

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY  
FIFTY-EIGHTH PARLIAMENT  
FIRST SESSION**

**Thursday, 17 September 2015**

**(Extract from book 13)**

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**OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY  
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

**Speaker:**

The Hon. TELMO LANGUILLER

**Deputy Speaker:**

Mr D. A. NARDELLA

**Acting Speakers:**

Mr Angus, Mr Blackwood, Ms Blandthorn, Mr Carbines, Mr Crisp, Mr Dixon, Ms Edwards, Ms Halfpenny,  
Ms Kilkenny, Mr McCurdy, Mr McGuire, Ms McLeish, Mr Pearson, Ms Ryall, Ms Thomas,  
Mr Thompson, Ms Thomson, Ms Ward and Mr Watt.

**Leader of the Parliamentary Labor Party and Premier:**

The Hon. D. M. ANDREWS

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier:**

The Hon. J. A. MERLINO

**Leader of the Parliamentary Liberal Party and Leader of the Opposition:**

The Hon. M. J. GUY

**Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:**

The Hon. D. J. HODGETT

**Leader of The Nationals:**

The Hon. P. L. WALSH

**Deputy Leader of The Nationals:**

Ms S. RYAN

**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 ASSEMBLY**  
**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn <sup>1</sup>	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphthine, Dr Denis Vincent <sup>2</sup>	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio	Melton	ALP
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Brooks, Mr Colin William	Bundoora	ALP	Noonan, Mr Wade Matthew	Williamstown	ALP
Bull, Mr Joshua Michael	Sunbury	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Daniel David <sup>3</sup>	Gippsland South	Nats
Burgess, Mr Neale Ronald	Hastings	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pakula, Mr Martin Philip	Keysborough	ALP
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Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
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Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Tilley, Mr William John	Benambra	LP
Kairouz, Ms Marlene	Koroit	ALP	Victoria, Ms Heidi	Bayswater	LP
Katos, Mr Andrew	South Barwon	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
Knight, Ms Sharon Patricia	Wendouree	ALP	Watt, Mr Graham Travis	Burwood	LP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP
McGuire, Mr Frank	Broadmeadows	ALP			

<sup>1</sup> Resigned 3 September 2015

<sup>2</sup> Resigned 3 September 2015

<sup>3</sup> Elected 14 March 2015

<sup>4</sup> Resigned 2 February 2015

**PARTY ABBREVIATIONS**

ALP — Labor Party; Greens — The Greens;  
Ind — Independent; LP — Liberal Party; Nats — The Nationals.

## Legislative Assembly committees

**Privileges Committee** — Ms Allan, Ms D’Ambrosio, Mr Morris, Ms Neville, Ms Ryan, Ms Sandell, Mr Scott and Mr Wells.

**Standing Orders Committee** — The Speaker, Ms Allan, Ms Asher, Mr Brooks, Mr Clark, Mr Hibbins, Mr Hodgett, Ms Kairouz, Mr Nardella, Ms Ryan and Ms Sheed.

## Joint committees

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

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

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

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

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

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

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

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

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

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

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



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## Thursday, 17 September 2015

**The SPEAKER (Hon. Telmo Languiller) took the chair at 9.33 a.m. and read the prayer.**

### POLWARTH AND SOUTH-WEST COAST BY-ELECTIONS

**The SPEAKER** — Order! I have to announce that on 17 September 2015 I issued writs for by-elections for the electoral district of Polwarth and the electoral district of South-West Coast to be held on 31 October 2015.

### BUSINESS OF THE HOUSE

#### Notices of motion

**The SPEAKER** — Order! Notices of motion 2 and 3 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

### PETITIONS

#### Following petitions presented to house:

##### Special religious instruction

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house that the Victorian government is banning voluntary special religious instruction (SRI) in government schools during school hours.

Prior to the last election, the Labor Party said they would not scrap SRI during school hours in Victorian government schools. Now the Premier and education minister have announced that as of next year they will break this promise.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its broken promise and allows students at government schools to attend SRI during school hours, as has been the case in Victoria for decades.

**By Mr CLARK (Box Hill) (131 signatures).**

##### Public holidays

To the Legislative Assembly of Victoria:

The petition of certain residents of Victoria draws to the attention of the house that the new grand final eve and Easter Sunday public holidays, will result in both lost productivity and higher wage costs for small business at a stage when many are already facing difficult times. At a time of high and rising unemployment, and where there was no pressing need or compelling argument for their introduction, imposing these two new major costs on Victoria's businesses damages them

and their employees, consumers and our state's economy without justification.

The petitioners therefore request that the Legislative Assembly of Victoria call on the state government to reconsider its decision to introduce two additional public holidays in Victoria.

**By Mr WATT (Burwood) (174 signatures).**

##### Robinsons Road–Western Port Highway, Pearcedale

To the Legislative Assembly of Victoria:

We the undersigned citizens of Victoria draw the attention of the house to the long and deadly history of the Robinsons Road and Western Port Highway intersection in Pearcedale and to the tragic continuation of that damning reputation by the further unnecessary death there on 29 May 2015 of 19-year-old Olivia Steadman-Meconi.

We, the undersigned concerned citizens of Victoria therefore request the Legislative Assembly of Victoria to request the state government immediately begin the process of installing a roundabout at the intersection of Robinsons Road and Western Port Highway in Pearcedale; and until installation is complete, to institute traffic management strategies, including, but not limited to, the reduction of the speed limit on this section of the Western Port Highway to 80 kilometres an hour to prevent further injury and/or loss of life occurring at this location.

**By Mr BURGESS (Hastings) (259 signatures).**

##### Police numbers

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly that Premier Daniel Andrews has failed to commit to providing additional police numbers and subsequently, as Victoria's population grows, the number of police per capita goes backwards under Labor every day.

The petitioners therefore respectfully request that the Legislative Assembly of Victoria calls on the Andrews Labor government to commit to providing additional frontline police numbers as a matter of priority.

**By Mr BURGESS (Hastings) (80 signatures).**

##### Public holidays

To the Legislative Assembly of Victoria:

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

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

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

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

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

**By Mr BURGESS (Hastings) (127 signatures).**

### **Tyabb mobile and internet services**

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house their concerns that the locality of Tyabb is an area which is effectively a communication black spot in that there is no mobile phone reception or ADSL internet service. This situation has proven to be a serious problem for the residents during fire seasons as there is no communication in or out of the district once landlines are down. Residents are also disadvantaged in business and personally by not receiving a basic service, which is available to other Victorians.

In conjunction with the upgrade to their mobile phone service, residents are seeking a similar upgrade to their mobile internet services.

The petitioners therefore request that the Legislative Assembly of Victoria request that the locality of Tyabb receive an immediate communications upgrade to provide mobile phone and mobile internet services and ADSL services.

**By Mr BURGESS (Hastings) (29 signatures).**

**Tabled.**

**Ordered that petitions presented by honourable member for Hastings be considered next day on motion of Mr BURGESS (Hastings).**

**Ordered that petition presented by honourable member for Burwood be considered next day on motion of Mr WATT (Burwood).**

## **PARLIAMENTARY DEPARTMENTS**

### **Reports 2014–15**

**Mr NARDELLA (Melton), by leave, presented reports of Department of the Legislative Assembly and Department of Parliamentary Services.**

**Tabled.**

## **DOCUMENTS**

### **Tabled by Clerk:**

*Charter of Human Rights and Responsibilities Act 2006* — From Commitment to Culture: The 2015 Review of the *Charter of Human Rights and Responsibilities Act 2006* under s 45 — Ordered to be published

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to SR 91 (*Gazette S36, 10 September 2015*)

Ombudsman — Investigation into the rehabilitation and reintegration of prisoners in Victoria — Ordered to be published

Victorian WorkCover Authority — Report 2014–15.

## **ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE**

### **Reporting date**

**Mr MERLINO (Minister for Education)** — By leave, I move:

That the resolution of the house of 23 December 2014 be amended to extend the final reporting date for the Environment, Natural Resources and Regional Development Committee's inquiry into the Country Fire Authority training college at Fiskville to no later than 31 March 2016.

**Motion agreed to.**

## **BUSINESS OF THE HOUSE**

### **Adjournment**

**Mr MERLINO (Minister for Education)** — I move:

That the house, at its rising, adjourns until Tuesday, 6 October 2015.

**Motion agreed to.**

## **MEMBERS STATEMENTS**

### **Penleigh and Essendon Grammar School**

**Mr CARROLL (Niddrie)** — I rise to congratulate Penleigh and Essendon Grammar School (PEGS) in my electorate on the reopening of McNab House. It was a pleasure on 26 August to join the PEGS community and members of the McNab family for this important milestone. Principal Tony Larkin, in his recently and newly titled school newsletter *Altior et Sapientior* — the title reflects the school's two mottos, ad altiora, to higher things, and sapienter et viriliter, strength through knowledge — said:

The move of our middle school (girls) into McNab House at the Keilor East campus at the start of this term is possibly the most significant event in the school's recent history. Like the establishment of the Keilor East campus in 1961, the opening of the original McNab House as a co-educational senior school in 1973 and the move of year 7 boys from the Essendon to Keilor East campus in 1996, it will be critical to the overall advancement of the school.

The new McNab House is a purpose-built facility for the middle school girls, who recently relocated from the Park Street, Moonee Ponds, campus to Keilor East. I congratulate the architects, McBride Charles Ryan, who designed the new McNab House and recently won the 2015 Henry Bastow award as part of the 2015 Victorian Architecture Awards, honouring excellence in educational architecture.

I congratulate the principal, Tony Larkin, the architects, and most importantly I wish Meg Benney, head of McNab House, and all the new students, my best wishes for the future. McNab House is a sight to behold. The design is derived from the Mandelbrot set, a particular set of complex numbers which form a stunning fractal facade. It is a pleasure to have had a strong working relationship with PEGS over the years, and it was equally a pleasure to attend the recent celebration and hear the orchestra and watch the dancers in the superb performance to mark the opening of McNab House.

### Public holidays

**Mr BATTIN** (Gembrook) — This week in Parliament we seem to have had two topics coming up time and again: the first has been public holidays in relation to Victorian public holidays and the new public holiday; and the second topic to come up has been casual staff. Those were the two main topics that have been addressed over and over again. I will speak about the affect the new public holiday could have on a small business from a personal perspective. An example of a small business that could be affected would be one such as the Bakers Delight business in Wheelers Hill — not in my electorate — which I formerly owned. I will put a few things on the record so that everyone can understand exactly what the impacts are for a small business.

