Ms MIKAKOS (Minister for Families and Children) — In summing up this debate I want to, firstly, thank members for speaking on the bill, and secondly, thank some members for sharing a lot of information about their own eating habits as well. It is very sad that about two-thirds of Victorians are overweight or obese. Sadly these rates have been rising. We know the health risks associated with obesity, whether they be cardiovascular disease, type 2 diabetes or other medical conditions, and we know the significant cost of obesity to our economy. It is estimated to cost Victoria alone about $14 million a year in economic and social costs. There are certainly very compelling reasons that we need to take action in relation to the issue of obesity.

I am very proud that it was a previous Labor government that made a commitment to introduce this legislation in 2010. Nothing happened during the time of the coalition government, but the Minister for Health, Ms Hennessy, made a commitment in April last year to introduce kilojoule labelling laws. What this bill will do is require large chain food outlets and large supermarket chains to display kilojoule information for food and non-alcoholic beverages on menus, menu boards and food labels. They will also be required to place kilojoule information in context by displaying on each menu and on each display cabinet, stand or area where standard food items are displayed a statement that the average adult daily energy intake is 8700 kilojoules.

During the course of debate some members have said that we should not impose an overly big burden on business, and that is certainly a consideration in terms of our approach in this bill. The bill is very much modelled on laws that were introduced in recent years by other jurisdictions, so we can try to achieve national consistency as much as possible. The scheme will apply to chain food businesses and chain supermarkets that have at least 20 outlets in Victoria or 50 outlets nationally with at least one in Victoria. It will apply to large supermarkets in a chain. A large supermarket is one that has a continuous floor space of more than 1000 square metres.

This bill is very much modelled on a regime that exists in other jurisdictions. We know that we have many national restaurant and supermarket chains that will be part of the Victorian scheme and that operate in other Australian jurisdictions. They are already familiar with kilojoule labelling laws and how they apply in those other states.

The bill will not apply to pre-packaged food, as these already display kilojoule information on the nutrition information panel on the packaging. The bill will apply to chain food businesses, such as quick-service restaurants, burger, chicken, pizza and pasta chains, noodle and sushi chains and cafe and bakery chains, as well as to medium and large supermarket chains. In addition the scheme will not apply to convenience stores or small supermarkets with a floor space of 1000 square metres or less.

There has been extensive consultation by the government around the introduction of this legislation. I am pleased that there is very strong public support for this legislation, with very strong support from the broader community, health organisations and industry groups. This is designed obviously with a view to giving the consumer as much information as possible. That is what it has got to be about. It is not about the government saying to members of the public what they should eat or not eat. We certainly provide a lot of information about nutritious food in a proactive sense through sources like the Better Health Channel. We certainly try to get that information out to our schools as well. There are programs in schools and early childhood services and workplaces that focus on providing healthier eating options. It is great to see that the breakfast clubs funded by our government are providing nutritious meals to children in our schools. When I visit early childhood services I certainly see lots of effort put into menu preparation by early years services as well in terms of making sure children get that nutritious start to the day.

A lot of work is happening right across government around this issue, being led of course by the Minister for Health. When it comes to sport and recreation and other portfolios as well there are efforts being made by other ministers in a complementary way to not just have people eating the right foods but also have them physically moving more, because we know that both of these issues have to go together.

Ms Wooldridge in her contribution spent a lot of time talking about the Healthy Together Victoria initiative. It is important to remind the house that it was to the great shame of the Liberal Party that their federal colleagues cut $90 million out of the national partnership on preventative health. Healthy Together Victoria was an important preventative health program funded by the commonwealth that was reaping terrific results before it was subject to the Liberal razor gang. It was cut by the then Abbott government, and of course this was done without consultation; it took the community completely by surprise. That is really what we saw in relation to the Healthy Together Victoria initiative.

Can I just say in concluding — and obviously the house will go into committee stage shortly and have the opportunity to explore the bill in more detail — that this is an important initiative, and it is one that I personally strongly support. I want to commend the Minister for Health, for this important legislation. Anything that we can do as legislators and certainly what we are doing as a government to prevent Victorians from experiencing health issues and health problems has to be something that we should all strive towards achieving. I certainly hope that this legislative change will make a positive contribution to better health outcomes for Victorians.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms WOOLDRIDGE (Eastern Metropolitan) — I really just want to run through the questions that I foreshadowed in my contribution to the second-reading debate and ask if the minister could please outline what funding will be available for an education campaign and what components and aspects she thinks that will contain?

Ms MIKAKOS (Minister for Families and Children) — I am advised that the Department of Health and Human Services will implement cost-effective community education strategies to support the introduction of the scheme. The Victorian government's website Better Health Channel and associated social media outlets, such as Facebook and Twitter, will be used to provide Victorians with information about kilojoules. Better Health Channel is a consumer website that has extensive reach within the Victorian community — in fact I understand that more than 3 million Victorians do access it. The design of information for the community will be informed by resources developed in other jurisdictions to the extent to which these are effective and user friendly. Obviously these are separate processes in relation to industry, but that is for the broader community.

Ms WOOLDRIDGE (Eastern Metropolitan) — Can you define cost effective in terms of putting an actual figure on it? Is there any funding actually allocated for a consumer education campaign, or is it to come from existing resources and work that would happen in the normal course of business?

Ms MIKAKOS (Minister for Families and Children) — I understand that this community education campaign will be funded from existing resources.

Ms WOOLDRIDGE (Eastern Metropolitan) — Minister, I need to say that I think that is not going to be enough. I think we are going to need more from that. The evidence from New South Wales shows that it needs some dedicated funding — that was over $1 million. Our public health organisations have said very clearly that there needs to be a funded education campaign, so I suppose I will just put it on the record and encourage the government to consider some specific funding in relation to that so that the benefits of the legislation can be realised. Could you please advise if a stakeholder reference group will be established and, if so, the likely representation?

Ms MIKAKOS (Minister for Families and Children) — I am advised in relation to the earlier comment that you made, Ms Wooldridge, that New South Wales was in fact the first jurisdiction to introduce this type of legislation. Therefore there was a need for a lot more information about that for the community and for industry. This is now a mature scheme. Most of the businesses that will be caught by this are in fact national chains, which are well aware of how this operates. Because it is a mature scheme there is not a need to have such a reference group. They are well-understood obligations.

Ms WOOLDRIDGE (Eastern Metropolitan) — Minister, I seek to disagree once again because I think the stakeholder reference group is not just for the implementation through business. It would also perhaps advise on information on the Better Health Channel and how to utilise Facebook, other social media and other mechanisms in terms of achieving the broader objectives of the scheme, not just the objectives of how industry would actually roll this out. So once again I encourage you to contemplate the establishment of a

stakeholder reference group as a sign of a commitment to maximising the impact of the scheme.

Ms MIKAKOS (Minister for Families and Children) — I just want to assure Ms Wooldridge and the house that there is a communication strategy that will be developed in consultation with industry and local government to ensure stakeholders are aware of the changes and their responsibilities. The design of information for industry and councils will be informed by resources developed in other jurisdictions and consultation with food businesses, peak bodies representing these businesses and the local government sector. The department will work closely with business to develop information that is appropriately tailored to individual business types within the food industry.

After Minister Hennessy second read this bill in the Assembly, initial information about the bill was provided to businesses and local councils. In fact I have a copy of the information that was circulated to them. Communications targeting local government will include developing an enforcement protocol and offering workshops and seminars about the scheme. So there will be workshops and training that will be offered. There is a dedicated hotline in the information that has already gone out months ago. We are certainly looking to provide a lot of assistance to industry, particularly to national chains that might need that additional support. But as I said, this is a mature scheme that is well understood by industry. We will be working with them, with the health sector and with the Municipal Association of Victoria — local government — around the implementation.

Ms WOOLDRIDGE (Eastern Metropolitan) — Thank you, Minister. That was also anticipating a question in relation to industry, so that is very helpful. I think the gap from my perspective is the consumer side of things. The recommendation of a stakeholder reference group came from the Obesity Policy Coalition and public health bodies. You have got quite a comprehensive plan in relation to helping industry, which is absolutely vital to the implementation of the scheme, but I have got to say that it sounds like a very thin strategy in terms of the consumer aspect of this in changing culture and behaviour. It is actually the engagement with public health bodies that have experience in this where there appears to be a very clear gap and no dedicated funding for it. This lives or dies on whether consumers change their behaviour, so that is where there is an essential element.

Could you just advise the house on the issue of supermarkets being able to do their kilojoule labelling per 100 grams as opposed to consumption of an item, as is done in fast food? Why was a decision made to use a different measure for supermarkets to that used for fast food outlets?

Ms MIKAKOS (Minister for Families and Children) — Firstly, just in terms of Ms Wooldridge's initial comment, obviously this policy will be educative in itself, given that we will now have statements in a lot of food chains and supermarkets about the 8700-kilojoule daily intake. I think that is important in terms of reinforcing that message to the community. Obviously the channels of information will continue through the Better Health Channel as well.

In terms of the supermarket question specifically, I can advise the member that the bill provides that supermarkets have the option of measuring and displaying kilojoule information on food labels as either per 100 grams or per serve of food. Other applicable chain food businesses must measure and display kilojoule information per serve of food. Allowing a supermarket to display kilojoule information per 100 grams is consistent with the kilojoule label requirements in New South Wales and Queensland. Ensuring consistency between the requirements in New South Wales, Queensland and Victoria recognises that large supermarkets chains operate at a national level and use national ticketing systems to supply stores throughout Australia with their price tickets and labels. If Victorian supermarkets were only permitted to display kilojoule content per serve of food, this would result in significant compliance costs for supermarkets as it would require differing ticketing systems to comply with the Victorian scheme. So essentially it is about national consistency.

Ms WOOLDRIDGE (Eastern Metropolitan) — My last question is really about evaluation. Is there funding for an evaluation? What form will the evaluation take? Could you outline some details so we can understand whether it has had any impact?

Ms MIKAKOS (Minister for Families and Children) — The Department of Health and Human Services (DHHS) will undertake a number of steps in order to monitor and review the kilojoule labelling scheme once implemented. This will include undertaking a literature review of new and emerging literature in relation to the effectiveness of kilojoule labelling schemes within three years of the legislation coming into effect, reviewing compliance with the scheme and undertaking sampling to validate the kilojoule content being displayed. In addition DHHS will work with research partners on a proposed approach for evaluating the impact of the scheme on consumers' awareness of kilojoules.

Ms WOOLDRIDGE (Eastern Metropolitan) — Minister, is there any funding for that impact research? Because consumer research does cost money and takes some significant time. Secondly, when will that be underway? Because often it is useful to have baseline data in advance of a scheme being implemented.

Ms MIKAKOS (Minister for Families and Children) — I am advised that the literature review that I referred to is going to be within a three-year period, so that is obviously some time away, but existing resources will be used in relation to reviewing the compliance with the scheme and undertaking that validation sampling.

I am further advised that there has already been considerable research done in New South Wales in relation to these matters, and we are not seeking to duplicate that work. I can advise that an evaluation of the effectiveness of introducing kilojoule labelling laws in New South Wales was conducted in 2012. It found a number of benefits from the scheme. These included a better understanding of the concept of the average daily energy intake and the value of the average adult daily energy intake, being 8700 kilojoules. It further found a 15 per cent reduction, or around 500 kilojoules, in the kilojoule content of food purchased after kilojoule labelling laws took effect.

There have been further studies in Australia and internationally that have found positive impacts of kilojoule labelling on menus. For example, a 2015 review by the Danish Cancer Society concluded that new evidence supports menu labelling as an effective intervention for informing consumers of the energy content of their food and beverage choices. The study also found that menu labelling has a positive effect in reducing energy ordered and consumed.

Further, a 2013 Australian study found that respondents chose meals with significantly less kilojoules when presented with kilojoule information and the average daily intake statement on menus, compared to having no kilojoule information.

Further, a 2009 study in the United States found that parents ordered food for their children with 20 per cent less energy when presented with menus containing nutritional information as opposed to menus with no nutritional information. A further study in the US in 2010 examined food choices and food intake. It found that inclusion of energy information on restaurant menus resulted in a reduction in the total amount of energy people ordered and consumed and improved the ability of people to estimate energy consumed. It resulted in a reduction in excess eating later in the day when those people were provided with both kilojoule labelling and a statement about the average daily energy intake. That 2010 study also found that adding a statement about the average daily energy intake resulted in the most significant benefit. It noted this was an essential element of energy or kilojoule labelling schemes.

There has also been further research around how kilojoule labelling may encourage chain food businesses to offer healthier menu options.

Ms Wooldridge interjected.

Ms MIKAKOS — Yes, but it is just going to the issue of the research and the evidence that is there.

A 2014 evaluation found that menu labelling legislation in the US saw large chain restaurants significantly reduce the number of kilojoules contained in newly introduced menu items. And there is considerably more research.