To run a Bakers Delight shop, which is a franchised business, you have to employ staff, and I had 24 staff in the time I was there. The school holiday period, which is when this holiday will fall, is the quietest period of time for a bakery, other than the Friday prior to the AFL Grand Final, and there will be a huge impact on costs for that business. To run a business in an average week meant a 40 per cent cost in staff alone. For every dollar that came into that business, 40 per cent went out

to staff and 25 per cent of income went out to the cost of goods, so that is 65 per cent before we go any further. Rent took from 10 per cent to 15 per cent each week, so already up to approximately 80 per cent of the total income coming through the business is being paid out, and that is without taking into consideration payments for electricity, gas, other outgoings and advertising. To add the cost of an extra public holiday and increase the cost of staff from 40 per cent to possibly 44 per cent would make a huge difference and could mean a small business would be facing a loss rather than gaining income for that week.

### Bellarine electorate sports clubs

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — As the Bellarine football and netball season draws to a close, I take the opportunity to congratulate all clubs on their efforts, both on and off the field. In particular I congratulate those clubs that have competed very well this year: Drysdale, Portarlington, Queenscliff, Ocean Grove and Barwon Heads. I also congratulate the Leopold Football Netball Club, which plays in the GFL competition, and I wish the A-grade netballers well in the preliminary final this week. Although none of the other senior sides has been successful in the finals this year, I know that the measure of success for any club is far from being determined by the number of games or even the premierships they win. Local clubs play a more important role in community life than just offering a game of footy or netball.

Grassroots clubs are an integral part of any community, especially in regional and rural towns like those on the Bellarine Peninsula. Importantly they introduce kids to sport and an active lifestyle. They also provide a social connection and outlet for locals and in doing that contribute significantly to creating the sense of community that is so vital to the cohesion of a town. I have therefore always supported and will continue to support sporting clubs through sponsorship and also through the grants that the government has recently announced: \$3.15 million to the Queenscliff sports precinct; \$225 000 to the Barwon Heads Football & Netball Club; \$3.5 million for the Drysdale sports precinct; and \$1.5 million for the Leopold clubrooms.

Again I congratulate all the clubs on a successful 2015 season, and I look forward to supporting them on the field in 2016.

### Public holidays

**Mr D. O'BRIEN** (Gippsland South) — I rise to praise another community that will be negatively affected by Labor's Grand Final Friday public holiday — the Rosedale community — for its hugely successful and innovative Man Cave Market held on Father's Day a few weeks ago. Members will be surprised to learn that over 20 000 people visited the market from all across the state. For a town with a population of just over 1000, this was an incredible achievement. Funds raised will help support community projects, including the installation of a toilet block at Willow Park, a popular stop for caravans and campers on Princes Highway.

Rosedale is a community with a lot of energy. Between the Man Cave Market and the vintage and retro market held earlier in the year, it is building a reputation as a market town. These successes are driven by a strong community and business ethic. There are currently no vacant shops in Rosedale, which is a rare feat for any shopping strip these days. Congratulations to Phoebe Moncur and all the team at the Rosedale Chamber of Commerce. They are a shining example of how small towns can come together to build a prosperous future.

### Gippsland South electorate football and netball clubs

**Mr D. O'BRIEN** — All the best to the Rosedale senior footballers and A-grade netballers, who play off in the North Gippsland grand finals tomorrow. I am sure the member for Gippsland East will be disappointed when his Heyfield boys are defeated for a second grand final in a row. Go the Blues! It has not been a great finals series for my Gippsland South teams, with Sale and Sale City knocked out and Fish Creek beaten in last week's Alberton grand final, but best of luck to Leongatha, led by the inspirational coach Beau Vernon, in the preliminary final against Maffra this weekend. May the member for Gippsland East have another loss. May the Parrots and the Blues both prevail.

### Refugees and asylum seekers

**Ms KAIROUZ** (Kororoit) — I rise to speak about the current refugee crisis as a result of the wars in Syria and Iraq. The civil war in Syria and the ISIS occupation in Iraq have resulted in one of the worst humanitarian disasters of our time. The brutal policies of ISIS have resulted in millions of innocent civilians suffering — losing their homes, their loved ones and their lives. According to World Vision there are currently more than 4 million refugees, many of whom are children

who are fleeing the conflict and attempting to make the perilous journey to Europe to start a new life.

I was heartbroken to see the photo of three-year-old Alan Kurdi lying dead on a Turkish beach and could not help but think about how many more children are in this situation. Many of the refugees are living in overcrowded camps without access to adequate food, health assistance, shelter and basic hygiene items. Over 2 million school-age children are not attending school.

Victoria has a role to play in helping this crisis. We all need to work together. I stand by the Premier, who said last week that we 'stand ready to do the right thing'. The Andrews Labor government welcomes bipartisan support on this issue as we play our part in solving this devastating crisis.

### Kororoit electorate education funding

**Ms KAIROUZ** — On another matter, on Monday I was delighted to inform schools in my electorate of Kororoit about the extra funding they will receive as part of the Andrews government plan to make Victoria the education state. The additional funding is on top of the funds already provided for enrolment growth, indexation and the everyday running of schools. The announcement of extra money was well received by parents and principals in my electorate.

### Public holidays

**Mr BURGESS** (Hastings) — I rise to condemn this anti-small business Labor government for the damage it will continue to inflict on Victoria's small business community through its Grand Final Friday public holiday on 2 October. One can only imagine that because government members have never run a business or, in most cases, even had a job in business they simply do not understand how critically important small business is to our state and how damaging these two new imposts are to our state's businesses. If they do understand and still support these two new gifts to their union mates, the conclusion to be drawn is far more sinister.

Victoria's small businesses and their growth, sustainability and productivity are vital to the ongoing economic health of our state and the resilience and wellbeing of our communities. These two new public holidays will damage Victoria's economy, hurt business and cost thousands of jobs. With unemployment high and our economy under pressure, it defies logic that a government would so brutally undermine the very businesses we rely on to invest, grow and employ our young people.

With many small businesses providing many jobs in this state, most families would include at least one small business owner or employee, so when Labor attacks small business, it attacks Victorian families. If it were not so damaging, it might be funny that we have a federal government spending billions of dollars to assist business and stimulate the national economy and the Reserve Bank of Australia dropping interest rates to record lows to provide incentive for business to grow, while in Victoria we have a Premier whose only jobs have been continually squeezing more out of other people's hard work and endeavour, happily undoing all of that work.

### **Buninyong electorate education funding**

**Mr HOWARD** (Buninyong) — Schools across the Buninyong electorate will share in more than \$2.85 million in extra funding in 2016 as part of the Andrews government's plan to make Victoria the education state. This week my school communities were all pleased — in fact 'very excited', to quote Peter Clifton, principal of Magpie Primary School — as they received advice regarding their school budgets for next year. Secondary schools including Phoenix P-12 Community College and Ballarat Secondary College were advised of funding boosts in excess of \$600 000 each, while smaller primary schools like Magpie Primary School will receive additional funding of over \$100 000. This contrasts the disappointment experienced under the former Liberal government when the Gonski funding simply went missing.

The Andrews government has been committed to delivering additional funding to schools in line with the Gonski review, and as Peter Clifton shared with me, this will assist teachers to gain the most up-to-date training and support so they can confidently deliver the best numeracy and literacy programs focusing on direct student learning. This is also about breaking the link between a child's social and economic background and how well they do at school. Our aim is to significantly reduce the number of kids who drop out of school and training each year.

The additional funding to schools is on top of funds already provided for enrolment growth, indexation and the everyday costs of running a school. Making Victoria the education state starts with our local schools, and the extra investment is exactly what local schools across the state need. It means more confidence for every parent and the best chance for every child.

### **Ferntree Gully Nissan Great Community Raffle**

**Mr WAKELING** (Ferntree Gully) — I wish to pay tribute to Craig Pearce and the team at the Ferntree Gully Motor Group for again successfully holding the Ferntree Gully Nissan Great Community Raffle. When the organisation first started this raffle, it raised \$87 000 for community organisations. I am very pleased to see that this year over \$168 000 was raised for community groups, and it is going to be shared by over 103 groups throughout the eastern suburbs of Melbourne. This has been a great contribution. The work of that great organisation has netted almost \$1 million for community groups.

### **Public holidays**

**Mr WAKELING** — The public holiday which will be occurring very shortly has not been well received by businesses in my community. Bob Stirling from High-Craft Windows has said it is going to cost him between \$20 000 and \$30 000 in lost sales and wages for 30 employees, whom he still has to pay despite being closed. The other concern was raised by Wendy Jenkin, who is the secretary of the Mountain Gate Business Association and owner of ladies clothing store Occasions and More. She said she will close her business, costing her between \$1000 in \$2000 in lost sales. She was quoted in the *Knox Leader*:

It just means another day where you have to shut your business ...

It's another day people won't be around, they'll be doing family things or sleeping in, rather than going up the street and shopping, and Friday is one of my busier days.

There are plenty of public holidays that impact on small business already.

This is just another example of an out-of-touch government that does not understand the needs of small business and is not prepared to listen to its concerns on this important issue.

### **Public holidays**

**Mr PEARSON** (Essendon) — Unlike some of those opposite, I spent 15 years working in small business. My father ran a successful small business for 25 years, from 1974 to 1999, and the thing I remember about growing up was my father could never take annual leave. The only time I spent with my father growing up was on Saturday afternoons, when he would be asleep, on Sundays and on public holidays.

In the case of my father, he did not have a holiday from 1978 to 1983, nor from 1983 to 1987, nor from 1987 to 1999. My father is a great man, and I relished the time I could spend with him on public holidays. So instead of those opposite carrying on like pork chops, they might want to think about the broader societal impacts people who come from small business families getting to spend time together as a family unit.

### **Women Caring for Veterans of War**

**Mr PEARSON** — Recently I had the great honour of representing the Minister for Veterans at the unveiling of a statue commemorating the carers of war veterans in Victory Park, Ascot Vale. Women Caring for Veterans of War has sought to give these forgotten civilian heroines some belated recognition and commemoration through a dedicated memorial sculpture. The memorial, named Rosemary, is a life-size statue of a civilian woman, circa 1918, to commemorate the enduring sacrifice women relatives made in caring for World War I veterans.

I would like to acknowledge the funding provided by the Anzac centenary community grants program, the veterans branch of the Department of Premier and Cabinet, the commonwealth government and the City of Moonee Valley. I congratulate Stephanie Curry, Patti Gerkens and Dr Marina Larsson.

### **Renewable energy**

**Ms SANDELL** (Melbourne) — Today I will speak briefly about renewable energy and energy efficiency. The Greens have welcomed the news that the government has decided to support a Victorian renewable energy target. I expect that the public consultations on the renewable energy road map will show overwhelming support for an ambitious target of much more than the government's baseline of 20 per cent. The Greens policy is for at least 90 per cent by 2030. But energy efficiency also plays an important role in our response to climate change. Many homes in Victoria are like glorified tents — expensive to heat and cool, and quite uncomfortable. It is a huge waste. Making our homes more energy efficient helps people save money, makes homes more comfortable and reduces emissions. It is a win-win approach.

The government might be tempted to introduce some small or moderate initiatives on energy efficiency and say any progress is good enough, but it could instead make real, lasting change. I would like to throw my support behind the One Million Homes Alliance and its calls for ambitious energy efficiency policies. Let us set a target of lifting every home in Victoria to an average

rating of 5-star energy efficiency. Let us upgrade 80 000 public housing units to help people with their bills and make their houses more comfortable.

The Victorian energy efficiency target program is a good start, but we can do more by setting minimum standards for rental properties, providing affordable finance for home owners and landlords and implementing targeted retrofitting and education programs. These policies create jobs and could save consumers an average of \$1000 a year, while saving the government \$2.5 billion on energy concessions over 20 years. I urge the government to think big and not just settle for a small change in this area. Let us make some big changes and make Victoria a better place to live.

### **Ivanhoe electorate education funding**

**Mr CARBINES** (Ivanhoe) — I am pleased to acknowledge the hard work of the Deputy Premier and Minister for Education in relation to the announcement of an additional \$700 000 in funding for schools in the Ivanhoe electorate. Charles La Trobe P-12 College will receive over \$400 000, which is critical for the ongoing education needs of students, teachers and parents. The announcement picks up on a range of other funding initiatives for the Ivanhoe electorate. Viewbank College, my old school will receive \$11.5 million for its new performing arts centre and music classrooms. In a great program we are running with Catholic education, St Martin of Tours in Rosanna will receive funding for eight additional classrooms. Rosanna Golf Links Primary School will receive \$5.6 million for its redevelopment, a project which never got off the ground under the previous government, although it was funded in its last budget. It took the government four years to find any money for schools in the Ivanhoe electorate, and it paid the price at the ballot box.

### **Macleod Football Club**

**Mr CARBINES** — This weekend Macleod Football Club is playing in its first division 1 grand final in the Northern Football League since 1971. The match will take place at Cramer Street in Preston. I congratulate the coach, Garry Ramsay, and the captain, Kane Shaw. Go Clouders! They will be playing against the Greensborough Slime. The member for Bundoora and I will be there, barracking for our respective teams. May the best team win!

### **Public holidays**

**Ms KEALY** (Lowan) — I wish to bring to the attention of the house the significant impact that the newly gazetted grand final parade public holiday will

have on small business, jobs and the local economy across the Lowan electorate. This public holiday will cost Victorians dearly. The Australian Industry Group has provided feedback to the government that the costs and lost productivity will total \$1.5 billion, a significant blow to our economy. Business Horsham stated:

There is absolutely no benefit to people living in country Victoria to be given a public holiday prior to the AFL Grand Final. This is strictly speaking a Melbourne event. It has no relevance to our local economy some 300 kilometres from Melbourne. Once again, it impacts on small business, required to pay penalty rate wages for staff who will attend work that day. The likelihood of rural people travelling to Melbourne to attend the street parade is very unlikely, in fact miniscule. So we question the purpose of declaring this event to be given a public holiday Where is the benefit for people living in regional Victoria?

Commerce Ballarat, of which many local businesses are members, stated:

All businesses face severe challenges but in particular regional businesses. The introduction of these public holidays will not deliver employment or lifestyle benefits to our regions. It has been suggested that this could provide tourism benefits to regional Victoria. A survey conducted by Ballarat Regional Tourism indicated that 75.22 per cent of their members were against this proposal.

...

The fallout from the introduction of these new costs for business will mean less businesses opening, reduced employment, and a severe loss of economic activity

We call on the government to accept that the evidence is in and this is not a wise decision for our state.

Under Labor, Victoria is grinding to a halt.

### **Kirstin Bull**

**Mr J. BULL** (Sunbury) — This past Saturday in Amsterdam, Sunbury was proud to boast a competitor in the International Association of Ultrarunners 100 kilometre world championship. This race was attended by champion runners from all over the world, and I am very proud to say that Sunbury's contribution was my sister, Kirstin Bull. Kirstin is a dedicated nurse who works at both the Epworth and Northern hospitals and has spent years training and honing her skills in the running world. She trains regularly with Tim Crosbie and the Crosbie crew. She has tackled marathon upon marathon and this year won the famed Great Ocean Road Marathon.

This year she chose to take on her biggest challenge yet, the 100 kilometre ultramarathon. As with most things Kirstin undertakes, she does it with great heart, determination and spirit. She spent her long service leave doing high-altitude training in Kenya before

heading to Amsterdam to meet up with the rest of the Australian team: Brendan Davies, Marita Eisler, Barry Keem, Jodie Osborne, David Overend, Sonia McDermott, Gary Mullins, Nikki Wynd and Andy Heyden. Each and every one of them competed in the gruelling race.

I would like to acknowledge Kirstin, as she not only smashed her personal best time by 47 minutes but set a new Australian record, with a time of 7 hours, 38 minutes and 29 seconds, a record which had stood since 1995. Kirstin, I congratulate you on your outstanding achievement. As your brother I am very proud, and I look forward to having you back home.

### **Electorate office staff**

**Ms STALEY** (Ripon) — This morning Victorians woke to more specific, serious allegations that Labor MPs have knowingly and deliberately broken the rules about employing electorate officers. 'It's wrong', as the brave whistleblower said this morning on radio 3AW.

This is Labor. This illegal behaviour is endemic to its culture. Labor prides itself on being political, tough and taking no prisoners. This rorting of Parliament is the result. The rules are clear: electorate officers are not to be used for political purposes. One of the very clear instructions we get as new MPs is about what electorate office staff can be employed to do. There can be no quisking, weasel words that try to say people did not know. Of course they knew.

Labor MPs who did this need to fess up. Their ex-electorate officers certainly are, although it seems the MP perpetrators did not meet their casual staff, so they will not know who is throwing them under the bus. It is all unravelling. As William Butler Yeats told us:

Things fall apart; the centre cannot hold;  
Mere anarchy is loosed upon the world,  
The blood-dimmed tide is loosed ...

Cheating on staff employment rules, fireys in fake costumes intimidating volunteers at polling booths, robocalls lying about pensions — it is all Labor's ground game. It was boasted about on Twitter, and the Twitter accounts are madly being purged. This is Labor, its slogan and its brand. This is Labor — and it stinks.

### **Dementia Awareness Month**

**Ms WILLIAMS** (Dandenong) — September is Dementia Awareness Month, and this year's theme is 'Creating a dementia-friendly nation'. The goal is to encourage Australians to become dementia-aware,

which involves having a better understanding of what it is like for a person living with dementia and ultimately being encouraged to create communities where people with dementia are supported to live a high quality of life with meaning, purpose and value.

Dementia is the second leading cause of death in Australia. While most people with dementia are older, it is important to remember that not all older people get dementia. Dementia is a disease; it is not a normal part of ageing. And it can happen to anybody. As a community we are more familiar with situations where people are diagnosed after the age of 65, but younger people can be affected too.

Earlier this year I took part in Alzheimer's Victoria's virtual dementia experience. I found it both frightening and enlightening. This is a very clever tool that helps carers and family members to better understand what a dementia sufferer is experiencing on a day-to-day basis. It allowed me to see the world through the eyes of a dementia sufferer and that explained to me many of the behaviours commonly displayed by people with dementia.

For me personally, the experience gave me a valuable insight into what my grandmother is currently experiencing. It has made me more aware of simple things, for example, what I wear when I visit her, how I communicate with her and what may be triggering her anxiety in certain situations. Once you have experienced the world through the eyes of a dementia sufferer you realise the extent to which we could make our communities more dementia-friendly, often with only minor adjustments and more thoughtful design. I would like to thank Alzheimer's Australia, and in particular its Victorian branch, which is doing fantastic work in this space. This month presents an opportunity to learn more about dementia and to reflect on how we make our communities more accessible.

### **Sports infrastructure**

**Mr THOMPSON** (Sandringham) — The foundation for the sporting achievements of Victorians at the elite level is the junior clubs across the state. These clubs include netball, football, soccer, basketball, athletics, cricket and gymnastics. As a state we must be strongly committed to the development of more people being more active more often in future decades and promote important health and fitness messages as obesity rises across the nation. Golf courses, as far as possible, should not be sold off to developers through rezoning, and leasehold rights to places such as the former Olympic Park should not be transferred to private clubs such as the Collingwood Football Club.

As a state it is important that we identify future sporting precincts in metropolitan Melbourne, as our population grows, for the development of sporting facilities on a gender-neutral basis. In maintaining Melbourne's role as the sporting capital of the world and the world's most livable city we must establish a framework for the strategic development of sporting infrastructure in the north, south, east and west of metropolitan Melbourne. Infrastructure for women has not been equally developed over the last 50 years, and this issue must be addressed.

Victoria has been nominated as the sporting capital of the world through the AFL Grand Final, the Boxing Day test, the ISAF Sailing World Cup, the Formula 1 Grand Prix, the Australian Open tennis, the Melbourne Spring Racing Carnival, the Rip Curl Pro, the Stawell Gift and the Australian Motorcycle Grand Prix, as well as major golf, soccer, basketball and other elite tournaments. We must build the foundation.

### **Opposition performance**

**Mr EDBROOKE** (Frankston) — I am absolutely flabbergasted. I was wondering why those opposite were a one-term government. Now I know. Members opposite are literally telling us at a time when the Andrews government is leading programs to tackle drug issues, mental health issues, domestic violence issues and education issues that family time is not important. If anyone asks why the coalition was a one-term government, the answer is obvious: its members are out of touch.