Ms WOOLDRIDGE (Eastern Metropolitan) — Thank you, Minister, I am very aware of the research, but that was not the question. What I did take from that, though, is that you are saying you are not seeking to duplicate the work of New South Wales and that existing resources will be used for the compliance and sampling. Can you then outline what you meant when you said that research partners will be engaged to assess the impact of the scheme in Victoria? What actually will we evaluate and how in relation to the impact of the scheme in Victoria?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Wooldridge for her further question on this. What I did say earlier was that there would be a review of new and emerging literature in relation to the effectiveness of kilojoule labelling schemes within three years of the legislation coming into effect. Obviously that is some time away. It is problematic to bed ourselves down in a very set approach, given that we have got new research emerging all the time, but certainly at that point in time it would be expected that the government would work with research partners to look at the effectiveness of the legislation — but that is, as I said, three years away. We are committed to an evaluation of the effectiveness of this legislation.

Ms WOOLDRIDGE (Eastern Metropolitan) — I am sorry to pursue it, but that actually does not make sense. A literature review is something that looks at the studies that have been done, and that is not an evaluation in and of itself, so are you saying that the government will look at what everyone else has done to

see if anyone has actually done some work to look at how the scheme in Victoria has turned out, or is there something that the Victorian government will actually initiate so that we have the capacity to know the impact and the outcomes of the scheme?

Ms MIKAKOS (Minister for Families and Children) — I have responded to the question, I have talked about the literature review, I have talked about reviewing compliance with the scheme — which is a separate matter — and I have also talked about undertaking sampling to validate kilojoule content being displayed. Obviously we will be checking new literature as it emerges, but we are looking at evaluating both the literature and the effectiveness of the scheme.

Ms WOOLDRIDGE (Eastern Metropolitan) — Will there be any evaluation of consumer behaviour initiated by the Victorian government as a result of this bill?

Ms MIKAKOS (Minister for Families and Children) — I just remind Ms Wooldridge that we are talking about a scheme that will start in 12 months time. We are talking about a commitment to a review that is three years away. Obviously at that time the government will talk to research partners about the best way to evaluate the effectiveness of this. I think it is very premature to try to predict now what that evaluation should look like.

Ms WOOLDRIDGE (Eastern Metropolitan) — So just to clarify, the conversation with the research partners will happen at the three-year review point? Is that what you were saying when you said 'at that time'?

Ms MIKAKOS (Minister for Families and Children) — The advice I have is that the anticipated timing is in the lead-up to the three-year mark.

Clause agreed to; clauses 2 to 17 agreed to.

Reported to house without amendment.

Reported adopted.

Third reading

Motion agreed to.

Read third time.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Membership

The ACTING PRESIDENT (**Mr Morris**) — Order! The President has received correspondence from Emma Kealy, the member for Lowan in the Legislative Assembly, and it reads:

> I hereby give notice of my intention to resign from the Family and Community Development Committee, effective immediately.
>
> I wish to express my sincere thanks to fellow parliamentary members of the committee and committee staff for their advice, input and support.

FREEDOM OF INFORMATION AMENDMENT (OFFICE OF THE VICTORIAN INFORMATION COMMISSIONER) BILL 2016

Second reading

Debate resumed from 13 September 2016; motion of Mr DALIDAKIS (Minister for Small Business, Innovation and Trade).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this afternoon to speak on the long-awaited Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016. This is a troubling piece of legislation. Ostensibly the government has introduced this legislation to put in place what it regards as an improved framework for the operation of the freedom of information system in Victoria, and indeed there are some nominal changes to the way in which that FOI system operates, which the government has held out as the reason and the rationale for this piece of legislation. But it also seeks to put in place significant structural changes to the way in which the office of the FOI commissioner operates and the way in which the office of the commissioner for privacy and data protection operates. It is these more significant structural changes which, frankly, greatly overshadow the changes to the FOI scheme, which the government has trumpeted as the reason for this legislation, that are of concern to the Liberal-Nationals members of the house.

I will just quickly run through the provisions of the bill. The bill amends, as I said, the Freedom of Information Act 1982 to abolish the existing office of the Freedom of Information Commissioner and to establish a new office of the Victorian Information Commissioner. It reduces the default time frames for responding to

FOI requests from 45 days to 30 days, which is one of the things that has been held up as a great reform of this legislation, and it provides for the appointment of the new information commissioner and a deputy commissioner, being the FOI commissioner, and a second deputy commissioner, being the public access deputy commissioner. It creates powers for the information commissioner with respect to FOI reviews of decisions made by departments and ministers and decisions made on the grounds of cabinet in confidence. It provides some amendments to the Privacy and Data Protection Act 2014 with respect to abolishing the existing Office of the Privacy Commissioner, which I will come back to, and it also makes some amendments with respect to the Victorian Inspectorate Act 2011, which are relatively minor in the context of the key changes to this legislation.

It is the structural issues or the proposal for structural change in this bill that is of significant concern to the opposition parties. What the bill seeks to do is to abolish the existing Freedom of Information Commissioner, which was established in around 2012 by the previous coalition government, and it seeks to abolish the existing office of the commissioner for privacy and data protection, which was only put in place in 2014, and implement a new structure under a single information commissioner, with the two existing FOI and privacy and data protection roles undertaken by deputy commissioners responsible to the overarching commissioner.

We have concerns with this model, for a number of reasons. Firstly, this model has failed in every other jurisdiction in Australia that it has been implemented in. It has been implemented in New South Wales, and it has failed; it has been implemented in Queensland, and it failed; and it was implemented in the commonwealth jurisdiction and has also been a failure. So there is no precedent in an Australian jurisdiction for a model which brings together an FOI function with a privacy and data protection function in the one statutory office under the one statutory commissioner and has it work successfully. There is now substantial material in the public domain about the failure of that model in other jurisdictions — the inherent contradiction between an FOI function, which of course relates to the release of information, and a privacy and data protection function, which relates inherently to the protection of government-held data from inappropriate release. We are also concerned that the government has not provided any rationale, certainly in the minister's second-reading speech or in the public discourse around this legislation, as to why it is now seeking to adopt a model which has failed on a number of occasions elsewhere in Australia.

Equally, the point needs to be made that both the existing FOI commissioner model and the existing privacy and data protection commissioner model are very new institutions in Victoria. One is approximately five years old, being the FOI commissioner model — maybe a bit less — and the privacy and data protection commissioner, as I said, was only put in place late in 2014. It is barely two years old; in fact it was less than two years old at the time this legislation was brought into Parliament.

So the question has to be asked: why? Why is the government seeking to, via this legislation, summarily terminate the appointment of two statutory officers, being the FOI commissioner and the privacy commissioner, who are, by this legislation, simply terminated — cease to hold office — if this legislation passes? And why is a new structure being put in place which has failed elsewhere before the existing Victorian officers have even had the opportunity to establish themselves and consolidate their operations?

We saw in the very early days of this government a move against the first FOI commissioner, Lynne Bertolini. We saw Ms Bertolini, who was an appointee of the previous coalition government, pushed from office. There was an inquiry undertaken at the behest of the minister, for the Secretary of the Department of Premier and Cabinet (DPC), Chris Eccles, which led to Ms Bertolini leaving office. At the time that inquiry was undertaken concerns were raised about the fact that we had DPC, as the senior executive department, commissioning an inquiry into an independent officer. We subsequently saw Ms Bertolini's departure from that position.

Now we have what seems to be a similar push by this government to remove the other statutory officer that was appointed by the previous coalition government, in this case Mr David Watts, the commissioner for privacy and data protection. It is an extraordinary model where the government seeks to establish a new structure — taking the two existing commissioners and combining them under a single overarching commissioner, a model which provides for the transfer of staff from the existing separate offices to the new combined entity, provides for the transfer of assets from the existing entities to the new entity and provides for the transfer of casework from the existing entities to the new entity — yet summarily terminates the appointment of the two chief officers: the FOI commissioner and the privacy commissioner.

We have seen how the relationship has developed between the government and the privacy and data protection commissioner over the last two years. It is not unreasonable to believe that the purpose of this legislation is specifically to get at the current office-holder in that role because there is nothing in the minister's second-reading speech that supports the structural changes that this legislation is seeking to implement. That concern is reinforced when consideration is given to how this legislation came about, what approach the government took in the development of this bill, what policy considerations were factored into the development of this bill and the way in which consultation was undertaken.

Consideration of this bill has been protracted. It is legislation that was introduced to the Parliament in the middle of last year. It passed through the other place in the middle of last year and came to this house and has sat on the notice paper for an extended period of time. As part of preparing for the Parliament's consideration of this legislation I undertook some broad consultations with institutions like the Law Institute of Victoria, which is quite common when considering legal bills and bills which go to the structure of statutory offices in Victoria. I also undertook consultation with the FOI commissioner and the commissioner for privacy and data protection.

I have to say that I was astounded, having sought feedback and the views of those two office-holders, to receive back from the commissioner for privacy and data protection a response to my request for his input in which he indicated that he was not consulted by the government in the development of this legislation. Despite being a key statutory independent office-holder whose office was to be abolished by this legislation, whose appointment was to be terminated by this legislation and whose functions were to be subsumed into a combined model, which on the face of it has an inherent conflict in a policy sense, he was not consulted.

Mr Watts, in his extensive response to me, which I intend to consider in some detail if this legislation reaches the committee stage of the house's consideration — there are a number of matters I will seek to raise directly with the minister — made it very clear that he and his office were bypassed in the development of this legislation. The legislation as presented to Parliament was presented to him and his office as a fait accompli and his views were not sought. I find it extraordinary that if the government were committed to reform in the area of FOI and data protection, they would not consult with the key officer who has responsibility for those functions.

When the Office of the Commissioner for Privacy and Data Protection was established Mr Watts was engaged by the previous government on the basis of his substantial international reputation in the area of privacy and data protection. Through the period leading up to the establishment of that office and the passage of that legislation establishing the office, in 2014 I worked extensively with Mr Watts, as did my ministerial office and as did the then Attorney-General, as we were developing a policy framework around information and data release from a Treasury perspective and the Attorney-General was developing his framework on privacy and data protection. It became very apparent very quickly, through those discussions and through that policy work which was undertaken by my office and the Attorney-General's office, that Mr Watts had extensive experience and knowledge and a reputation in the area of privacy and data protection, so it is unfathomable that this government would not consult him on the development of this legislation which completely restructures his existing statutory office.

What is also not clear from the minister's second-reading speech is why the government is seeking to make these structural changes now. The existing office is a new office; it is barely two years old. It is occupied by the first FOI commissioner to hold that position, and at the time the legislation came he in was not even halfway through his initial appointment as commissioner. In the case of the FOI commissioner, he has barely passed the halfway mark.

Why would the government seek to completely restructure those offices and terminate the existing office-holders in a model which was new and which was in the process of being bedded down and consolidated? Why that process has not been allowed to occur is unclear, and the government has at no time sought to explain why it is up-ending what is a very new structure to put in place this alternative structure. We are very concerned about the way in which the government is going about this. I will quote extensively from Mr Watts's advice back to me on the development of this legislation if and when we get the opportunity to consider this in committee with the minister.

We are also concerned about the way in which the new office is to be structured. It is the coalition's view that the model that is proposed, if it is to go forward, should be amended from that which we currently see in the bill. The amendments in particular relate to the independence of what would be the two deputy

commissioners, with an FOI function and a privacy and data protection function, both of whom would be subordinate to the overarching information commissioner and both of whom have, under the proposed legislation, weaker safeguards of their independence than the current statutory office-holders. Again, the government has made no attempt to explain why they are weakening the independence of those two officers as opposed to the current model.

Currently for both the current FOI commissioner model and the privacy and data protection commissioner model removal from office of those commissioners is only possible by the Governor in Council following the passage of a resolution of both houses of Parliament. It is a very robust framework. The government of the day cannot intervene and remove either the FOI commissioner or the privacy and data commissioner without both houses of Parliament agreeing to it. Yes, they can suspend them for misconduct, but if they wish to remove them from office, they need to make a case to the Parliament. It is only with the passage of a resolution of both houses of Parliament that the Governor in Council can then act to terminate the appointment.

Under the model proposed by the government, Parliament will not have a role in the removal of either of the statutory officers, and they can be removed at will by the Governor in Council acting on the recommendation of the government. It is a substantially lower threshold and greatly reduces the independence that those current office-holders enjoy. The question needs to be asked: why? Why is the government seeking to remove that independence — an independence which is ensured by the fact that the current office-holders cannot easily be removed purely by executive action? Why are they seeking under this new model to provide that degree of protection to the overarching commissioner but not provide that protection to the two deputy commissioners, who will actually be the operational commissioners carrying out the current functions? The figurehead gets the protection. The two deputy commissioners who will be at the coalface in determining matters which may or may not be in favour of the government will have the protections which currently exist removed in relation to their appointments. That is something that if the bill reaches a committee stage we will be seeking to change by way of amendment.

One of the other aspects we will seek to change is the summary termination of the FOI commissioner and the commissioner for privacy and data protection. These offices were established between 2011 and 2014 with a very clear intent that they operate independently of government. For all intents and purposes they sat aside from government, with the virtual status of an independent officer of the Parliament. They were in many respects watchdog officers in the same way as the Ombudsman and the Auditor-General are, and they were afforded similar protections by virtue of the fact that they could not be terminated without the agreement of Parliament, as I indicated before. In the conduct of their statutory functions they were not subject to the direction of the portfolio minister, which currently is the Special Minister of State.