### **Baden Powell Park Scout Group**

**Mr EDBROOKE** — It is with great pleasure that I was scarfed up last Monday night for the Warrington pack cub scouts with the Baden Powell Park Scout Group in Frankston. This is to recognise representatives of our local community and to promote the value of scouting in our community. I thank group ambassador Benjamin Ireland, who did a great job presenting me with the Victorian state scarf, and extend a big thankyou to all the scouts. As a former sixer in the Strzelecki district Churchill pack, I was able to return the favour, presenting the pack with new flags for their ceremonies. Although I have not worn a scout scarf in 20 years, it certainly felt comfortable to be wearing one again.

### **Frankston & District Basketball Association**

**Mr EDBROOKE** — I thank the Frankston & District Basketball Association for hosting a great presentation evening for the Frankston Blues senior team.

Congratulations to the South East Australian Basketball League award winners. Also congratulations to Mel Cotta, Steve Matthews and Simon G for their amazing service. As always, I thank the Frankston RSL, which put on a great spread. I look forward to attending more Frankston basketball games and working with them to ensure that the stadium is upgraded in the near future, based on the \$2.5 million we already have on the table.

### Public holidays

**Mr KATOS** (South Barwon) — I would like to place on the record the views of South Barwon businesses with regard to the Premier's grand final eve public holiday. First from a beauty salon from Waurn Ponds:

Having to close on Friday causes us to lose our trade and income on one of our busiest days of the week. The cost of paying penalty rates to open is just too high for the business to absorb.

A newsagency from Waurn Ponds said:

Paying more on wages than will earn. It is the dud holiday Daniel's union day.

An event management company from Torquay said:

We have to pay staff to stay at home and not work. We will close our business and receive no income. We don't live in Melbourne and attend the grand final parade. How could this be a good idea? It is just a union-driven lark, all for the workers, more time off, higher wages, more perks, more allowances.

A newsagent from Grovedale said:

It puts more cost into my business because we have paper distribution and expenses doubled, but the commission from the papers remains constant and minimal. Also I have to open the shop to trade on that day.

A shoe business from Waurn Ponds said:

The customer count will be the same, but I am not going to pay double time for that day. Why should I pay for that? We will be short-staffed and in the end the customer will lose. Typical Labor.

A sign-writer in Torquay said:

Detrimental on my business costs and workloads. Not happy.

A hotel in Torquay said:

We will close down sections of the business for the day and run on a skeleton staff.

They are the views of businesses in South Barwon electorate.

### Geelong secondary schools and community digital learning hub

**Ms COUZENS** (Geelong) — Last Friday I attended the G21 Geelong Region Alliance business case briefing for the Geelong secondary schools and community digital learning hub. Nic Adamou, principal of North Geelong Secondary College, hosted the event at the school, along with the very capable students who participated.

Many project partners, including schools from across the Geelong region, attended the briefing. Schools and students in regional cities such as Geelong are disadvantaged by the much lower capacity and speed of their internet connection. Students and teachers do not have access to the full range of online educational resources, and students will be underprepared for their place in a digital-enabled workforce.

This is a great community project that will address the disadvantages that arise from poor digital connectivity experienced by regional schools. John Mullins, the project manager; Professor Liz Johnson, pro-vice-chancellor of Deakin University; Cr Rod MacDonald; and Elaine Carbines, CEO of G21, all contributed to the briefing. I congratulate the project partners on this innovative solution to this critical issue.

### Geelong Memory Walk & Jog

**Ms COUZENS** — On Sunday I attended the Alzheimer's Australia Geelong Memory Walk & Jog, and I presented the award to the winner, Thomas Collins.

### Monash Men's Shed

**Mr GIDLEY** (Mount Waverley) — I rise in the Parliament today to congratulate the Monash Men's Shed on the successful completion of their shared veggie garden. The garden provides another activity for those residents using the men's shed who have an interest in veggie and outdoor gardens. I thank all those who have worked hard and contributed to make the garden idea a reality. I very much enjoyed the opportunity to visit the shed again and see the new garden firsthand.

### Monash Waverley Community Information and Support Inc.

**Mr GIDLEY** — Today in the Parliament I acknowledge and thank the Monash Waverley Community Information and Support Inc. (MWCIS) for its dedicated community service over the last 12 months. The volunteers at MWCIS do a great job

seeking to help those in need of assistance, whatever the reason. I appreciated the opportunity to attend the recent MWCIS annual general meeting to thank volunteers for their continued community service and chat with them over a cup of tea.

### **Mazenod Panthers Football Club**

**Mr GIDLEY** — I rise in the Parliament today to acknowledge the tremendous efforts of all those involved in the Mazenod Panthers Football Club. As part of the Football Integration Development Association, the Panthers provide an opportunity for many people who may not otherwise be able to do so to play a team sport. I offer my heartfelt thanks to all the dedicated volunteers who make the club possible, particularly Andrew Sharp who is retiring as club president, and the players who have put in so much effort. It was a pleasure to have the opportunity to again be part of the presentation night.

### **Public holidays**

**Mr GIDLEY** — After refusing to provide even 1 cent of general payroll tax cuts, the state government further reduces employment security and employment opportunities by imposing massive costs on small businesses via its grand final parade public holiday. The cost will be borne by Victorians across the entire state.

### **Robert Murphy**

**Ms GRALEY** (Narre Warren South) — I would like to congratulate Robert Murphy on being named AFL Captain of the Year. It has been a great season for the Western Bulldogs, and he thoroughly deserves it. He is a great son of the west.

**The ACTING SPEAKER (Mr McGuire)** — Order! The time for making statements has now ended.

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

*Second reading*

**Debate resumed from 16 September; motion of Ms HENNESSY (Minister for Health).**

**Ms EDWARDS** (Bendigo West) — It is an enormous privilege and honour to rise to speak on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015. There are days in this Parliament when bills like this come before the house that make a real difference to people's lives, and it makes me very proud to be part of the Andrews Labor

government to see nurse-to-patient and midwife-to-patient ratios being legislated.

The bill is about helping nurses and midwives to do what they do best and about protecting the integrity of our highly trained and highly respected nurses well into the future. Importantly it is about protecting every Victorian patient and ensuring that they get the care and attention they need. It baffles me how anyone can argue against these measures. Health care is one of the most important elements of our lives. No-one wants to get sick and no-one wants to have to stay in hospital, but the reality is that many people do get sick — very sick — and many people have to be admitted to hospital, some for short periods of time, some for very long periods of time. Every patient who enters hospital should be confident that they are being cared for in an environment where their needs are paramount and where the nurses or midwives attending to their care are not run off their feet.

Nurse-to-patient ratios are already enshrined in the current nurses and midwives enterprise bargaining agreement, the very agreement negotiated by the Liberal-Nationals government. That government waged an all-out assault on not just our nurses and midwives but our health system overall. It inflicted massive cuts the like of which we had never seen before. There was \$1 billion in cuts to health over four years. All this takes a toll on patient outcomes and employee morale. We saw our ambulance response times fall to their worst levels on the record — the worst on mainland Australia. Ambulance ramping was out of control, emergency departments were overstretched, too many people were waiting in pain for care, or dying, and the elective surgery waiting list grew to its worst ever level. It is an appalling legacy of the Liberal-Nationals government.

In addition to these savage cuts and the poor performance outcomes the previous government also launched an ideological industrial war against nurses and paramedics. Many of us in this house who were here during the last term of Parliament recall the long, protracted, bitter and disrespectful campaign that the former government ran against nurses and midwives, and it would seem from the empty seats on the opposition benches that this disrespect continues, with not one member of the opposition wanting to speak in support of the bill. Of course the nine long months of intimidation, threats and bullying — —

**Mr Clark** — On a point of order, Acting Speaker, I draw your attention to standing order 118, which provides that imputations of improper motives against members of this house are disorderly. We on this side of the house have made clear that we believe since

there is no disagreement on the objective of the bill, the important part of the debate is consideration in detail. The honourable member is in breach of standing orders by making imputations to the contrary when this side of the house is very keen to get into consideration in detail of the bill.

**Ms Hutchins** — On the point of order, Speaker, I would say the member was making an observation about the chamber rather than breaching standing orders.

**Ms EDWARDS** — On the point of order, Speaker, I was making an observation about the state of the opposition benches.

**The ACTING SPEAKER (Mr McGuire)** — Order! There is no point of order.

**Ms EDWARDS** — We also remember the nurses and midwives standing their ground for nine months when it came to negotiating nurse-to-patient and midwife-to-patient ratios and their determination that this would not be traded away by a government hell-bent on making life harder for them and also taking hospital care for patients backwards and risking patient safety. We all know that ratios matter. Nurses know that ratios matter. We know that the nurse-to-patient and midwife-to-patient ratios allow nurses and midwives to provide the quality of care that patients expect and deserve. I received a couple of emails this week from a local nurse and a local midwife from Bendigo, and I think it is important that I read these emails, because they provide a great insight into why ratios matter, and they are from those who are at the coalface of patient care.

The first was from an intensive care unit critical care nurse at Bendigo Health:

Here are my thoughts. I refer to nurse-patient ratios because that is my expertise ...

... nurse-patient ratios, which are being embodied in this legislation, mean nurses have enough time to provide a standard of care that we all expect and deserve.

They mean, for example, that a patient who needs pain medication can get it promptly, and feel in control of managing their pain. In contrast, patients who have to wait, because there are not enough nurses to bring them the medication they need when they need it, will request more medication and request it earlier than they need in an attempt to avoid being exposed to more pain. This leads to higher dosing, with consequent higher risks of side effects and complications.

Nurse-patient ratios mean that a person who has had a heart attack and is trying to understand what has happened can

have a nurse sit with them, provide education and emotional support, without having to rush away to care for many others.

Nurse-patient ratios mean that nurses have the time to properly assess their patients and respond appropriately. This is one of the reasons that having appropriate numbers of nurses had been shown over and over to decrease the rates of hospital complications and deaths.

Nurse-patient ratios also mean that when something does go wrong — an infection getting worse, a complication of surgery, a stroke, or any one of dozens of other potential problems — there are enough nurses to provide the necessary care to the deteriorating patient, while still leaving enough nurses to keep the rest of the ward safe.