It is extraordinary that in setting up this new model the government is taking the opportunity to terminate those two office-holders, who are otherwise protected in their functions from termination by the government. Every other staff member that is associated with the FOI commissioner's office or the privacy commissioner's office will be transferred to the new entity that is going to be created, but the two statutory office-holders that actually exercise the statutory functions in the current model are to be terminated, and no reason has been given by the government for this. We have seen what the government did with the first FOI commissioner, Ms Bertolini, and it is apparent from the evident tension that exists between the government and the current inaugural privacy commissioner that they are using this legislation to seek to do the same. We believe that is unacceptable. It is unacceptable for this government to terminate two statutory officers because it finds dealing with one inconvenient.

We have seen this before from this government. We saw it with the Country Fire Authority (CFA) board, which was sacked because it did not bend to the Premier's will. We have seen it with the chief executive officer of the CFA. Now we are apparently seeing it with the privacy and data protection commissioner, who also has not been compliant with the government's will and therefore seemingly is to be terminated by this legislation as a convenient by-product of putting this new structure in place. For that reason, if the bill reaches a committee stage, we will be seeking to amend the bill to preserve the existing FOI commissioner and privacy and data protection commissioner and to provide that the existing office-holders are deemed to be the deputy office-holders in the respective FOI and privacy functions for the duration of their current appointments. Therefore they too would transfer to the new structure as the deputies in the same way as existing staff and assets transfer to the new structure.

The other area we will seek amendments on goes to the issue of the operation of the FOI system. The argument

put by the government for this legislation is that this is part of the reform it is driving, particularly in FOI. In reality there is very little change to the FOI framework in this legislation. It is largely structural and it is largely about nobbling the two office-holders, in particular the privacy commissioner. One of the changes this bill does purport to introduce is to reduce the time frame for consideration of an FOI request from 45 days to 30 days. However, in providing for that reduction from 45 days to 30 days the legislation then provides that if an agency is required to undertake consultation with another agency, it is entitled to 45 days. In effect what we have is the existing 45-day time frame being preserved, because most FOI requests — I imagine a vast majority of FOI requests — will of necessity entail consultation with other agencies and therefore the default time frame will increase from 30 days to 45 days if the responsible agency desires it.

A further amendment we will seek will be to strike out the as-of-right capacity for an agency to increase the time frame for a response from 30 to 45 days when consultation is required. There is a proposed provision in the bill which allows for an extension of 30 days by agreement with the FOI applicant, and we believe that that is more than adequate as a mechanism when consultation is required which may exceed the proposed default 30-day time frame. We believe that if the government says it is changing the default time frame for an FOI response from 45 to 30 days, then that is what it should do — not use a backdoor mechanism to preserve a 45-day window.

This piece of legislation is concerning. There is the lack of consultation undertaken with the existing office-holders, the fact that without explanation the government is seeking to implement a model which has failed in jurisdiction after jurisdiction around Australia and the fact that it is also seeking to do this without providing any explanation as to how the existing framework, which is only a couple of years old, is defective. We believe that these issues need to be ventilated before this house proceeds with the consideration of this legislation. So it is my intention when this bill reaches the end of the second-reading stage to seek a referral of the bill to the legal and social issues committee of the Legislative Council to allow it to undertake a short inquiry into this bill, to conduct public hearings at which it can call on the privacy commissioner, the FOI commissioner and the Law Institute of Victoria — which is also an interested party in this and which has given extensive commentary on the proposed legislation — to give evidence, to test this proposed model that is being proposed for Victoria versus the way in which it is operated in other jurisdictions in Australia and to give an opportunity to the minister and the Department of Premier and Cabinet to explain why a model which has only been in place for a couple of years needs to be replaced with a new model that has failed in other jurisdictions and to outline the policy reasons why these changes are being made.

We believe that with this legislation, given the uncertainty of the policy basis behind it and given the evidence that policy consultation was not undertaken with the statutory office holders whose roles are to be abolished by the legislation, having a short, sharp inquiry through the Legislative Council's legal and social issues committee is an appropriate next step to get these policy issues considered before the finality of the legislation is dealt with. So the coalition will be reserving its final position on this legislation. We do seek the house's support for a short inquiry and a public hearing session through the legal and social issues committee. Following that we will be seeking the house's consideration of the amendments that we seek to bring to this legislation.

The way in which this legislation has come together is troubling. The implications it has for statutory offices in this state, given the history we have seen with other government entities in the state, such as the Country Fire Authority, is also troubling. Considerable explanation and rationale will need to be provided by the government in respect of a range of the changes it is seeking to make through this legislation before the coalition can provide any support for it.

Mr MELHEM (Western Metropolitan) — I rise to speak on the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016. The bill implements all of our election commitments relating to freedom of information and also introduces a number of other improvements to the system. The Labor Party went to the election with various commitments in relation to changing the FOI commissioner to a public access deputy commissioner. We signalled that we intend to change government freedom of information practices to be more open and transparent. It was clearly an election commitment, and we are doing exactly what we said we would do when we went to the election. I think we have implemented a lot of changes and a lot of practices since then, even in this place, in relation to transparency and giving far more access to information concerning the government to the Parliament and to various organisations.

I think the statistics will speak for themselves. In 2015–16, for example, the number of freedom of

information requests increased dramatically. As a comparison, in 2014–15 there were 122 requests, whereas in 2015–16 there were 584. So basically we have got a high number of freedom of information requests, and I think the government is doing what it can to make sure it accommodates these requests.

The bill creates the Office of the Victorian Information Commissioner, which meets the government's commitment to convert the role of the FOI commissioner into the Office of the Public Access Counsellor. Instead, as I said earlier, there will be a public access deputy commissioner. Merging these two I think just makes sense. The previous speaker talked about other states having done something similar. Now, there will be debate about whether or not that was successful in the other jurisdictions, but we will say that it was.

I think it just makes sense to actually have the two offices merge into one instead of having two separate bureaucracies, because sometimes there might be a bit of debate about who is doing what. I think protecting privacy is very important, as is giving access to information to the Parliament or to various organisations like media organisations or any others. I think that by merging these two organisations into one we should be able to accommodate the needs of both and in doing that maintain the privacy where it needs to be maintained, whether that be the privacy of Victorians, privacy matters that could relate to the security of the state or things that are not in the public interest to be published. So maintaining privacy is very important, but so is maintaining clear access to information.

The other thing that the previous speaker talked about was the independence of the current commissioner for privacy or freedom of information. I think it is very important to note that the new commissioner will be operating at arm's length from the minister. The minister cannot direct the new commissioner about what they can and cannot do, and the commissioner does not report directly to the minister, which is an improvement on the current arrangement.

The bill will allow the FOI regulator to set professional standards and allow the FOI regulator to review documents exempt on the grounds of being cabinet-in-confidence material. We all know there has been a lot of debate in this chamber about what is cabinet in confidence and what is not. We have seen the Leader of the Government suspended from this house — unfairly, in my view — for six months. I think that by putting the right regulations in place and giving the commissioner the power to deal with these sorts of matters we can avoid the issues of party politics which we have faced in the last 12 months.

The bill will also allow the FOI regulator to review decisions made by ministers, which is another improvement; reduce the time an agency has to respond to an FOI request, from 45 days down to 30 days; and reduce the time an agency has to seek a VCAT review of a decision made by the Office of the Victorian Information Commissioner, from 60 days down to 14 days.

These commitments signal the intention of the government to shift to a more open culture in which the public obtains access to a wider range of information held by the government. I might say that this is in stark contrast to the secrecy of the former coalition government. The government is establishing the Office of the Victorian Information Commissioner as a primary source of advice to the government about the public sector, and it will collect, use and share information.

As I said earlier, in addition to its core privacy, data protection and FOI regulatory functions, the office will invite potential policy improvements. Sure, there will always be improvements. In any system you always look for improvement. The whole idea about merging the two offices into one is to look at what is the best case scenario and the world's best practice. As I said, it is about being able to give information to citizens, to parliamentarians or to organisations who want to have access to government information, but at the same time it is also about protecting privacy where privacy needs to be protected. The bill will empower the new Office of the Victorian Information Commissioner to look at what sorts of improvements can be made to achieve that aim. I think that is a very important thing. The body will manage the overlap between the existing FOI and privacy regimes and align the regulatory priority across both regimes, as well as providing a foundation for future reforms to create more integrated information.

Mr Rich-Phillips will refer that to a committee, and the committee can explore all that. I think what we are saying here is that the bill itself will give the commissioner the tools for ongoing review and improvement to the system to make sure that he or she is able to fulfil, along with the two deputy commissioners, their requirements under the act. We believe the bill is very well considered, and I think it is designed to achieve the aim of the government when it went to the election in 2014 — that is, to reform the

system. We are delivering on these election commitments. Sure, there is always room for improvement, and I think that is embedded in the legislation, as I said a minute ago.

With those comments, I commend the bill to the house and hope members will vote to give effect to this bill so that there will not be any delay in improving the current system so as to provide fair access to freedom of information documentation from the government and also strengthen the protection of privacy, which needs to be done. We think it is an important reform, and I commend the bill to the house.

Mr BARBER (Northern Metropolitan) — On instructions from the Labor whip, I move:

That the debate be adjourned until the next day of sitting.

Motion agreed to and debate adjourned.

Debate adjourned until next day.

RESOURCES LEGISLATION AMENDMENT (FRACKING BAN) BILL 2016

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms TIERNEY (Minister for Training and Skills); by leave, ordered to be read second time forthwith.

Statement of compatibility

Ms TIERNEY (Minister for Training and Skills) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Resources Legislation Amendment (Fracking Ban) Bill 2016.

In my opinion, the Resources Legislation Amendment (Fracking Ban) Bill 2016, as introduced to the Legislative Council, is compatible with the human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The main purpose of the bill is to amend the Mineral Resources (Sustainable Development) Act 1990 (the MRSDA) and the Petroleum Act 1998 (the Petroleum Act) in order to prevent the exploration and mining of coal seam gas, to ban hydraulic fracturing and to impose a moratorium on onshore petroleum production and exploration until 30 June 2020.

Human rights issues

Right to privacy and right to freedom of expression

Section 13 of the charter provides that a person has a right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Section 15(2) of the charter provides for freedom of expression. The right to freedom of expression is broad and includes the freedom from forced expression. However, the right may be subject to lawful restrictions reasonably necessary for specified purposes.

Clause 6 of the bill inserts new section 113A(1) into the MRSDA to require a person who discovers coal seam gas to report the discovery to the minister. Section 113A(2) enables the minister, by notice, to require the person to provide further details about the discovery. Section 113A is relevant to new section 8AC of the MRSDA, inserted by clause 4 of the bill. Section 8AC(1) creates an offence to explore for or mine coal seam gas. Section 8AC(2) creates an exception to the offence for the holder of an exploration licence, mining licence or retention licence who incidentally discovers or mines coal seam gas and reports the discovery in accordance with section 113A.

Clause 6 of the bill engages the right to privacy by requiring the disclosure of personal information (i.e. name and address), about the person who made the discovery. However, it is not unlawful or arbitrary. The circumstances in which the information is required are clearly set out in section 113A. Furthermore, the information is necessary to ensure the effective operation of section 8AC(2) and benefits the affected licensee, who would otherwise be in breach of section 8AC(1).

It will be managed as part of the existing information management framework for minerals and petroleum authority holders, which takes into account privacy requirements.

Clause 6 of the bill also engages the right to freedom of expression by compelling the provision of information. This is a lawful restriction on the right to freedom of expression that is reasonably necessary to enable the effective enforcement of section 8AC and to provide the state with information regarding the existence of coal seam gas resources that assists in the future grant of authorities. Furthermore, it only applies to a very limited set of circumstances, relating to the discovery of coal seam gas. It also benefits the affected licensee, who would otherwise be in breach of section 8AC(1).

Property rights

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law.

Clause 4 of the bill inserts new section 8AC into the MRSDA to create an offence to explore for or mine coal seam gas, which prevents a current licence holder from undertaking that activity. Clause 10 of the bill inserts new section 17A into the Petroleum Act to impose a moratorium on current authority holders carrying out petroleum operations until 30 June 2020. Clause 7 of the bill inserts new section 121A into the

MRSDA and clause 11 of the bill inserts new section 251A into the Petroleum Act to provide that the state is not liable for any loss, damage or injury.

While clauses 4, 7, 10 and 11 arguably affect property rights, being the rights held in an authority, all affected authority holders are corporations. Section 6(1) of the charter makes it clear that corporations do not have human rights. Accordingly, section 20 of the charter is not engaged. In the event that an authority is later transferred to an individual, the relevant clauses of the bill would not unlawfully limit the individual's property rights, as any deprivation of property would be in accordance with law.

Right to be presumed innocent

Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law.

Strict liability offences

The bill inserts a number of strict liability offences, where the prosecution does not need to establish subjective fault. Accordingly, they limit the right to be presumed innocent under section 25(1) of the charter.

Clause 4 of the bill inserts new sections 8AC (offence to carry out exploration for or mining of coal seam gas) and 8AD (offence to carry out hydraulic fracturing) into the MRSDA. Clause 6 of the bill inserts new section 113A(3) to create an offence to fail to comply with a notice to provide specified details about the person's discovery of coal seam gas. Clause 9 of the bill inserts new section 16A into the Petroleum Act (offence to carry out hydraulic fracturing).