Nurse-patient ratios mean that there are enough trained people around to provide care for people with special needs: pressure area care to large or immobile patients, assistance with eating for people with appetite or swallowing difficulties, and so on. They also mean that for people at the end of life, nurses have the time to ensure comfort and dignity is maintained, and to sit with families as they begin to come to terms with their loss.

Last, but not least, nurse-patient ratios have been providing all of the above benefits and more for 15 years, thanks to the selflessness and determination of Victorian nurses and midwives. Victorian nurses and midwives have had several opportunities during those years to trade away ratios for increased rates of pay, but have steadfastly refused to do so because we know that ratios make a difference to the health of our communities. We also know that ratios, by enabling us to do our jobs to the best of our abilities, increase job satisfaction and help keep nurses and midwives in the public health system, an outcome which is crucial to maintaining our standard of health care as demand increases and our profession ages.

A Bendigo midwife who also contacted me wrote:

As a midwife, before nurse/midwife-patient ratios, it wasn't uncommon for me to be caring for seven to eight women and their babies. I was working at the time in a multiple birth ward of a large metropolitan hospital, so that could include 10 babies.

Many days, I felt barely able to meet each woman and baby in the 8 hours of my shift, let alone provide the support and education required of my position.

As a midwife, often you — —

are —

caring for mothers who have recently given birth, and who have a need for informed and individualised education in their first days as parents. You are also caring for new fathers, and for the new family which was created when the baby or babies arrive. Those times when something isn't going just right, whether that be breastfeeding, bathing, sleep or a post-birth complication, it is incredibly important to provide time to the new family to address their needs. Yet, without patient ratios for midwives, it was rare to have enough time to complete even the standard assessments, let alone provide some additional one-on-one support when it was needed.

Once the ratios were provided, there was suddenly time to really support the mum of twins who wanted to breastfeed, but needed to start with feeding one baby at a time. There was time to sit with a mother struggling to adjust to her new role, or feeling incredibly exhausted after a long labour and little sleep.

You can see from observing the people who work at the coalface in our hospitals that these nurse-to-patient ratios and midwife-to-patient ratios are critically important to patient care. It is also important to the nurses and midwives themselves that they have quality employment conditions because without that, who knows what could happen.

On a personal note, having had family members, including my late husband, in hospital for long periods of time, I have come to realise that it is absolutely imperative that nurses have the time to spend not just with the patient but also with the families of people who are going through a very difficult time and who often need someone to talk to and support them. That might also mean young children. Nurses do not just do the medical work; they are often a person to talk to in a time of great need.

The Andrews Labor government will not back down on the promise it made to midwives and nurses. It will not back down from continuing to support nurses and midwives, nor will it back down from making Victoria the place to receive the best possible medical treatment. Patients who enter our public hospital system deserve nothing less.

**Mr J. BULL** (Sunbury) — Before I begin my remarks I want to acknowledge the contribution made by the previous member. She always conducts herself with great heart, and her contribution was very much from the heart. That is the type of member she is. I just want to acknowledge that.

It gives me great pleasure to speak today on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015. As we have heard from a number of speakers, predominantly on this side of the house, the bill seeks to enshrine in law the ratio of nurses to patients to ensure that we provide not only the best possible care for patients in our hospitals across Victoria but also an improved working environment for our valued nurses.

This is a bill that I know many members feel very strongly about; it is a bill that I feel very strongly about. I grew up in a family of hardworking, dedicated and passionate nurses. My sister has spent many years working in hospital emergency departments as a nurse at both the Northern Hospital and recently the Epworth Hospital, and my aunties, Karen and Jenny, have built

their careers around a simple desire to care for and improve the lives of people in our communities. That desire has continued to shine through in their children.

My cousins, Emma and Kate, have chosen to pursue nursing careers, and family members Melanie and Ben work as Victorian paramedics. As members will understand, the working conditions of nurses have therefore long been discussed in our household. Jenny in particular has fought exceptionally hard and has told us many stories of the fights she has undertaken over many years for improved working conditions.

Today we have a chance to improve the lives of our nurses and those of patients who attend our hospitals. This is a government that values its nurses, its hospitals and health care. One of the great things that I believe defines us as a nation is our access to affordable and quality health care. It is my belief that as good as doctors are — and I have a tremendous respect for the job they do — nurses are the heart of our hospitals.

I want to reflect on some my own experiences and also some I have had with loved ones. As previous speakers have outlined to the house, when you walk into a hospital — and you are there most of the time for serious reasons — you want to feel comfortable and know that you are going to receive the best care and the best treatment possible. It is therefore very important that the government support in every way it can our health care system, our hospital system and our nurses in the very important job they do.

Sadly, I lost a great friend of mine earlier this year. He spent many years in and out of hospital during his short but very passionate 28 years, and I have to say that each and every time the phone rang and we went into the children's hospital to see him, the nurses there were outstanding. The care and compassion they showed for both him and his family was outstanding.

If we look at some statistics across the state in regard to nursing and midwifery, there are 92 000 nurses and midwives registered in Victoria, with 13 430 registered as midwives and 1 149 nurses or midwives per 100 000 population. As we know, in Victoria nursing and midwifery are female-dominated professions, with 90.6 per cent of nurses and midwives being female and 9.4 per cent male. It is fantastic to see male nurses, and I certainly expect that number to increase. The average age of nurses and midwives in Victoria is 43.8 years. There are just under 50 000 actively involved within our public health system. We know nurses and midwives make up a significant section of the Victorian working community, and we know we have 87 public

hospitals, public health services, publicly operated hospitals or multipurpose centres in Victoria.

If we look at the statistics, and they are startling in many respects, we see that 415 000 patients were admitted to Victorian hospitals between April and June 2015, and 234 000 of those admissions were for same-day treatment. We can see the number of patients admitted to hospitals and the high demands that are placed on nurses every single day they go to work. Speaking to Karen, Jenny, Kirstin and many of the nurses in the Sunbury community, it is clear that the workload is high, and the government stands united with nurses in saying that this bill removes the bargaining chip that can often be used in enterprise bargaining agreements (EBAs) by enshrining in legislation nurse-to-patient ratios. That is a very important thing.

The government has consulted widely on this legislation, and it is well supported both in my community of Sunbury and across the state. At a peak level the draft bill was put before the Australian Nursing & Midwifery Federation and the Victorian Hospitals Industrial Association, both representing our public hospitals. Feedback from both parties has been incorporated into the bill. Consultation has also occurred regarding the principles and direction of the bill with key stakeholders, including the Victorian Healthcare Association and Leading Age Services Australia. In addition to that, the chief executive officers and chief nursing and midwifery officers at Victorian public hospitals were actively consulted in the drafting of this bill. There will be ongoing consultation with Court Services Victoria in relation to compliance and enforcement.

We know there are three key elements to this bill. Firstly, it provides a minimum nurse-to-patient and midwife-to-patient ratio within public hospitals, replicating the arrangement contained in the enterprise bargaining agreement. Secondly, it includes other important elements of the enterprise bargaining agreement that relate to the interpretation of the ratios. These include the skill mix of staff that can be utilised to fulfil prescribed ratios and provisions whereby employers or employees can propose and negotiate various ratios. Again these are replicated, so in practical terms the government understands that many of the ratios are already in place today, but this bill is about the protection and the support of nurses so that, as I mentioned earlier, these cannot be brought into question at the time of EBA negotiations. Lastly, the bill introduces a compliance and enforcement regime under the jurisdiction of the Magistrates Court, as the jurisdiction of the Fair Work Commission and Federal

Court will no longer be relevant once, I expect, the ratios are removed or become dormant within the enterprise bargaining agreement.

If we look at the transitional arrangements, we see that in cases where there are specific higher staffing arrangements already in place that have been the subject of a formal written agreement about the staffing of a ward that has been made with a person entitled to make that agreement, these arrangements will continue to apply instead of or in addition to the ratio within the bill — that is, as we move forward, the practicality of the day-to-day work of nurses will be protected under this measure.

This is a government that values its nurses, a government that values its hospitals and a government that values health care. I commend the Minister for Health on her diligence, her hard work in this space and her commitment to the hundreds of thousands of nurses who each and every day perform what is a vital and most important job for the community. This nation and the great state of Victoria are extremely privileged to have the health system we currently have, but we must fight for that and ensure that each and every day we are reviewing the system to ensure that it not only continues in the way it has but improves over the long term. With those remarks, I commend the bill to the house.

**Mr PEARSON** (Essendon) — As has been outlined previously, this bill is an Australian first. It will guarantee every Victorian patient the care they need, and it will protect the integrity of our highly respected nursing profession into the future. The bill enshrines nurse-to-patient and midwife-to-patient ratios in legislation, and it delivers on a key election commitment of the Andrews Labor government. Make no mistake, we are getting on with it. It is a simple case of say what you do and do what you say, and that is what this government is doing.

On a personal note a couple of good friends of mine are nurses — Elisa McDonald is a midwife at the Royal Women's Hospital and Rachel Toussaint works as an oncology nurse. These are two great representatives of my local community. They are wonderful contributors to the school community, where our children go to school, and also great representatives of society. They work tirelessly to put the care of their patients first, and they do a magnificent job. I am delighted to be able to call them friends, and I am delighted to belong to a government that is putting them first and making sure that we give them the support they need to do the things they need to do and to protect our patients.

Victoria is the first Australian jurisdiction to initiate this type of legislation. This is really about making sure that we protect and strengthen the integrity of the nursing profession. The bill aims to enshrine these fundamental rights and the protection of nurses in legislation so we do not have a situation down the track under a future government where an enterprise bargaining agreement is due to expire and nurse-to-patient ratios are put at risk by being used as a crude bargaining chip to penalise and punish nurses. This is about making sure that that is off limits in any form of negotiation going forward. This is a significant historical change. We have a real competitive advantage in Victoria in terms of the quality of our public hospital system, and ensuring the protection of nurses in this way improves the quality of patient outcomes and strengthens the integrity of the health system.

We are moving into the Asian century. I had a meeting with Andrew Robb a couple of years ago, and he said that if you draw an arc from Indonesia all the way around through to Japan, 1 billion more people in that region will enter the middle class by 2030. An enormous amount of wealth will be created in a very short period of time. It is probably not very surprising to anyone that middle-class people — in fact all people — anywhere in the world want the same things. They want to make sure that when their children are sick, they get good quality care and attention; that when their parents start to age and become infirm, they get proper care; and that if something dramatic or catastrophic happens to a person in their life, they will receive prompt attention.

By bringing legislation like this before the house we are fundamentally improving the health system in this state. We are making sure that we will be seen as a best practice model for a lot of other countries. There might also be some opportunity for us to start to export our knowledge, innovation and understanding of good public health. I remember when ratios were first introduced. It was a great tribute to then Minister for Health, John Thwaites, and his work to improve the integrity and perception of the public hospital system amongst nurses. Once the ratios were introduced, there was a recruitment campaign that brought 2650 nurses and midwives back into the public hospital system. That represented a 12 per cent increase.

I remember talking with Shane Solomon. At that time he was effectively the executive director of acute health care in the then Department of Human Services. Shane went on to have a distinguished career as the chief executive officer of the Hong Kong hospital system and is now running Telstra Health. He told me that the wonderful thing about the nurse-to-patient ratios was

that under the Kennett government the public hospital system had been seen as the employer of last resort but the ratios had made public hospitals employers of first resort. That led to some significant productivity gains as well.

The reality is that we have a great public hospital system here in Victoria and Australia. The most recent statistics on health, which were published by the OECD this year, outline current expenditure on health as a percentage of gross domestic product (GDP) for 2013 or the nearest year. In Australia it was 8.8 per cent, against the OECD average of 8.9 per cent. I do not think anyone on either side of this house would want to have the American system where expenditure on health is at 16.4 per cent of GDP. America has massive inefficiency; the system is not effective or efficient, particularly if you are poor, isolated or disadvantaged, and it costs a lot. Conversely, Victoria has one of the most efficient public hospital systems in Australia.

In preparing for this debate I dragged out the Productivity Commission's report in relation to health. I noticed that in 2012–13 recurrent expenditure per person in public hospitals, including psychiatric, in 2012–13 dollars was \$776, compared with the Australia-wide average of \$818.90. Our costs are significantly lower than the national average because we have been looking at producing innovative solutions and trying to increase productivity. This bill is a symptom of that; it reflects that.

I will look at same-day separations as a percentage of total separations. I do not profess to be a health expert, but I understand that a same-day separation is when you present at a public hospital, receive treatment and go home that day. You do not stay overnight, and therefore use less public resources as a consequence. Same-day separations as a percentage of total separations was 55.1 per cent in Victoria in 2012–13, compared with the Australia-wide average of 50.4 per cent. That again demonstrates that we are far more efficient than some other states. We have a very efficient hospital system in Australia, but Victoria is leading the way, as you would expect.

Evidence from Australia and around the world confirms that if a nurse has more time to provide care to a patient, then the risk of that patient suffering an unintended complication or event, like falling or developing a pressure ulcer, is far less than if the patient were left unattended. Moreover, it is a fact in terms of economics that if you have more people working together, if you have that clustering, then you have greater productivity. Those opposite seem to think that

if you cut wages, that means you lower your input costs and therefore you increase productivity.

But productivity also relates to trying to come up with new and innovative products and solutions to existing problems. The reality is that 1000 people working together on one site are far more productive than 1000 people working on 10 separate sites. Nurse-to-patient ratios are important because we will be putting more nurses together in the workplace and we will be improving patient care, but we will also be having the benefit of greater levels of productivity, efficiency and innovation, which will result in far better outcomes.

A bill like this one is really important and it points to some of the things that are happening overseas as well. Recently I was talking to a health insurer who told me that there is an Indian hospital — I think it might be in Bangalore — that only does hip replacement operations, and it is the most efficient hip replacement hospital in the world. Its costs are significantly lower than those in the US. Its staff are paid 70 per cent of what staff would be paid in the US, but as the cost of living in India is lower, people are not getting gouged. The reality is that by being very efficient, having the very best people working together and developing new products and using new innovations, they are achieving a far better outcome. Bills like this are important because they can also increase the productivity of the state.

**Mr STAIKOS** (Bentleigh) — It is an honour to rise to speak on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015. It is important to start by reminding the house how far we have come. An article in the *Age* of 6 November 2011 headed ‘Revealed: secret plan to cut nurse numbers’ states:

The Baillieu government has developed a secret plan to goad the state’s nurses into industrial action so it can force them into arbitration, cut nurse numbers and replace them at hospital bedsides with low-skilled ‘health assistants’.

It is an absolute shame that the opposition has shown no remorse at all, and that is demonstrated by the fact that there is only one member of the opposition in the house right now. The opposition has not even bothered to cough up any speakers on this bill.

**Mr Clark** — On a point of order, Acting Speaker, again I draw your attention to standing order 118, which prohibits imputations of improper motives against members of the house. As I have made clear previously, those on this side of the house believe the consideration-in-detail stage of this bill is important, given that there is no disagreement about its objectives.

Therefore it is an improper imputation for the member to suggest that we are not committed to debating this bill. We are waiting for members opposite to complete their remarks so that we can hopefully get onto consideration in detail.

**Mr Pearson** — On the point of order, Acting Speaker, as was indicated when the member for Box Hill raised a previous point of order, what the member is really trying to do is make an observation about the state of the house and about the fact that he is the only member present on the opposition benches.

**The ACTING SPEAKER (Mr McGuire)** — Order! There is no point of order.

**Mr STAIKOS** — This bill is about respecting the work of Victoria’s 95 000 nurses. I will come back to the principle of respect in a moment, but it is important that we enshrine nurse-to-patient ratios in law. It was only ever going to be a Labor government that would do that. It was the Bracks Labor government in 2000 that made Victoria the first jurisdiction in the world to mandate nurse-to-patient ratios following a recommendation from the Australian Industrial Relations Commission. Labor accepts the strong evidence of the link between patient outcomes and nursing staffing levels, which is extremely important.

It is an Australian first to establish in law nurse-to-patient ratios, and we are doing that because we know that appropriate levels of nursing staff reduce the risk of mortality in surgical patients, and the presence of adequate numbers of nursing staff also reduces the risk of patients developing pressure ulcers, pneumonia, deep vein thrombosis, ulcers, gastritis, upper gastrointestinal bleeds, sepsis and cardiac arrest. This legislation rolls into law nurse-to-patient ratios that already exist under the industrial agreement. It is important that we do this because it is totally inappropriate that every time an enterprise bargaining agreement is to be negotiated, nurses have to fight for these protections for their patients. We want to take those aspects out of industrial agreements and put them into legislation.

Broadly those nurse-to-patient ratios will differ depending on the type of hospital and ward — for example, Monash Medical Centre Clayton, a hospital used by my constituents and by those of the member for Clarinda, is a level 1 hospital. For a level 1 hospital general medical or surgical ward there will be 1 nurse to every 4 patients during the day and 1 nurse to every 8 patients at night. In level 2 hospitals for those wards there will be 1 nurse for every 4 patients during the morning shift, 1 nurse for every 5 patients during the

afternoon shift and 1 nurse for every 8 patients at night. In level 3 hospitals, which includes Moorabbin Hospital in my electorate, for those wards there will be 1 nurse for every 5 patients in the morning, 1 nurse for every 6 patients in the afternoon and 1 nurse for every 10 patients at night.

The Australian Nursing & Midwifery Federation ran a Respect our Work campaign. I know that those opposite like to dismiss people who are members of unions like this one as being crazy unionists, but one thing that would characterise the former government is the complete disrespect, indeed utter contempt, its members showed for the people Victorians hold in the highest regard. I am talking about our firefighters, paramedics, teachers and nurses. The former government declared war on our nurses.

The member of Parliament I succeeded in the seat of Bentleigh made much of the fact that she was a former nurse, but the truth is that in her four years in this place she did not support nurses. That is why they demonstrated outside her office on a number of occasions, and that is why her office is now my office and we sit on this side of the house.

**Mr Clark** interjected.

**Mr STAIKOS** — The member for Box Hill calls it lies. Members of the former government have not learnt anything. It was about respecting the work of our 95 000 nurses, and that is what this government is doing. We respect the work of our nurses, just like the Victorian people respect the work of our nurses. I was quite moved by the contribution of the member for Bendigo West. I have had family members in palliative care at Moorabbin Hospital, and the nurses provide care not only to the patient but also to the families. In those final days the family spends a lot of time at the hospital with the nurses. We respect the work of our nurses; it is time those opposite also respected their work.

I understand that the opposition does not oppose the bill, but I was concerned by some recent comments of the Leader of the Opposition. He said:

The only people who have seen the legislation is the union movement.

He also said:

This has got nothing to do with patient safety or patient procedures or patient help. It's got everything to do with numbers for the union movement.

Those opposite have learnt nothing. The Leader of the Opposition also said:

No-one knows how much this is going to cost, and no-one has seen the bill.

We know how much this is going to cost, because the ratios already exist under the enterprise bargaining agreement that the former health minister, David Davis, a member for Southern Metropolitan Region in the other place, negotiated reluctantly and very late in the piece. That was helped along and prompted by a certain member of the Baillieu family lifting his finger at the nurses.

That is the sort of shameful behaviour we saw from the former government. It is the sort of behaviour you will never see from this government, because we respect the people who Victorians hold in the highest regard — our paramedics, our firefighters, our teachers and our nurses. I say to the member for Box Hill and to those opposite who could not be here today: why not call them workers? They are not merely unionists; they are workers. They are professionals. They are people who go above and beyond. They do not have mere jobs; they have vocations. They serve the Victorian community day in and day out. They also see real human suffering day in and day out. They have a special place in the hearts of Victorians.

A couple of weeks ago a local nurse visited my office and said that the best thing about this is that nurses will never have to fight for these safeguards for their patients again. That is the most important thing. I thank the Minister for Health and the Premier for bringing this legislation to the Parliament quickly. I commend the bill to the house, and I wish it a speedy passage.

**Mr PERERA** (Cranbourne) — I rise to make a brief contribution to the debate on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015. Safety, wellbeing and patient care are paramount to the provision of healthcare services in Victoria and, for that matter, anywhere in the world. Those who are closely associated with patient care and wellbeing are the nurses and midwives.

There is well-documented evidence from around the world of a strong correlation between nursing staffing levels and sensitive patient care. That is why in some hospitals a single nurse is dedicated to a patient's care while they are in the intensive care unit. This is the experience I had a couple of months ago when I was in an intensive care unit; there was a nurse dedicated to looking after me. Periodically they check your temperature and blood pressure, and if they feel you are in pain, they will make inquiries and monitor you around the clock. It gave me the impression that lower ratios are important, even in a normal ward.