Insofar as there is any limit upon the right to be presumed innocent, it is reasonable and justifiable for the purposes of section 7(2) of the charter. The offences apply to resource industry participants, who understand that they may only undertake minerals and petroleum exploration and development as authorised and in accordance with the legislation. Furthermore, the offences are consistent with other strict liability offences in the MRSDA and the Petroleum Act. The offences have lower penalties (200 penalty units in clauses 4 and 9 of the bill and 50 penalty units in clause 6 of the bill) than would normally apply where a higher burden of proof is required.

Exception to offence

Section 8AC(2) of the MRSDA, inserted by clause 4 of the bill, provides an exception to the offence of exploring or mining for coal seam gas where the licence-holder incidentally discovers or mines coal seam gas. This imposes an evidential burden on the accused, requiring the accused to present evidence that suggests a reasonable possibility of the existence of facts that would establish the excuse.

Evidential burdens are not considered to limit the right to be presumed innocent. The exception relates to matters that are peculiarly within the accused's knowledge, which would be unduly onerous on a prosecution to investigate and disprove at first instance. Once the accused has pointed to evidence of the excuse, the burden shifts back to the prosecution to prove the essential elements of the offence to a legal standard. Furthermore, the penalty is relatively low (200 penalty units).

Right not to be tried or punished more than once

Section 26 of the charter provides that a person must not be tried or punished more than once for an offence in respect of which he or she has already been finally convicted or acquitted in accordance with law.

The offences in sections 8AC(1) and 8AD(1) of the MRSDA (inserted by clause 4 of the bill) and section 16A of the Petroleum Act (inserted by clause 9 of the bill) each include a default penalty provision, whereby if a person is convicted of an offence the person is guilty of a further offence for each day the offence continues after the conviction.

Section 26 of the charter is not engaged, as the default penalties only arise in respect of continued conduct, rather than the conduct that constituted the original offence.

Hon. Jaala Pulford, MP
Minister for Agriculture

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Ms TIERNEY (Minister for Training and Skills).

Ms TIERNEY (Minister for Training and Skills) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of this bill is to prohibit onshore unconventional gas activity in Victoria, to legislate a moratorium on onshore conventional gas activity until June 2020, and to prevent the state being the subject of litigation in relation to these matters, and to empower the minister to purchase licences and permits affected by the ban.

The bill gives effect to the commitment made by the Andrews government on 30 August 2016, in response to the parliamentary inquiry into onshore unconventional gas.

The bill will amend the Petroleum Act 1998 to ban hydraulic fracturing; and to extend the current moratorium on onshore conventional gas to 30 June 2020. The moratorium does not apply to authority holders accessing offshore gas supplies from onshore, or those undertaking research and development, gas storage, or carbon dioxide production.

The bill will amend the Mineral Resources (Sustainable Development) Act 1990 to prevent the exploration and development of coal seam gas and to ban hydraulic fracturing.

The bill also amends both the Petroleum Act and the Mineral Resources (Sustainable Development) Act to state that the state of Victoria is not liable in any way for any loss, damage or injury whatsoever resulting directly or indirectly from the proposed amendments or from measures under a policy moratorium that commenced on 24 August 2012.

Finally, the bill amends both the Petroleum Act and the Mineral Resources (Sustainable Development) Act to provide that the minister may purchase licences affected by the ban on

hydraulic fracturing and coal seam gas. The price for which a licence may be purchased will be determined through ministerial direction published in the *Government Gazette*.

I commend the bill to the house.

Debate adjourned for Mrs PEULICH (South Eastern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 16 February.

CHILDREN LEGISLATION AMENDMENT (REPORTABLE CONDUCT) BILL 2016

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms TIERNEY (Minister for Training and Skills); by leave, ordered to be read second time forthwith.

Statement of compatibility

Ms TIERNEY (Minister for Training and Skills) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the charter), I make this statement of compatibility with respect to the Children Legislation Amendment (Reportable Conduct) Bill 2016 (the bill).

In my opinion, the Children Legislation Amendment (Reportable Conduct) Bill 2016, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill amends the Child Wellbeing and Safety Act 2005 (the act) to establish a reportable conduct scheme (the scheme) to be set out in a new part 5A of the act (inserted by clause 6 of the bill and consisting of new sections 16A to 16ZN). Under the scheme allegations (defined in the bill as reportable allegations) of specified kinds of child abuse (defined in the bill as reportable conduct), or misconduct that may involve reportable conduct, made against employees of specified entities that exercise care, supervision or authority over children must be notified to the Commission for Children and Young People (the commission) and investigated by the entity or a regulator of the employee.

The commission has responsibility for overseeing the investigation and generally administering, overseeing and monitoring the scheme. In specified circumstances the commission may itself investigate reportable allegations and, if it considers it to be in the public interest to do so, may investigate whether reportable allegations have been inappropriately handled by an entity or regulator.

The bill also amends the Commission for Children and Young People Act 2012 to bring within the confidentiality regime established under part 6 of that act information acquired under the scheme by a commissioner, a staff member or delegate of the commission or a person assisting the commission.

Further, the bill amends various acts to allow information to be given to the commission, including findings and determinations made by the suitability panel under the Children, Youth and Families Act 2005.

The bill also amends the Education and Training Reform Act 2006 to require the commission to notify the Victorian Institute of Teaching if the commission becomes aware that a registered teacher is the subject of a reportable allegation or a finding of reportable conduct.

Human rights issues

Human rights protected by the charter that are relevant to the bill

New section 16B sets out the fundamental principles on which the scheme is based. Paragraph (a) provides that the protection of children is the paramount consideration in the context of child abuse or employee misconduct involving a child. Consistent with that paramount consideration paragraph (d) provides that everyone involved in the scheme should work collaboratively to ensure the fair, effective and timely investigation of reportable allegations.

These fundamental principles promote the right of every child to such protection as is in their best interests and is needed by them by reason of being a child. The right to such protection is contained in section 17(2) of the charter. To the extent that some provisions of the bill may impact on other human rights protected by the charter, it is important to bear in mind the fundamental principles on which the scheme established by the bill is based.

Further, all human rights protected by the charter may be subject to reasonable limitations that can be demonstrably justified in a democratic society in accordance with section 7 of the charter. Legislation protecting against child abuse justifiably may impose reasonable limitations on charter rights.

Right to privacy and reputation

Section 13(a) of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Privacy is a broad concept and includes privacy of information about a person and protection against interference in relation to a person's workplace environment.
Section 13(b) provides that a person also has the right not to have his or her reputation unlawfully attacked. A number of clauses in the bill engage these rights.

The bill has a number of provisions under which information or documents relating to a person are to be given to the commission or may be obtained by the commission.

Commission's access to information and documents

Under new section 16L of the act a person may disclose a reportable allegation to the commission.

Under new section 16M of the act the head of an entity who becomes aware of a reportable allegation against an employee of the entity must notify the commission within three business days of the fact of the allegation and of details of the employee and the entity and as to whether Victoria Police has been contacted about the allegation. Within 30 days the head must give the commission detailed information about the reportable allegation and about the action (if any) that it proposes to take in relation to the employee and the reasons for that action or inaction and provide the commission with copies of written submissions made by the employee in relation to the allegation.

Under new section 16N of the act the head of an entity who becomes aware of a reportable allegation against an employee of the entity must cause the allegation to be investigated and inform the commission of the identity of the body or person who will conduct the investigation. The head is further required to comply with any request made by the commission for information or documents relating to the allegation or its investigation and must, when the investigation is completed, provide the commission with a copy of the findings of the investigation and the reasons for the findings together with details of any disciplinary or other action proposed to be taken in relation to the employee and the reasons for that action or, if no action is to be taken, the reasons for not taking action.

New sections 16P to 16S of the act enable the commission to visit an entity if investigating a reportable allegation against an employee of the entity and inspect documents and conduct interviews of employees and children during those visits. These sections clearly specify the circumstances in which visits to an entity may occur and ensure that steps are taken to mitigate any negative effect on a child being interviewed (including considering whether the child's primary family carer should be present) and to protect an employee who is the subject of a reportable allegation from being required to answer any question of, or provide any information to, the commission. One of the fundamental principles in new section 16B of the act is that employees who are the subject of reportable allegations are entitled to natural justice in investigations of their conduct (paragraph (e)).

Under new section 16T of the act the Chief Commissioner of Police is required to comply with a request of the commission for information about any police investigation of a reportable allegation against an employee of an entity unless providing the information would be reasonably likely to prejudice the investigation of a breach or possible breach of the law or the enforcement or proper administration of the law.

Under new section 16V(2) of the act the commission may require a regulator of an employee that is investigating a reportable allegation against the employee to provide it with information and documents in relation to the investigation. Further, the commission may, if itself conducting an investigation, require the regulator to provide it with information and documents in relation to the employee.

Under new section 16X of the act a regulator may disclose to the commission any information or documents for the purpose of the reportable conduct scheme and may be required by the commission to provide it with information or documents relating to a reportable allegation, the investigation by the regulator of a reportable allegation or the findings, reasons for findings and recommendations of the regulator at the conclusion of an investigation.

New section 16ZG empowers the commission to issue a 'notice to produce', requiring an entity to provide it with information or documents. Failure to comply with a notice to produce may lead to an application to a court for a declaration and civil penalty under new section 16ZH.

Clause 11(3) amends section 40(2)(a) of the Working with Children Act 2005 to allow information acquired under that act to be given to the commission for the purposes of an investigation of a reportable allegation.

Clause 13(3) amends section 107(1) of the Children, Youth and Families Act 2005 to require the suitability panel to notify the commission of findings and determinations made by it in respect of an allegation of physical or sexual abuse of a child. The panel may also provide the commission with reasons for the findings and determinations.

Clause 13(6) amends section 113(1) of the Children, Youth and Families Act 2005 to require the suitability panel to notify the commission of determinations in respect of applications for removal of a disqualification. The panel may also provide the commission with reasons for the determinations.

Clause 13(9) amends section 125 of the Children, Youth and Families Act 2005 to enable the Secretary to the Department of Health and Human Services to disclose to the commission information about reportable allegations about out-of-home carers being investigated under that act.

Clause 13(10) amends section 130 of the Children, Youth and Families Act 2005 to enable an authorised investigator to disclose to the commission information acquired in carrying out an investigation relating to a reportable allegation about an out-of-home carer.

Clause 15(1) amends section 39(4) of the Disability Act 2006 to allow the disclosure of reportable allegations to the commission.

Clause 16 amends schedule 3 to the Ombudsman Act 1973 to enable the Ombudsman to refer complaints to the commission.

In my opinion, any interference with privacy or reputation caused by these provisions is neither unlawful nor arbitrary and accordingly compatible with the rights in section 13 of the charter. The interference is authorised by law, the circumstances in which it occurs is clearly circumscribed and it is reasonable or proportionate in all the circumstances. The commission has responsibility for overseeing investigations and the power to conduct investigations is protective of the interests of children.

Disclosure of information

New part 5A of the act provides for the disclosure of information to a variety of persons and bodies in specified circumstances.

New section 16ZB of the act enables the commission, the head of an entity or a regulator to disclose information about investigations to the child involved, the child's parent, the Secretary to the Department of Health and Human Services (if the secretary has parental responsibility for the child), a person who has daily care and control of the child or the child's out-of-home carer.

New section 16ZC of the act provides for information sharing between the commission, the head of an entity or a regulator and a range of persons and bodies.

Under new section 16E of the act the commission is required to liaise with regulators to avoid unnecessary duplication in the oversight of reportable allegations and to share information and provide advice and guidance about the protection of children.

New section 16G of the act gives the commission functions to exchange information (including the findings of investigations and the reasons for those findings) with Victoria Police, regulators, entities and the Secretary to the Department of Justice and Regulation and to report to the minister and Parliament on the results of investigations of reportable allegations.

Additionally, under new section 16ZD of the act, the commission can, for the purposes of a working with children check, inform the Secretary to the Department of Justice and Regulation of certain matters if a finding is made that an employee has committed reportable conduct. Consequentially on this, clause 11(1) and (2) of the bill amend the Working with Children Act 2005 to make a category C application for the purposes of that act, or a reassessment a category C reassessment, if the secretary is notified of findings of a prescribed kind.

Clause 12(9) of the bill amends section 2.6.31 of the Education and Training Reform Act 2006 to require the commission to immediately notify the Victorian Institute of Teaching if the commission becomes aware that a registered teacher is the subject of a reportable allegation or a finding of reportable conduct.

To the extent that these provisions may interfere with the privacy of persons to whom the information relates, the interference will be neither unlawful nor arbitrary. The circumstances in which information can be disclosed or shared are lawful, and the sharing of information will promote the important purposes of the scheme and protect the best interests of the child.

New section 16ZL of the act requires the commission to include in its annual report a review of the operation of the scheme in that financial year. If requested, the commission must also give further reports on the operation of the scheme to the minister and the Secretary to the Department of Health and Human Services. These further reports, and the sections of the annual report relating to the scheme, must also be provided to other relevant ministers or departmental secretaries. They must not include information that identifies a child or from which the identity of a child can be determined.