Nurse-to-patient ratios and midwife-to-patient ratios have maintained safety in our public hospitals since they were introduced in the enterprise agreement in 2000. Before 2000 Victorian hospitals were in crisis. This was confirmed by the Australian Industrial Relations Commission — now the Fair Work Commission — when it introduced the first mandated minimum nurse-to-patient and midwife-to-patient ratios in Victoria. Four hundred beds were closed in Victoria on any given day. Between 1990 and 2000 the state's full-time nursing workforce decreased from 65 per cent to 35 per cent — that is, more nurses were working fewer shifts. Twenty thousand registered nurses chose to no longer nurse in Victoria. There were 1300 vacant nursing positions.

After this, ratios were introduced in 2000. There was a 151 per cent increase in the number of patients receiving same-day treatment, rising from 468 000 in 1998–99 to 916 000 in 2014–15. Time on hospital bypass reduced from 3.8 per cent in 1999–2000 to 1.8 per cent in 2015. There was a 19 per cent increase in the birth rate, from 62 000 to 73 900 in 2014–15. There was a 20 per cent increase in urgent and semi-urgent elective surgery. Victoria is protected from global nursing shortages.

These ratios should not be part of industrial negotiations. It is absurd to compromise patient safety for nurses and midwives pay and conditions. In fact nurses opposed the removal of ratios from the industrial agreement on the grounds that it would risk patient safety. That is why Victorian Labor in opposition, before the 2014 election, made a commitment to enshrine nurse-to-patient ratios in law, so that these would be excluded from industrial negotiations. The bill before the house is a living, breathing embodiment of that commitment.

This bill applies to those hospitals and health services that are currently covered by the enterprise agreement. In fact this is the most comprehensive nursing and midwifery staffing legislation of its kind anywhere in the world. Other states, both within Australia and overseas, are looking at introducing similar legislation in their own jurisdictions.

I am proud to be part of a government that makes patient safety a priority. The bill preserves in law the ratios agreed by the former government and set out in the current agreement. After reaching the agreement the then Liberal government's Minister for Health, David Davis, a member for Southern Metropolitan Region in the Legislative Council, told that house on 27 March 2012:

This is a deal that is good for taxpayers, good for nurses and good for our health system.

The former government reluctantly agreed to these ratios. This reluctance was evident in the threats made over the course of the industrial dispute to remove the ratios from the agreement. Therefore it is not surprising that we have heard the current Leader of the Opposition making unsubstantiated attacks on the bill, including calling the bill another hit on the budget and saying it is all about sops to the unions.

Labor has decided that it cannot allow future governments to strip away these ratios, and that is why we are enshrining them in law. The Andrews Labor government has committed to improving the ratios over time. Consultation about how the ratios might be improved will commence following the passage of the legislation. The ratios outlined in the bill are exactly the same as those set under the enterprise agreement. It is not anticipated that there will be any cost implications for health services, and the current Leader of the Opposition's comment on 30 August that this is another hit to the budget shows his ignorance on the matter.

The former government waged an assault on our health system. It inflicted \$1 billion in cuts to our health system over four years, cutting funding to multiple services, despite making claims that supporting the health system is in the DNA of conservative governments. The Abbott federal government's most recent budget revealed that the Victorian health budget stands to lose about \$17.7 billion over the next 10 years.

The services impacted by this bill are covered by the current enterprise agreement, and the ratios are already being met, as required by the enterprise agreement. The new legislation should therefore have no cost implications. Ongoing consultation is being undertaken with the Magistrates Court in relation to the implementation costs of a new compliance and enforcement regime; this will be a minimal cost. Therefore the Victorian conservative opposition has no logical reason to oppose this bill, unless it places a very low priority on patient safety. I believe the opposition is not opposing the bill, and it is disappointing that its members do not even have the guts to stand up and support it.

There is broad Australian and international evidence drawing a link between nursing skill mix, staffing levels and good patient outcomes. An Australian study undertaken by Professor Di Twigg in 2010 concluded that there is robust evidence nationally and internationally that links nurse staffing levels to patient outcomes. The paper found that there was a 3 per cent

to 12 per cent reduction in adverse outcomes and a 16 per cent reduction in the risk of mortality in surgical patients with higher numbers of registered nursing staff. International literature draws similar conclusions, with increased numbers of nurses to patients being directly associated with better patient outcomes.

It is absurd for the Leader of the Opposition to make such claims as this bill is not about patient safety. The bill is a recognition of the commitment of our hardworking nurses and midwives to support each of us, our families and friends at times of need.

**Business interrupted under sessional orders.**

## RULINGS BY THE CHAIR

### Answers to questions without notice

**The SPEAKER** — Order! In question time yesterday the Leader of The Nationals took a point of order asking me to review my ruling in relation to the point of order taken by the member for South Barwon about whether an answer given by the Deputy Premier complied with sessional order 11(2). I had ruled that the Chair cannot direct a minister to respond in a particular way and that the answer was responsive.

The Chair is empowered to determine that an answer is direct, factual and succinct, does not introduce extraneous matter or debate the question. These requirements are set out in standing order 58. Further, sessional order 11 requires an answer to be responsive. Neither the standing orders nor the sessional orders enable the Chair to direct a minister to respond to a question in a particular way, other than ensuring that the answer complies with the requirements I have set out. In the case of the answer to the member for South Barwon's question, I determined that the answer was responsive to the question that was asked and, having reviewed the transcript, I confirm that ruling.

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Electorate office staff

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. Can the Premier again guarantee that no Labor MP has ever signed casual employment forms for parliamentary staff who worked as part of Labor's Community Action Network, yes or no?

**The SPEAKER** — Order! The Chair has given consideration to these matters which have been

canvassed in the public domain — namely, in the media. Further, the Chair has given consideration to the fact that these matters have been canvassed in both houses and that there were representations made to the Presiding Officers in relation to these matters.

Before I call on the Premier to respond, I say that I join the President in indicating to the house that these matters are pertinent and incumbent upon the Presiding Officers and that the Presiding Officers have referred these matters and others to the parliamentary audit committee, and consideration is being given to them. The Presiding Officers will in due course inform the house of the findings.

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. He has asked me the same question previously, and my answer has not changed.

### *Supplementary question*

**Mr GUY** (Leader of the Opposition) — Does the Premier stand by his answer to this Parliament that hiring casual staff through an electorate office to work for Labor's Community Action Network is absolutely in accordance with the rules?

**Mr ANDREWS** (Premier) — I thank the Leader of The Opposition for his supplementary question. We are back to this situation where the Leader of the Opposition seeks to conflate different things together, and fundamentally he is confused. Parliamentary pooling arrangements in terms of staff are longstanding, and rules — —

**Mr Guy** — On a point of order, Speaker, in relation to the relevance of the Premier's answer, my question was in relation to casual staff hired through an electorate office; it was not in relation to the parliamentary pool. They are two different things. I am asking, very clearly, whether the Premier stands by his answer, previously given, that use of casual staff in the manner that has been put was absolutely in accordance with the rules.

**Mr ANDREWS** — The Leader of the Opposition is fundamentally confused and is attempting to interpret answers that have been given previously. 'Verballing' is the commonly used term, and the Leader of the Opposition can do that as often as he wants. Pooling arrangements have been in place for a long period of time. There are rules also, and they have been followed.

**Ministers statements: national disability insurance scheme**

**Mr ANDREWS** (Premier) — I am very pleased and proud to be able to inform the house that yesterday I travelled to Canberra to sign the bilateral agreement on the national disability insurance scheme, the largest and most significant social reform that this nation has seen since Medicare.

**Mr R. Smith** interjected.

**The SPEAKER** — Order! The Premier will resume his seat. The member for Warrandyte will withdraw and apologise.

**Mr R. Smith** — I withdraw.

**The SPEAKER** — And apologise! I asked the member for Warrandyte to withdraw and to apologise.

**Mr Clark** — On a point of order, Speaker, the standing practice is that you ask members to withdraw. If there is a particular ground on which an apology is sought, that ought to be indicated to the honourable member; otherwise I believe a withdrawal is sufficient.

**The SPEAKER** — Order! The member for Warrandyte will see me in my chambers after question time.

**Mr ANDREWS** — As I was indicating, yesterday was a proud day. It was a very significant reform, perhaps the most significant reform in social policy since the introduction of Medicare. The national disability insurance scheme will be rolled out across Victoria from 1 July next year. I can inform honourable members that it will commence from 1 July 2016 in north-eastern Melbourne, followed by the Central Highlands region from January 2017 and the Greater Bendigo area in May 2017, with the rest of the state to follow.

This is such a significant announcement. This is about 105 000 Victorians who have a disability, and they will receive the care, the support, the control, the empowerment, the equity and the justice that they, their families, their carers and their advocates have long fought for — too long in fact. But it is being delivered in real terms now, and that is something that should be a great source of pride for all of those who campaigned for such a long period of time.

That is 25 000 more Victorians with a disability who will receive support, that certainty and that care, and that is not only about empowering them to lead meaningful lives and to take their rightful place in the

broader Victorian community and to be supported to do so, it is also about support and certainty for the families and carers, those who have for too long worried and been concerned about what will happen to their son, their daughter, their brother or their sister. That certainty is offered through the national disability insurance scheme, the rollout of which will be a lot of hard work. But we have come this far, and we will deliver — all of us — the equity and the certainty that Victorians with a disability and their families and carers are entitled to.

**Electorate office staff**

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. I note that the Premier has previously said:

I take responsibility for each and everything that occurs under my leadership of the Labor Party.

I ask: if the hiring of casual parliamentary staff for Labor campaigning purposes was above board, why were these staff told to lie about how they were paid?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. In framing the question, the Leader of the Opposition repeated an allegation that has been printed in the media today. The allegation is wrong, it is incorrect, and the question, I think, has therefore been answered.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — I note that a Labor Community Action Network whistleblower, contradicting the Premier, has said:

We were also told, if people ask, you are just employed by the party.

If the hiring of these casual staff was all above board, will the Premier now, in his words, take responsibility and ask all of his MPs to make publicly available all of their casual staff time sheets and employment forms?

**The SPEAKER** — Order! I give the Leader of the Opposition the opportunity to rephrase the question, given that time sheets are a matter for the Parliament.