Generally, reports will contain aggregated information, such as the number of reportable allegations investigated, the number of declarations made by the Magistrates Court and notices to produce issued by the commission in that financial year. However, it is possible that individuals, such as the head of an entity, may be identified in a report. This could interfere with personal privacy or cause damage to reputation. Any such interference, however, will be neither unlawful nor arbitrary. The circumstances in which a report can be made are clearly set out in the legislation, and the bill ensures that entities, regulators and persons have the opportunity to comment on any adverse comment or opinion in a report that relates to them (new section 16ZL(5)). Further, the reporting process serves the important purpose of ensuring that departmental secretaries, ministers and Parliament are adequately informed about, and can take appropriate action to promote, the scheme.

Confidentiality requirements

Clause 10 of the bill amends the confidentiality provisions within part 6 of the Commission for Children and Young People Act 2012. The confidentiality provisions impose strict confidentiality requirements on the disclosure of information obtained by a 'relevant person' (defined as a commissioner, a delegate of the commission, an authorised person, and a member of the commission's staff) by reason of their status as a relevant person ('protected information').

Clause 10 in particular:

amends the definition of 'protected information' in section 54 of the Commission for Children and Young People Act 2012 so that it also applies to information acquired under the bill; and

amends section 55(b) of that act so that it allows relevant persons to give protected information if expressly authorised, permitted or required to do so under the bill or any other act; and

amends section 60 of that act so that it allows the commission to disclose to the minister and the departmental secretary information acquired by it in performing functions or exercising powers under the bill or any other act.

Any interference with privacy associated with such disclosures of information will be neither unlawful nor arbitrary. The exceptions from the general prohibition on disclosure are specific, circumscribed, and tailored to achieve a limited range of purposes, including ensuring the protection of children from harm, and ensuring that the commission and other bodies can adequately perform their statutory functions. I therefore do not consider that clause 10 limits the right to privacy.

Freedom of expression

Every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, pursuant to section 15(2) of the charter. However, section 15(3) provides that the right to freedom of expression may be lawfully restricted in a range of circumstances, including where it is reasonably necessary to do so to respect the rights and reputation of other persons.

As mentioned above, the bill prohibits relevant persons from disclosing protected information except in specified circumstances.

New section 16ZE of the act prohibits the publication of information that would enable the identification of a person who has notified the commission of a reportable allegation or a concern that reportable conduct has occurred. This is an appropriate restriction to ensure that persons are not discouraged from notifying the commission about such allegations or concerns.

New section 16ZE of the act also prohibits the publication of information that would enable the identification of a child in

relation to whom a reportable allegation, or finding of reportable conduct, was made.

However, as any restriction on expression associated with these prohibitions is lawful and reasonably necessary to respect the right to privacy and reputation of other persons, I therefore consider the provision is compatible with the right to freedom of expression under the charter.

Right to a fair hearing

Section 24 of the charter provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The right generally encompasses the established common-law right of each individual to unimpeded access to the courts, and may be limited if a person faces a procedural barrier to bringing his or her case before a court. The right will not be engaged, however, by a provision that substantively changes the law so that a cause of action no longer exists.

Clause 6 inserts a new section 16Y, which concerns disclosures of information or documents to the commission made in good faith under the scheme. New section 16Y provides that such disclosures do not constitute unprofessional conduct or a breach of professional ethics, do not make the person who made the disclosure subject to any liability in respect of the disclosure, and do not constitute a contravention of certain provisions concerning confidentiality of health information and information about patients of health services.

Clause 14 inserts a new section 132A in the Children, Youth and Families Act 2005. New section 132A provides that a member of the suitability panel is not personally liable for things done or omitted to be done in good faith in exercising a power or discharging a duty under that act or in the reasonable belief that they are being done or omitted to be done in the exercise of a power or discharge of a duty under that act. However, any liability that the member, but for new section 132A, would have is attached to the Crown.

In my view, the effect of these new sections is to substantively change the law so that no cause of action exists against persons who make disclosures (in the case of new section 16Y) or members of the suitability panel (in the case of new section 132A). The fair hearing right is therefore not relevant to these amendments. Further, in the case of new section 132A, liability may still be established against the Crown.

Presumption of innocence

Section 25(1) of the charter provides that a person charged with an offence has the right to be presumed innocent until proved guilty according to law. A legal burden for proving a defence may limit the right to the presumption of innocence as it requires the accused to prove matters.

New section 16M(4) of the act makes it an offence for the head of an entity to fail, without reasonable excuse, to comply with the requirements of new section 16M(1) to notify the commission of certain matters. This provision does not transfer the burden of proof as the person need only raise a reasonable excuse. I do not consider that an evidential onus such as this limits the right to be presumed innocent, and courts in other jurisdictions have taken this approach. Accordingly, I consider that this provision is compatible with the charter.

New section 16M(5) provides a defence to an offence against section 16M(4) for the person charged to prove that they honestly and reasonably believed that someone else had notified the commission in accordance with that section. This limitation on the presumption of innocence is necessary and justified because the matters to which it applies are within the peculiar knowledge of the accused.

New section 16Z of the act relevantly provides that it is a 'reasonable excuse' for an individual to refuse or fail to comply with requests or requirements to give information or documents to the commission under the scheme if to do so would tend to incriminate the individual. However, the right to presumption of innocence is not enlivened by this provision, as failure to comply with the provisions referred to in new section 16Z does not constitute a criminal offence.

New penalties

New section 16ZH provides that an entity may be liable to pay a civil penalty of up to $9000 if the Magistrates Court has declared that an entity has failed to comply with a notice to produce.

This civil penalty, although it has a partially punitive purpose, is limited to entities operating within a specific regulatory context, and the amount of the penalty is commensurate with other civil penalties in Victorian legislation. I also note that in relation to penalties under new section 16ZH, the court is specifically required to take account of the size of an entity and the impact of the amount of the penalty on the entity when setting the penalty amount. As the penalty is a civil penalty, the criminal process rights in the charter are not engaged by this provision.

The penalties attached to new sections 16ZE and 16ZF are criminal penalties. The criminal process rights in the charter therefore attach to these provisions. However, the provisions do not limit any of those rights, and are therefore compatible with the charter.

Jenny Mikakos, MP
Minister for Families and Children

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Ms TIERNEY (Minister for Training and Skills).

Ms TIERNEY (Minister for Training and Skills) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The government takes very seriously its responsibility to protect the most vulnerable members of our community, children. Child safety is everyone's responsibility.

This bill proposes amendments to the Child Wellbeing and Safety Act 2005 to better protect children from abuse and child-related misconduct by establishing a reportable conduct

scheme. A reportable conduct scheme will improve oversight of responses to allegations of child abuse, sexual misconduct and other child-related misconduct in organisations that exercise care, supervision and authority over children.

The bill will maintain the primacy of an investigation by Victoria Police of any allegations of criminal misconduct and will require allegations of suspected criminal conduct to be reported to Victoria Police. Additionally, the bill will ensure that persons who have been investigated under the scheme and found to have committed reportable conduct can be assessed for suitability to continue working or volunteering with children by enabling information to be shared with the Department of Justice and Regulation (for the purposes of a working with children check) and relevant professional registration bodies and regulators.

On 13 November 2013, the Family and Community Development Committee tabled to the previous Parliament its report entitled *Betrayal of Trust — Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations* (known as the *Betrayal of Trust* report). The committee made a number of findings and recommendations about the need to improve organisations' responses to child abuse and prevent child abuse from occurring in organisations.

This government is committed to implementing all of the *Betrayal of Trust* report's recommendations and has already responded to the majority of those recommendations. This bill substantially implements recommendation 18.1 and a key component of recommendation 10.1 of the *Betrayal of Trust* report.

In particular, the *Betrayal of Trust* report recommended that the Victorian government authorise an independent oversight and monitoring scheme to improve the handling of allegations of child abuse in relevant organisations, including government departments, religious and non-government organisations.

Organisational responsibility for protecting children is the subject of a range of regulation and reforms, in addition to the reportable conduct scheme. Most recently, the child safe standards were introduced to drive a culture of child safety and continuous improvement in organisations, supported by a new role for the Commission for Children and Young People (the commission) to build the capacity of organisations to improve child safety.

Building on those reforms, this bill requires that an allegation of reportable conduct committed by an employee is appropriately reported and responded to. This bill will expand the powers and functions of the commission to receive notifications of reportable conduct from organisations, and will allow for independent scrutiny of the way organisations investigate misconduct involving children. Fundamentally, it will ensure that the commission is aware of every allegation of certain types of employee misconduct involving children in relevant organisations that exercise care, supervision and authority over children. The commission will also be able to appropriately share information to better prevent and protect children from abuse.

This misconduct could include sexual offences or sexual misconduct, physical assault, significant neglect, or behaviour that is likely to cause significant psychological or emotional harm to children and is collectively referred to as 'reportable conduct' for the purposes of this scheme. Importantly, while the scheme will not interfere with criminal investigations, it will capture conduct that falls below a criminal threshold, and may not be necessarily reportable to police. This will ensure that grooming and other inappropriate patterns of behaviour can be identified in the early stages, and the risks to children appropriately responded to.

'Employee' has a wide definition under the bill and includes adult employees, contractors, officers, volunteers and religious personnel. This will ensure that the scheme is able to receive allegations of child-related harm and misconduct regardless of the legal status of the person that is alleged to have caused the harm, and irrespective of whether there is a formal employment relationship with the organisation, such as where the person is a religious leader. This will ensure that all children receive the same degree of protection and that child abuse is prevented, wherever it occurs.

Under the bill, organisations subject to the scheme will be required to have in place systems for reporting allegations of reportable conduct and misconduct towards children made against employees. These systems must ensure that the head of the organisation is made aware of the allegation and that there are appropriate organisational processes for appropriately responding to the allegation.

As the reportable conduct scheme applies to a diverse range of organisations, the definition of the 'head' of an organisation is defined to capture personnel who hold a relevant position of responsibility in an organisation. Additional heads of an organisation may be prescribed by regulation if necessary.

Under the bill, the head of an organisation must notify the allegation to the commission. In particular, the head of an organisation must, within three business days, notify the commission when it is first made aware of an allegation, and must then provide more detailed information as soon as practicable and within 30 days. These time frames build on the requirements of the scheme in New South Wales, and will ensure that organisations take prompt action to identify allegations of harm and effectively respond.

The head of an organisation must appropriately respond to the allegation by undertaking an investigation, or permitting a regulator or another independent body or person with appropriate qualification, training or experience to investigate the allegation. The findings of an investigation, and reasons, must be provided to the commission at the conclusion of an investigation, ensuring that the commission is aware of the outcome of investigations as well as the processes the organisation has in place to respond to and prevent reportable conduct by employees.

As the *Betrayal of Trust* report recommended, the bill will ensure that employees who have been investigated under the scheme and found to have committed reportable conduct can be assessed for suitability to continue to work or volunteer with children. In particular, the bill will enable information to be shared with the Department of Justice and Regulation for the purposes of the working with children check, and with relevant professional registration bodies and regulators. This will equip the regulatory system to assess suitability and, where appropriate, exclude people who have been found to pose an unjustifiable risk to children from working or volunteering with children.

Building on its existing roles to promote the safety and wellbeing of children and monitor and oversee compliance with the child safe standards, the commission will be provided with appropriate powers and functions to administer the reportable conduct scheme. These powers enable the commission to:

> educate and provide advice to organisations and regulators;
>
> oversee investigations into reportable allegations;
>
> where necessary, conduct its own investigations into reportable allegations;
>
> investigate the handling of a reportable allegation by an organisation or regulator;
>
> scrutinise the systems in place in organisations which are subject to the scheme to prevent reportable conduct;
>
> monitor compliance with the scheme; and
>
> report to ministers and Parliament on the scheme.

In administering the scheme, the commission will also build the capacity of organisations to respond appropriately and effectively to reportable allegations, assisting organisations to better prevent and respond to child abuse.

A range of organisations that exercise care, supervision or authority over children will be covered by the scheme. To ensure the effective operation of the scheme and to provide organisations with additional time to prepare, the scheme will apply to organisations that have responsibility for children in three phases.

> From commencement of the scheme, the scheme will apply to child protection services, out-of-home care services, disability services providing residential services for children with a disability, certain education providers, government and non-government schools, youth refuges, certain health services with inpatient beds, and government departments.
>
> From six months after commencement, the scheme will apply to hospitals, other disability services for children, providers of overnight camps, religious bodies and the residential facilities of boarding schools.
>
> From 18 months after commencement, the scheme will apply to early childhood services, approved education and care services (for example, kindergartens and after-hours care services), children's services (such as occasional care providers), and prescribed statutory bodies that have functions of a public nature, such as public museums and galleries.

The development of the bill involved extensive consultation with representatives of government and non-government stakeholders. There is broad support for the scheme proposed in this bill.

In conclusion, the bill will amend the Child Wellbeing and Safety Act 2005 to establish a reportable conduct scheme, in order to better protect children from the risk of abuse in organisations that exercise the closest care, supervision and authority over them. The bill will also make consequential amendments to other legislation to enable information to be appropriately shared to better protect children from abuse and harm.

I commend the bill to the house.

Debate adjourned for Ms CROZIER (Southern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 16 February.

OMBUDSMAN JURISDICTION

The ACTING PRESIDENT (Mr Melhem) — Order! The President has received the following letter from the Assembly, signed by the Speaker on 9 February:

> Resolution of the Legislative Assembly regarding exclusive cognisance
>
> The Legislative Assembly today agreed to a resolution to assert the rights and privileges of the house in relation to exclusive cognisance. The house directed me to communicate the terms of the resolution to you in writing, as it relates to the matter referred to the Ombudsman by the Legislative Council in November 2015. The resolution, which will be available in the Votes and Proceedings No. 110 after the house rises at http://www.parliament.vic.gov.au/assembly/votes-aamp-proceeding-minutes, reads:
>
> > That this house:
> >
> > (1) notes the description of exclusive cognisance given in Hatsell's *Precedents and Proceedings in the House of Commons*, volume 3, page 67, that: 'the leading principle, which appears to pervade all the proceedings between the two houses of Parliament, is, that there shall subsist a perfect equality with respect to each other; and that they shall be, in every respect, totally independent one of the other';
> >
> > (2) asserts the rights and privileges of the Legislative Assembly with respect to exclusive cognisance regarding members of the Legislative Assembly in relation to the matter referred to the Ombudsman by the Legislative Council on 25 November 2015, meaning that the Legislative Council's referral to the Ombudsman cannot be taken to apply to current or former members of the Legislative Assembly;
> >
> > (3) directs the Speaker to convey the terms of this resolution in writing to the President of the Legislative Council and the Ombudsman accordingly.
>
> The resolution also obliges me to advise the Ombudsman of its details, and I am writing to her today.

ADJOURNMENT

Ms TIERNEY (Minister for Training and Skills) — I move:

> That the house do now adjourn.

Murchison East rail services

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Public Transport, and it is regarding the lack of a connecting transport service between the Murchison East train station and the Murchison township. My request of the minister is that she outlines what steps she will take to specifically address and fix the lack of connecting transport between the Murchison East train station and the Murchison township and that she directs V/Line to show some flexibility to stop at the station when bus passengers have actually parked their car at the train station. The Murchison rail service has been a popular topic for me in Parliament in the past 12 months because the little regional community of approximately 1050 people that relies on this service has been quite vocal in letting me know that their service is not up to scratch.

Issues that have been raised to me and that I have raised with the minister on behalf of the community include the lack of toilets and drinking water; inadequate lighting, especially in the car park; the need for surveillance cameras for safety and damage prevention; the lack of an emergency phone; the limited number of services, especially for people needing access to Shepparton for medical appointments, work, shopping, education and so on; and the lack of wi-fi on the trains.

One of the other major concerns residents have raised is that the Murchison East station is isolated from the town and there is no connecting transport service between the station and the town, and no taxi service exists in the township. I raised this with the minister in Parliament in August last year, and her only acknowledgment of this and the other rail issues I raised was to say that:

> The concerns about passenger facilities at Murchison East railway station were noted by the community in the recent regional network development plan consultation; however, the inclusion of additional rail services was the community's first priority.

This is a poor response and tells me that the minister has so far had no intention of providing a solution so that passengers, who for whatever reason cannot transport themselves to or from the station, are not left either stuck at the station or unable to get to it. Google Maps tells me that the Murchison East station is 2.5 kilometres from the main street of Murchison. It really is unacceptable that a modern rail service — and I use the word 'modern' loosely when I refer to the rail line that services Northern Victoria Region — does not consider connecting services between isolated regional stations and towns, such as is the case with Murchison.

On the day my office reopened this year I was contacted by another Murchison resident raising the issue of the isolation of the station. In this constituent's case he and his wife took the train from Murchison East to Melbourne, leaving their car at the station so they could get home following the return leg of their trip. Unfortunately during the trip his wife became ill so they got an earlier service back to Murchison. The service was a train to Seymour then a bus to Murchison, but the bus is not scheduled to stop at the station but actually drops passengers off in town. The constituent explained his situation to the bus driver, who advised that the bus could not be stopped anywhere other than the scheduled stop in the town, which meant the constituent and his ill wife were stranded in town without their car, which was stuck at the station some 2.5 kilometres away. The constituent advised that some services stop at the station and others do not and that this causes further frustration and inconvenience for Murchison passengers. It would be prudent for there to be stops at both the station and the town for all services.

Flemington Road trams

Mr BARBER (Northern Metropolitan) — My adjournment matter is for the Minister for Public Transport, Ms Allan. It relates to the tram routes that operate along Flemington Road — route 55, route 57 and so forth — particularly regarding disability access. There are low-floor tram stops at a number of locations in that area, which is also the area where some of Melbourne's big hospitals are. There are low-floor platform access stops, but there are no low-floor trams. This means people who are going to medical appointments are struggling up and down the stairs of these trams when accessing the Royal Children's Hospital, the Royal Women's Hospital and other facilities and medical services that are available along there.

I commute on the 55 tram, so I see this quite regularly. I see people struggling, I see people who have injuries and are going to hospital, and I see people who have disabilities. I have been approached by the parent of a child whose particular condition means they are making many, many visits to the hospital. Often these children have not just a broken leg but some other sort of problem, which means that quite a large child might need to be lifted on and off. I and the other passengers on these trams are virtually doing what used to be done by tram conductors. We are signalling the driver, holding the doors and lifting people, their equipment, their children and their prams on and off.

It is not just people from the suburbs coming down those tram routes. Many people who come to

Melbourne from country Victoria for medical appointments get off at Southern Cross railway station and then take trams up to those hospitals from the other direction.

I am not aware that the government has got any particular plan with any particular time lines that will tell us when low-floor trams can be expected to be operating on route 55 or on any other route in Melbourne. I think I have clearly made the case for why route 55 is a priority, but I do not know when the government is likely to introduce low-floor trams on this particular route, so on behalf of my constituents who are using this tram route and on behalf of anybody who is visiting Melbourne for those major hospitals' excellent facilities, I ask: can the minster detail the schedule for the rollout of low-floor trams on those routes that have accessible stops, particularly in relation to that area, but also Melbourne wide?

Pakenham East train stabling depot

Mr MULINO (Eastern Victoria) — My adjournment matter is for the Minister for Public Transport, and it is regarding the government's significant program in relation to new rolling stock on the public transport rail system. In particular I would ask that the minister please update the house as to when construction will begin and that she provide a time line as to when construction will be undertaken on the new maintenance and stabling depot in Pakenham East, which is in my electorate.

This will be a significant capital investment in my electorate and will create many local jobs. It is something that has been greatly welcomed by those in my electorate. They are very much looking forward to construction commencing. It will produce a number of short-term jobs during the construction phase and of course ongoing jobs. It is also worth noting that it is part of a broader investment in the public transport system — in the rail network itself, but also in rolling stock — which directly benefits those in the outer suburbs. Many of those outer suburbs are along the Pakenham line within my electorate, including areas such as Pakenham, Officer and Beaconsfield. They will benefit from the increase in rolling stock, as this will allow for more frequent services along the Pakenham and other lines.

The overall program of procurement, which includes that depot and also new rolling stock, will create 1100 highly skilled jobs. Of course as part of that program there is a considerable local content requirement, which will benefit workers in my electorate and across the state more broadly. This is a significant project. The new maintenance and stabling depot is important for local jobs, but it is also important as an enabler for more rolling stock across the system. I welcome this and look forward to hearing an update from the minister as to when construction will commence.

Youth justice centres

Mr FINN (Western Metropolitan) — I wish to raise an adjournment matter this evening for the Minister for Families and Children. It concerns the announcement earlier this week by the Premier, by the minister and by the alleged member for Werribee in the Legislative Assembly that there will be a youth prison built in Werribee South. When I first heard that suggestion at the beginning of last week I, like many people, thought it was far fetched. I thought it was quite ridiculous, in fact, because I could not think of a place less suited for such an establishment than Werribee South. I can think of a number of places where such a complex could be built, but Werribee South is certainly not one of them.

For starters the site that has been chosen by the government is close to residences. It is just up the road from a university campus. It is just up the road from a hospital and from a medical centre. It is practically adjacent to the famed Werribee tourist precinct. As I said, there are a number of other places that this youth jail could go and indeed should go. The minister probably could have been guided in the right direction if she had asked the council, the community or the local member. I am not sure if he knew much about it either — or did he? 'What did you know, and when did you know it?' may be the question that we need to ask Mr Pallas in the Legislative Assembly.

We have a situation here now where the community of Wyndham is totally up in arms. They have not been consulted. They have not been asked their views on this. A decision has been made, and it is clear that this matter has been on the mind of the government for some months. We are told today that a business case has been prepared. That is the first we knew about that. You do not prepare a business case in three days. This has obviously been going on for three months.

There is a degree of deception here that is quite troubling. It is a deception of not just the local council but, I think, of the Wyndham community. I can fully understand why a good many people — and I am talking about many thousands — are up in arms over the decision to build the youth prison in Werribee South. So I ask the minister to reverse her decision. I ask the minister to actually have some genuine consultation with the community, to find out where

such an establishment could be built and to withdraw the plan that she announced this week.

Energy supply

Mr PURCELL (Western Victoria) — The matter I raise tonight is for the Minister for Energy, Environment and Climate Change. I urge the minister to meet with me and representatives of the Portland community to consider baseload power options in the south-west. I along with many other members of this chamber and throughout the south-west were very pleased with the decision that was made and came from governments, both federal and state, in regard to the Portland aluminium smelter.

Unfortunately the elephant in the room is long-term power supply, in particular base load power supply, going into Victoria, into the south-west and specifically into Alcoa. We saw again overnight that the South Australian government, through their over-reliance, in my opinion, on renewables, had another 40 000 households without power overnight, which is something we do not want in Victoria. We do need to have a sustainable base load, and that must be gas. Victoria was built on cheap energy, and I think we need to continue that. Victoria's future will be built on the cheap energy again, and it should be. The only way that we are going to do that is through establishing gas-fired power plants.

The government, I believe, needs to go through a stage. I think it is time that the government steps up and actually finishes with the privatisation of all gas in Victoria. I think there should be a reserve put on gas that is found in Victoria — new gas and onshore gas; certainly not fracked gas, but conventional gas — so that it goes into a reserve that can only be used in Victoria. It should not be sold overseas and it should not be sold interstate; it should be used in our industry and it also should be used in our households so that you and I are the beneficiaries of the gas, of the resource that is Victorian. We should be able to build industry and have cheaper gases for the energy in our households.

I do not believe that we should go onto farms without the permission of farmers; that should not be allowed. But I do believe that royalties should be paid to farmers so that they are encouraged to allow the Victorian government, who it should be — I do not believe it should be private; I think it does need to be the government — to go on and search for that gas. I urge the minister to join with me to meet with representatives of the Portland community to consider base load power in the south-west.

Ryans Reserve

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter tonight is for the Minister for Planning, Richard Wynne. It concerns Ryans Reserve in Richmond and the government's decision to sell off the reserve, which is used for recreational activities by many people from Richmond, particularly netballers. The netballers have said, as have the group that supports saving Ryans Reserve, that while they understand the government is claiming that they are committed to delivering world-class education and appropriate housing for vulnerable people, they are not sure what that has got to do with Ryans Reserve.

The government claims they are going to build new courts on school properties — in fact that would be just a revamp of existing courts at Richmond West Primary School, and those courts are not currently accessible for the public. So residents of Richmond, particularly the members of the Richmond Netball Association and the Saving Ryans Reserve group, want to know how this will work. Quite frankly there has been no consultation, but we have seen plenty of examples of that over the last week. It is a decision that has just been handed down.

Simply put, the netball association as it stands will not survive a move to the high school in Gleadell Street, which is the plan of the government — to move it to the new Richmond High School. There is no parking and there is no train access. Ryans Reserve is ideally positioned to offer both safe and close train and tram access as well as some parking options. Needless to say the Richmond Netball Association are very worried because of the large group they cater for — over 1300 netballers use the site every single week, so they are wondering how the government can ever claim on those numbers that the reserve is surplus to requirements. I am calling on the minister to meet with me, to meet with the Richmond Netball Association and to meet with the Saving Ryans Reserve group at Ryans Reserve in Richmond. Let us sort this thing out.

Great Ocean Road tourism

Mr RAMSAY (Western Victoria) — My adjournment matter is for the Minister for Tourism and Major Events, the Honourable John Eren, and the action I seek is for the minister to throw his support behind the Shipwreck Coast master plan, which has been compiled by the Great Ocean Road Regional Tourism board. The commonwealth and state funding for the Great Ocean Road is well appreciated, as is the co-investment in the economic recovery program for the Wye River and Jamieson Creek fires, which has

enabled an increase in their marketing efforts in the lead-up to the summer season as well as the ongoing maintenance to the Great Ocean Road.

In fact this summer season we saw a huge increase in visitation. Around 6 million people visited the Great Ocean Road this year — so many that it has put huge pressure on the infrastructure in the region. The Twelve Apostles has seen huge congestion of traffic and pressure on the amenities, and there now seems to be an urgent need for a funding commitment to address some of these challenges, not least of which includes a set of toilets at the start of the Great Ocean Road. The Shipwreck Coast master plan seeks to provide a pathway for governments to deliver a long-term sustainable approach to manage this increase in visitation, to maintain and improve key infrastructure and to protect both the natural assets and the reputation of one of Australia's leading international icons, the Twelve Apostles. There is significant interest from private investors wanting to build infrastructure that will increase the length of stay and expenditure.

The Great Ocean Road is Victoria's most valuable visitor economy asset, generating just over $782 million — that is an incremental spend by visitors outside the region of Melbourne — but the trouble is that it is struggling to continue to deliver that sort of quality visitor experience that people are now expecting when they visit the Great Ocean Road and the Twelve Apostles. I strongly support the Great Ocean Road Regional Tourism board in seeking state government funding in its budget allocation — this particular budget allocation — and to this end I seek the minister's support for the Shipwreck Coast master plan as a pathway for that and for the funding required to enhance the quality of the visitation and to ensure the protection of the national assets of the Great Ocean Road.

South Yarra railway station

Mr DAVIS (Southern Metropolitan) — My matter tonight is for the attention of the Minister for Planning, and it concerns South Yarra station. This is a part of the metro rail proposal that has been put forward by the government. The government is obviously seeking proposals with respect to metro rail but has put in place a planning scheme amendment, GC45, through this minister. That planning scheme amendment does not prohibit any proposal that goes forward that may not contain a full connection at South Yarra. I make the point that the government's current proposals relate to the disconnection of two lines, the Pakenham and Cranbourne lines, at South Yarra. Given the huge growth in population and given the enormous density that is in that Forrest Hill area, with buildings up to 51 storeys high, it is very clear that long term that station will be needed.

The studies that have been done by the City of Stonnington also make clear that the government's projections are flawed. Indeed the City of Stonnington figures are very persuasive: South Yarra is needed now. We certainly support South Yarra station being connected and being part of the build of the Metro Tunnel now. That is the preferred way forward from our perspective. But if that is not to be the case, it needs to be the case — at a minimum, as per the position of the independent planning panel — that South Yarra station is fitted at a later point. For the government to build a metro rail with no possible future connection at South Yarra would be a travesty. It would be a shocking act, an act that would sell short the City of Stonnington and the South Yarra district into the future.

What I am seeking from the minister responsible for the planning scheme in this respect is to release a statement saying that only a proposal which leaves open the opportunity of a South Yarra station will be considered for planning approval. He has taken up all planning powers to himself in amendment GC45. What he should do here is make it crystal clear that no proposal will be entertained that does not allow the fitting of a South Yarra station at a future point — no tick will be given in a planning sense to such a proposal. This would be a minimum step. It would be much better if South Yarra was included in the plan. It was in the Liberals' plan. Indeed the government that came into power ditched that plan that would have seen South Yarra connected. At a minimum, the minister should release that proposal. That would be consistent with his own independent planning panel, and it would give great certainty to the future of the City of Stonnington.

Upper Ferntree Gully height limits

Mr O'DONOHUE (Eastern Victoria) — My adjournment matter this evening is for the Minister for Planning, and it relates to height limits in the Upper Ferntree Gully activity centre. The Knox City Council proposed amendment C141 to the planning scheme and have gone through an extensive process, including a full panel hearing. That panel recommended that buildings should be no more than two storeys in height except for in and around the 1812 Theatre.

You would be aware, Acting President Melhem, that Upper Ferntree Gully is the gateway to the Dandenong Ranges — an absolutely beautiful part of the Eastern Victoria Region and indeed a beautiful part of Victoria, central to so many of Victoria's iconic tourist

attractions. Many people access Puffing Billy, the 1000 Steps and other tourist attractions in the Dandenong Ranges by travelling up the Burwood Highway through Upper Ferntree Gully, so this is an important issue not just for the local community but for all Victorians.

I have been contacted by many, many constituents who are extremely concerned that the council has now abandoned that planning scheme amendment. It abandoned that process at a recent council meeting. I do not know the exact cost, but I am advised that this was done after spending several hundred thousand dollars on the process, including, as I say, having a full panel hearing process. This leaves the local community in somewhat of a conundrum. The process that was on foot has now been abandoned. There is uncertainty as to what will happen now. Most members of the community were pleased to accept the recommendations of the panel hearing. That has been put to me by the many constituents who have contacted me.

The action I seek from the minister is that he make a clear statement about what, if anything, he intends to do to assist the Upper Ferntree Gully community to have certainty about the future of height limits in the Upper Ferntree Gully activity centre. I note that my colleague the member for Ferntree Gully in the other place was able to work with the local community and the council to achieve height limits and protections for the Ferntree Gully activity centre. The Upper Ferntree Gully community are seeking something similar for the Upper Ferntree Gully activity centre. It is really time for the minister to say what he will do to work with the community and the council to provide that certainty.

Ballarat Base Hospital

Mr MORRIS (Western Victoria) — My adjournment matter this evening is directed to the Minister for Health. It is certainly pleasing that the new Gardiner-Pittard wing of the Ballarat Base Hospital that was funded by the former Liberal government opened to the public this week. However, it is not all good news as there has been a massive blowout in the elective surgery waiting list at Ballarat. Since Labor came to power in 2014, there has been a 53 per cent increase in the number of people on Ballarat's elective surgery waiting list, with the number of patients rising from 957 in December 2014, when Mr Ramsay was looking after Ballarat, to 1463 in December 2016.

Our health service is currently running at capacity. The only way to reduce this waiting list is to fund the desperately needed new operating theatres that the Liberal Party committed to funding before the last election. The action I seek is that the minister immediately fund the fit-out of the urgently required new operating theatres at Ballarat Base Hospital.

Heyfield timber mill

Ms BATH (Eastern Victoria) — My adjournment matter this evening is for the Minister for Agriculture. The action I seek from the minister is that she visit the disability support services at Mawarra, based in Warragul, to see their enterprise, Jigsaw Industries, and understand how vital the continued supply of timber from Australian Sustainable Hardwoods (ASH) at the Heyfield mill is.

As background, Mawarra delivers support services to over 70 clients. It also operates three Australian disability enterprises, providing supported employment opportunities to over 28 employees. Mawarra assists in promoting the skills and abilities of all supported employees. The workforce of Jigsaw specifically consists of one full-time supervisor and 11 employees, who are all disabled. Jigsaw manufactures internal hardwood door jambs, screens and swatches for ASH. Jigsaw has also commenced docking timber, which is returned to ASH to make benchtops. Jigsaw sells any surplus timber as kindling. All of the timber is utilised.

The transporting of timber from Heyfield to Warragul and its return is provided free of charge and covered by ASH. ASH provides all the timber and materials, and there are no expenses in the work for Jigsaw. It is crucial for Jigsaw that in the short and long term it continues to receive timber from this mill. Not only are the operations of Jigsaw profitable and those profits then returned to Mawarra but the enterprise provides a learning environment, a sense of purpose, meaningful employment and a feeling of satisfaction and achievement for its disabled clients.

In January the mill owners announced that unless a secure and appropriate timber supply contract can be guaranteed by VicForests, the mill will be forced to close. ASH employs 250 local workers in Heyfield and, as well as Jigsaw, employs many thousands of other people in downstream occupations. That is why it is really important — in fact it is imperative — that the minister comes to Mawarra, sees the Jigsaw enterprise and understands the importance of ASH timber not just in Heyfield but across the wider Gippsland community.

Responses

Ms TIERNEY (Minister for Training and Skills) — There were 11 adjournment matters this afternoon, the first being from Ms Lovell to Minister Allan in relation

to public transport and transport connections around the township of Murchison, in particular between the train line and the township, and she also raised a matter of toilets, phones and the lack of wi-fi.

The second matter was raised by Mr Barber and was also to the Minister for Public Transport. It was in relation to trams along Flemington Road and in particular disability access, particularly as that tram route is the route that services the large hospitals in the Flemington Road precinct. He is seeking a plan and a timetable for the rollout of low-floor trams for this route and beyond.

The third adjournment matter was from Mr Mulino to Minister Allan and was in relation to new rolling stock, but he was also seeking an update on the construction of the Pakenham depot. That capital investment project is, I am assuming, about to commence, but Mr Mulino sought a commitment as to when the new maintenance depot will be under construction, highlighting the extraordinary number of jobs that will be associated with that endeavour.

The fourth matter was raised by Mr Finn and it was in relation to the location of the youth prison at Werribee South. He requested Minister Mikakos reverse the decision about the location of the youth prison.

Mr Purcell raised an adjournment matter for Minister D'Ambrosio in which he talked about baseload power options for the south-west of Victoria and called for more gas-fired power plants. He also sought for the minister to meet with him and Portland residents on base power options.

Mr Ondarchie raised the matter of netball courts in Richmond. He is seeking a meeting with Minister Wynne along with representatives of the Richmond netball club and the Saving Ryans Reserve Public Group in Richmond at Ryans Reserve to have a discussion about the relocation of the courts.

Mr Ramsay had a matter for the Minister for Tourism and Major Events, Minister Eren. He is wanting the minister to support the Shipwreck Coast master plan, and he is also seeking through that an improvement in the quality of the tourist experience.

Mr Davis had an adjournment matter for Minister Wynne. He is seeking for the minister to release a statement on the South Yarra railway station.

Mr O'Donohue raised an adjournment matter for the Minister for Planning, Minister Wynne. He is seeking a clear statement from the minister in relation to building height limits in his electorate.

Mr Morris raised a matter for the Minister for Health, Minister Hennessy, in relation to the funding and fit-out of operating theatres at the Ballarat hospital.

Ms Bath had an adjournment matter for Ms Pulford in relation to, in particular, the disability support service enterprise Jigsaw Industries. She is seeking that the minister come and visit that service and also have an understanding of the service's need for timber that is currently provided by the local mill.

That concludes the adjournment matters for this evening. I do have written responses to adjournment debate matters raised by Ms Symes on 22 November 2016 and Ms Crozier on 6 December 2016.

Mr Ramsay — Acting President Melhem, I have a point of order in relation to the adjournment debate last night. I in fact made a contribution to the adjournment debate in relation to the Land 400 project, which is currently under tender, and my matter was directed to Mr Wade Noonan, the Minister for Industry and Employment. The response from the minister doing the responses, which was Mr Dalidakis, was that initially he could not remember my contribution. He had to be reminded by the President what it was about, and then he indicated that he would dispense with the matter at that time, which he did. I checked *Daily Hansard* this morning, and I checked the validity of his response and found it to be untruthful. I am seeking that the matter be redirected, as I indicated initially through the adjournment, to Minister Wade Noonan.

I refer to Minister Dalidakis's words in *Daily Hansard* in relation to his response that in fact the Department of Defence did not include Geelong as a preferred site for the Land 400 project. This is at odds with the defence department itself, and on that basis I find that Mr Dalidakis misrepresented the position to the Parliament last night and I am calling him out on that. I am also calling him out on the fact that he had no right to speak on behalf of Minister Noonan in relation to my adjournment matter.

The ACTING PRESIDENT (**Mr Melhem**) — Order! Mr Ramsay is moving into debate. A point of order is not an opportunity to go into debate on matters. A member should make their point reasonably quickly. In relation to the point of order, I am not in a position to reinstate the adjournment matter, and I do not think it is within the power of the President to reinstate the adjournment matter. What is available to Mr Ramsay is perhaps in the next sitting week he can do a fresh adjournment matter in relation to this issue.

Mr Ramsay — Further on the point of order, Acting President, I have actually had a discussion with the President this afternoon in relation to this matter. His advice to me was that in fact I could raise this matter as a point of order and I could redirect the adjournment matter I raised to the minister as I requested. I seek a ruling from the President, with no disrespect to yourself, Acting President, in relation to this, or I will bring the adjournment matter back to this chamber in the next sitting week.

The ACTING PRESIDENT (**Mr Melhem**) — Order! I will take that on notice and I will take it up with the President. If the President rules that way, then that will be the way we will proceed. I will bring that to the attention of the President, and I am sure he will rule accordingly in relation to this matter.

Now the house will adjourn. Have a safe trip home.

House adjourned 5.57 p.m. until Tuesday, 21 February.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses have been incorporated in the form provided to Hansard and received in the period shown.

9 December 2016 to 9 February 2017

Abortion services

Question asked by: **Ms Patten**
Directed to: **Minister for Families and Children**
Asked on: **7 December 2016**

RESPONSE:

The Andrews Labor Government is developing a sexual and reproductive health strategy to increase access to services that support women to manage their reproductive choices. It also includes a focus on improving the management of endometriosis, menopause and polycystic ovary syndrome, which are important women's health issues.

Many of these services are delivered in primary care, community, private specialist clinics as well as public health services.

Medical termination involves the use of Mifepristone, also known as RU-486. Increasing training and support to GPs to provide these services will be a key action in the reproductive health services action plan.

The current MBS rebates for these services act as a disincentive to GPs. To address this the Andrews Labor Government will be raising the MBS rebate issue with the Commonwealth Government.

Firearms

Question asked by: **Mr Bourman**
Directed to: **Minister for Corrections**
Asked on: **7 December 2016**

RESPONSE TO SUBSTANTIVE QUESTION:

I thank the member for his question and note that a briefing is being scheduled on matters arising from this enquiry.

On 9 December 2016, First Ministers at the Council of Australian Governments agreed to strengthen the National Firearms Agreement. Specifically, an updated National Firearms Agreement incorporates the reclassification of lever action shotguns with a magazine capacity of no greater than 5 rounds to Category B and lever action shotguns with a magazine capacity of greater than 5 rounds to Category D.

At the meeting, the Council of Australian Governments also agreed to task the Law, Crime and Community Safety Council to finalise and implement the updated National Firearms Agreement as soon as possible.

RESPONSE TO SUPPLEMENTARY QUESTION:

The Commonwealth import prohibition on lever action shotguns with a magazine capacity of greater than 5 rounds will remain in place until all jurisdictions have completed their respective transitions to the new classification structure.

Barwon Prison

Question asked by: **Ms Springle**
Directed to: **Minister for Families and Children**
Asked on: **7 December 2016**

RESPONSE:

The structured day program being offered at Grevillea Youth Justice Centre is consistent with the programs offered at Parkville Youth Justice Precinct and Malmsbury Youth Justice Centre. The structured day program includes education, as well as a range of activities, health and rehabilitation services, visitors, and access to cultural and religious liaison officers.

Barwon Prison

Question asked by: **Mr O'Donohue**
Directed to: **Minister for Families and Children**
Asked on: **7 December 2016**

RESPONSE TO SUBSTANTIVE QUESTION:

I am advised that the premise of the Member's question is incorrect.

The Grevillea Youth Justice Centre is operated by the Department of Health and Human Services (DHHS). Corrections Victoria Emergency Response Group (ERG) staff are working in the Grevillea Unit to provide further support to DHHS staff, including responding to incidents. These staff currently work under the direction of DHHS staff.

Incident escalation procedures are in place at the Grevillea Centre as they are in other youth justice centres. Youth justice staff are trained to manage incidents. Where additional support is required youth justice Safety and Emergency Response Teams are available on site to provide specialised intervention to safeguard and enhance safety and security for staff and young people. Arrangements are in place at the Grevillea Unit to enable the Corrections Victoria's Security and Emergency Services Group (SESG) to further assist in the management and resolution of serious incidents that are beyond the capacity of the Unit to manage. The Corrections Victoria SESG's involvement is limited only to events that are outside of the capabilities of DHHS or the ERG to respond to.

Malmsbury Youth Justice Centre

Question asked by: **Ms Crozier**
Directed to: **Minister for Families and Children**
Asked on: **7 December 2016**

RESPONSE TO SUBSTANTIVE QUESTION:

According to departmental policy introduced under your government, the categorisation of incidents is based on an assessment of the circumstances of the incidents and involves consideration of the actual impact or apparent outcome for the client. My department has audit procedures in place to ensure that incidents are correctly categorised according to departmental policy.

My department has commenced work to reform and strengthen the client incident management system. It is anticipated that the new client incident management system will improve outcomes for clients through strengthened responses to incidents and provide greater opportunities to learn from incidents.

Parole reform

Question asked by: **Mr O'Donohue**
Directed to: **Minister for Corrections**
Asked on: **8 December 2016**

RESPONSE TO SUPPLEMENTARY QUESTION:

All three reviews are complicated and incredibly important. In regards to community safety The Andrews Government will ensure they are properly implemented. It should be noted that when the questioner left the Government, the Coalition failed to implement 6 of the Callinan recommendations. In relation to the timelines for completion of the final outstanding recommendation of the Callinan Review, a detailed response to a question asked on this identical topic on 6 December 2016 was tabled the following day. As stated in that response, the final phase will deliver integration with related departmental systems and further workflow efficiencies by the end of 2018.

All the recommendations from the Walshe Investigation have been acquitted. The agreed infrastructure improvements at the Metropolitan Remand Centre will be finalised by mid-2018.

The Harper Review made 35 recommendations, all of which have been accepted in principle by Government. The recommendations propose significant and complex reforms to operation of the post-sentence scheme in Victoria, and the Harper Review emphasised that these reforms need to be carefully considered.

Government took swift action to respond to the Review. In May 2016, the Serious Sex Offenders Amendment (Community Safety) Act 2016 introduced a number of reforms to strengthen the management of sex offenders under the post-sentence scheme. In line with the Harper Review, the Act introduced new conditions to manage the risk of violent offending posed by offenders on post-sentence orders and extended Victoria Police holding powers. The Act also introduced a requirement that the court and the Adult Parole Board give paramount consideration to the safety and protection of the community when making decisions about post-sentence offenders, and a 12 month minimum term of imprisonment for offenders who breach certain conditions of supervision orders.

The Government also invested $84 million in the 2016-17 State Budget to respond to the Harper Review recommendations and strengthen the post-sentence scheme.

Most of the Harper Review recommendations, including the establishment of a new governance body and expanding the post-sentence scheme to serious violent offenders, require complex legislative, operational and infrastructure changes. Phased implementation of these reforms will occur throughout 2017 until mid-late 2018.

Member for Footscray

Question asked by: **Mr Ondarchie**
Directed to: **Minister for Small Business, Innovation and Trade**
Asked on: **8 December 2016**

RESPONSE TO SUBSTANTIVE QUESTION:

Duties required to perform responsibilities for the Government are factored into the budget allocated to Departments. Department expenditure is published in their Annual Report. Travel expenditure is reported on department websites.

FURTHER RESPONSE TO SUBSTANTIVE QUESTION:

I am advised that costs are shared between the Department of Premier & Cabinet and the Department of Economic Development, Jobs, Transport & Resources.

Further, I am advised my Department provides office accommodation for the Member for Footscray in her role as Special Adviser to the Premier.

Respectful relationships education

Question asked by: **Dr Carling-Jenkins**
Directed to: **Minister for Families and Children**
Asked on: **8 December 2016**

RESPONSE:

Thank you for your question regarding Respectful Relationships in Early Childhood Education.

Building the foundations for Respectful Relationships starts in early childhood and can have a big impact on preventing family violence for our future generations.

This is why the Government is investing $3.4 million to deliver professional development and strengthen early childhood educators' capacity to model and instil Respectful Relationships in everything they do with children and their families.

The unacceptably high rates of family violence, in particular violence against women and their children are well documented. Respectful Relationships is an opportunity to change this story for future generations. By supporting children to understand and promote respectful relationships we can make a real difference.

From April 2017 Respectful Relationships professional learning will be offered to 4000 educators. The professional learning, supported by online materials, is evidence-based and builds on the existing focus in the Victorian Early Years Learning and Development Framework, on the importance of promoting equity and respect. It will be offered to funded kindergartens that are engaged and ready to participate.

While it will not be mandatory for educators to participate, early childhood educators, leaders and service providers will be strongly encouraged to undertake the professional learning and draw upon evidence-based tools and resources.

Parent engagement is encouraged and supported as part of the development of the professional learning for early years' educators. Parents and carers have been consulted and have been very positive about the strengthened focus on Respectful Relationships, the rationale and the content of the professional learning package. This feedback will be used to inform the final package that is offered to early childhood educators in 2017.

I am very proud of this unique and ground breaking initiative and the positive impact it will have on thousands of children for the better.

Youth justice centres

Question asked by: **Mr Finn**
Directed to: **Minister for Families and Children**
Asked on: **7 February 2017**

RESPONSE TO SUPPLEMENTARY QUESTION:

It's indisputable that Victoria needs a new youth justice facility.

The new youth justice facility has quite specific requirements, and the Government has given careful consideration to a range of sites in metropolitan Melbourne and regional Victoria through the development of a business case.

The preferred site for the new facility is Werribee South because the land is government-owned, it's close to health and education services, transport, and there is a significant buffer between the preferred site and residential areas. It is able to begin building quickly to ensure the safety and security of staff, young people, and the community.

The preferred site was announced on 6 February 2017 and the local council and community are being consulted. The Government will consult extensively with the community to respond to people's concerns and maximise community and economic benefits.

The Government is committed to engaging with the local community, staff and services providers around design and construction and will be conducting a series of information sessions to ensure that local community voices are heard.

Times and locations of community information and consultation sessions will be provided soon. Community members can call find out details by contacting the Department of Health and Human Services hotline on 1800 630 738, through notices in the local paper or by going to www.dhhs.vic.qov.au for more details.

Youth justice centres

Question asked by: **Ms Crozier**
Directed to: **Minister for Families and Children**
Asked on: **7 February 2017**

RESPONSE TO SUBSTANTIVE QUESTION:

The Grevillea Unit at Barwon Prison was first gazetted as a youth justice centre and remand centre on 17 November 2016.

As prescribed by section 482(2) of the Children, Youth and Families Act 2005, persons detained in remand centres, youth residential centres or youth justice centres are entitled to receive visits from parents and relatives. This is to ensure that young people continue to have contact with their family. A connection to community is a key aspect to helping prevent offenders from re-offending on their release.

Families who do not have access to private transport are eligible for transport to take them from the nearest public transport stop to the Grevillea Unit. This may involve access to a taxi from Lara Station to Barwon Prison. The total cost of taxi fares invoiced to my department to date is $197.09. No payment is made directly to offenders' families.

Supporting access to transport for families has been a longstanding service — a shuttle bus service between Malmsbury Youth Justice Centre and the nearest train station has operated for about 20 years.

Country Fire Authority enterprise bargaining agreement

Question asked by: **Ms Wooldridge**
Directed to: **Minister for Small Business, Innovation and Trade**
Asked on: **7 February 2017**

RESPONSE TO SUBSTANTIVE QUESTION:

As usual, the Coalition are sprouting lies and misinformation for political gain.

The Andrews Labor Government and Victoria's fire services are focused on the current bushfire season and ensuring our firefighters have the resources to do what they do best-keep Victorians safe.

The Victorian community can have complete confidence that the CFA and MFB are ready to protect people and property.

Both the MFB and CFA are continuing to work with the UFU on resolving their respective Enterprise Bargaining Agreements through the Fair Work Commission.

We value the outstanding work of all our firefighters — including CFA volunteers. That is why we are delivering unprecedented investments for CFA volunteers including nearly 100 new CFA trucks, better equipment through the new $15 million volunteer grants program, and upgrades to facilities, stations and training facilities across Victoria.

This contrasts with the record of the previous Coalition Government which cut $66 million from the CFA and MFB and slashed 164 jobs in the CFA.

RESPONSE TO SUPPLEMENTARY QUESTION:

On 26 January protected industrial action was in place, as authorised under the Commonwealth Fair Work Act 2009, but the CFA have confirmed that at no point was the community at risk. The Traralgon Fire Brigade responded to the alarm, investigated the premises and determined the call to be a false alarm.

Youth justice system

Question asked by: **Ms Springle**
Directed to: **Minister for Families and Children**
Asked on: **7 February 2017**

RESPONSE:

The "Review of Youth Support, Youth Diversion and Youth Justice Programs" by Ms Penny Armytage and Professor James Ogloff is due to be completed by mid-2017. Its terms of reference does not include infrastructure.

The facility the Government has announced at Hoppers Lane, Werribee South is to be built as a youth justice facility. It will comply with relevant legislative requirements.

FURTHER RESPONSE:

The "Review of Youth Support, Youth Diversion and Youth Justice Programs" by Ms Penny Armytage and Professor James Ogloff is due to be completed by mid-2017. The matters raised in the members question are outside the terms of reference of this review. I point out to the member that both child protection and youth justice continue under my portfolio.

The facility the Government has announced at Hoppers Lane, Werribee South is to be built as a youth justice facility. It will comply with relevant legislative requirements.

Timber industry

Question asked by: **Mr Young**
Directed to: **Minister for Agriculture**
Asked on: **7 February 2017**

RESPONSE TO SUBSTANTIVE QUESTION:

166 coupes on the Timber Release Plan have been affected (in whole or in part) by the 200m exclusion buffer associated with Leadbeater's Possum detections, a measure introduced by the former Liberal-Nationals Government.

VicForests continues to work hard to ensure the Timber Release Plan provides sufficient flexibility to manage its operations around Leadbeater's Possum detections, along with a range of other operational disruptions such as severe weather.

Ambulance services

Question asked by: **Ms Patten**
Directed to: **Minister for Families and Children**
Asked on: **7 February 2017**

RESPONSE:

Turning Point is funded to analyse ambulance data to identify ambulance attendances specifically attributable to alcohol and other specific drug types. The most recent data released by Turning Point indicates that there were 2155 ambulance attendances attributable to heroin in 2014-15 in metropolitan Melbourne. This data is yet to be released for 2015-16.

The cost of an ambulance attendance varies as individuals can have a range of different health needs when seeking ambulance services.

Gatwick Hotel

Question asked by: **Ms Fitzherbert**
Directed to: **Minister for Corrections**
Asked on: **8 February 2017**

RESPONSE:

I have been advised that it is not appropriate to provide the personal details of offenders on orders.

Privacy and data protection

Question asked by: **Mr Rich-Phillips**
Directed to: **Special Minister of State**
Asked on: **8 February 2017**

RESPONSE:

On 16 December 2016, the Commissioner for Privacy and Data Protection announced he would seek to determine whether any breach of the Information Privacy Principles has occurred and requested information from the Premier. The Government has twice responded to the Commissioner. In each case those responses were consistent with the Privacy and Data Protection Act 2014.

It would be inappropriate to comment on specific matters that are the currently the subject of the Commissioner's enquiry. However, the Government affirms the important purposes served by the Privacy and Data, Protection Act 2014, including the need for the responsible collection and handling of personal information in the Victorian public sector.