**Mr Clark** — On a point of order, Speaker, I submit to you that the question related to actions that the Premier may or may not choose to take as Premier. It is of course entirely correct that time sheets are a matter for the Parliament. The question, as I understand it, did not relate to whether he would ask you or other presiding officers to have those sheets available but rather as to whether he as Premier would communicate

to his fellow members of Parliament a request that they make those sheets available. I therefore submit that the question is in order as it was phrased.

**The SPEAKER** — Order! I will allow it.

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. The question was framed around an allegation, and the allegation is absolutely incorrect. On that basis the second part of the question is neither relevant nor pertinent.

**The SPEAKER** — Order! The Premier has concluded. Is there a point of order?

**Mr Guy** — I raise a point of order in relation to relevance, Speaker, because the Premier is saying in his answer that there is either some confusion or that the points are incorrect, yet his minister, Jenny Mikakos, is saying that the pooled staff and the issue of the Community Action Network are two different bodies, so in fact the Premier is either incorrect or his minister is incorrect.

**The SPEAKER** — Order! I do not uphold the point of order. The Premier has concluded. I call on the Minister for Mental Health.

**Mr T. Smith** interjected.

**The SPEAKER** — Order! Now I do warn the member for Kew. I could clearly hear the member for Kew.

### **Ministers statements: national disability insurance scheme**

**Mr FOLEY** (Minister for Mental Health) — I rise to inform the house of consequential matters that the Premier has raised previously regarding the fact that yesterday he and the Prime Minister signed a bilateral agreement on the national disability insurance scheme. Yesterday I had the unmitigated pleasure of joining with consumers and clients of disability services right across Victoria, along with those who love and care for them, at the MCG, to tell them that the national disability insurance scheme would now be rolled out in full as promised by the then Labor opposition and now Labor government.

I joined with 105 000 at the MCG, which is the same number of Victorians whose lives will be transformed through the national disability insurance scheme, and I did so to give those people from right across the state the courtesy of sharing with them this transformational opportunity that will put them in control of their

futures. To share that privilege with them and their carers yesterday was particularly special.

We talk a lot in this business about transformational change, but I can assure honourable members and those with us here today that the national disability insurance scheme is a genuine and powerful social reform that will make Victoria a better, fairer place by enforcing not a welfare model of disability but a rights model that will place 105 000 Victorians and those who love and care for them at the centre of their own futures. That can only be a good thing for a better and fairer Victoria.

### **Electorate office staff**

**Mr GUY** (Leader of the Opposition) — My question is to the Minister for Sport. Did he sign casual employment forms for staff who did not work in his electorate office but instead were campaign staff working in the Bellarine electorate?

**Mr EREN** (Minister for Tourism and Major Events) — Firstly, I reject the premise of the question. It is totally inaccurate.

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister will continue, through the Chair.

**Mr EREN** — As we all know, the employment part of our staff is not the responsibility of the electorate officers but in fact the responsibility of the Presiding Officers, and so the premise of the question is wrong. We have followed the rules, as the Premier alluded to earlier, in all aspects, and so I have employed a number of people at my electorate office, and I am very proud of those people and the work they have done. They have worked extremely hard for the community. In every aspect I can say that I am very proud of all the work that they have done, and, like many other members in this place, I have had a few staff in my office.

The answer to the question is: I reject the premise of the question. I wish they would ask a question on my portfolios of sport, tourism, major events and veterans. They do not care about the state in relation to any of those portfolios. As a minister of this government, I am very proud — —

**Mr Hodgett** interjected.

**The SPEAKER** — Order! The Deputy Leader of the Opposition will withdraw.

**Mr Hodgett** — I withdraw.

**Mr Guy** — On a point of order, Speaker, by way of relevance, the question to the minister was very straightforward. It did not require a response which was not relevant to the question. I ask you to ask the minister to come back to the question, which was straightforward: did he sign casual employment forms for staff who did not work at his electorate office but were in fact campaigners working in the seat of Bellarine?

**The SPEAKER** — Order! The minister, to continue. I do not uphold the point of order.

**Mr EREN** — I reject the premise of the question. It is totally inaccurate.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — I ask the minister: was he ever asked, directed or emailed by John Lenders or staffer Jadon Mintern to hire any specific person to work as a casual electorate officer in his electorate office?

**Mr EREN** (Minister for Tourism and Major Events) — The member can ask this question in 10 different ways. The answer is still the same. We follow the rules accordingly. I want to make it very clear: all of the staff who have worked in my office have done a great job, and I congratulate all of them — every single one of them.

**Mr Clark** — On a point of order, Speaker, I draw your attention to sessional order 11(2) in relation to the supplementary question and the answer given by the minister. It was a very specific supplementary question as to whether Mr Lenders or another person contacted the minister about employment of a specific individual. The minister did not go anywhere near answering that question. I ask you to ask him to provide a written response to that question.

**The SPEAKER** — Order! I do not uphold the point of order.

**Ministers statements: police mental illness information initiative**

**Mr NOONAN** (Minister for Police) — I rise to inform the house of a new initiative the government will be taking, in partnership with Victoria Police and the Police Association Victoria, to reduce the hidden toll of mental illness among our police. As National Police Remembrance Day approaches on 29 September, we are reminded about the sacrifices of our policemen and policewomen who have been killed in the line of duty. But we do not stop to recognise the

40 police who have taken their own lives in Victoria since 1990, nor do we reflect on the fact that more than 200 police take extended periods of leave each year as a result of mental illness.

Each of us in this chamber acknowledges the inherent dangers of police work. We know that exposure to incidents and events can cause great trauma to our police. Fortunately Australia is at last beginning to speak honestly about the effect mental illness can have on our police and emergency services workers. Leaders such as retired Major-General John Cantwell of the Australian Army, are speaking openly about their battles with post-traumatic stress disorder. Many of our police are at risk of developing this disorder, whilst others are already suffering from various forms of mental illness.

Police help keep our community safe, and they deserve our support. That is why the Andrews government is proud to work with the police association and Victoria Police to tackle this issue. Together we will fund the development of a new smart phone app to help police access occupational information about mental illness, conduct self-assessments and provide advice on treatment options. The Victoria Police app will be modelled on an app used by the Australian Defence Force, and it will be backed by expertise and research.

The development of this new app is a very positive step forward in helping our police deal with mental illness. I want to place on the record my congratulations to the police association, and to Ron Iddles, its secretary, on being the driving force behind this initiative.

**Electorate office staff**

**Mr HODGETT** (Croydon) — My question is to the Minister for Public Transport. I refer to the appointment of former Labor MP John Lenders as the chair of VicTrack, and I ask: is this appointment simply paying back the former MP who presided over the systematic roting of casual parliamentary staff for use in Labor's Community Action Network?

**Ms ALLAN** (Minister for Public Transport) — In answer to the question, absolutely not. John Lenders is an outstanding appointment as the chair of VicTrack. As a former Treasurer, former Minister for Information and Communication Technology, former Minister for Finance, former Minister for Education and former Minister for Consumer Affairs, he has an outstanding record to bring to this role of vital importance in the transport portfolio.

*Supplementary question*

**Mr HODGETT** (Croydon) — Given that Mr Lenders is alleged by Labor MPs and Labor staff to be a key organiser — —

*Honourable members interjecting.*

**The SPEAKER** — Order! Government members will allow the Deputy Leader of the Opposition to ask a supplementary question. The Deputy Leader of the Opposition will start again.

**Mr Hodgett** interjected.

**The SPEAKER** — Order! I ask the Deputy Leader of the Opposition to ask the supplementary question.

**Mr HODGETT** — Given that Mr Lenders is alleged by Labor MPs and Labor staff to be a key organiser behind the use of casual parliamentary staff in the Community Action Network, I ask: will the minister now stand him down pending an investigation by the Parliament into this matter?

**Ms ALLAN** (Minister for Public Transport) — The claims made by the member in his question are wrong. I have every confidence that John Lenders will continue to do an outstanding job as the head of VicTrack.

*Honourable members interjecting.*

**Questions and statements interrupted.**

**SUSPENSION OF MEMBER**

**Member for Gembrook**

**The SPEAKER** — Order! Under standing order 124 the member for Gembrook will withdraw for breaching standing order 116, which requires that members be silent while the Chair is on his feet. He will withdraw for an hour.

**Honourable member for Gembrook withdrew from chamber.**

**QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS**

**Electorate office staff**

*Supplementary question*

**Questions and statements resumed.**

**Ms ALLAN** (Minister for Public Transport) — I have every confidence that John Lenders will continue

to serve the people of Victoria through his current role as the chair of VicTrack in the same way that he performed his role as a member of Parliament — with integrity and intelligence. That is exactly the sort of person that the people of Victoria want in these roles.

**Ministers statements: family violence**

**Ms RICHARDSON** (Minister for the Prevention of Family Violence) — Every time a woman or child loses their life as a result of violence the community rightly focuses on the horrific and immediate consequences of this brutality. Sixty-two women have lost their lives across Australia so far this year and we all feel the terrible toll of these horrific crimes.

By way of update, I inform the house that the Royal Commission into Family Violence, Australia's first royal commission into family violence, has now heard from over 160 witnesses, held a series of community forums and received close to 1000 submissions. Consistently these submissions draw our attention not only to the immediate consequences of violence against women and children but also to the devastating long-term impact of this harm.

We know that you are most at risk of family violence if, first and foremost, you are a woman. One in three will experience violence at some stage in their lives. But we also know you are particularly vulnerable if you have a disability, if you are Aboriginal, if you live outside Melbourne or if you come from a culturally and linguistically diverse background. Tragically too you are particularly vulnerable if you are pregnant.

During a recent visit to the Royal Women's Hospital I was advised that 27 per cent of all pregnant inpatients were currently experiencing family violence. This was the first time that many had disclosed the harm they were facing. That is why at a ministerial panel that I held last Friday one of the consistent themes raised by stakeholders was the important opportunity that our health services can provide to help address this harm. Victims are most likely to disclose at our hospitals, our GPs, our maternal and child health nurses and our women's health services because they are all trusted settings. Our health professionals, properly trained, are very well placed to direct and provide the services victims need.

The royal commission spent a full day on this issue, and tackling family violence in Victoria does enjoy bipartisan support. I am encouraged by the statements made by the federal government around family violence. I look forward to its funding commitments as well in this space, to our health system, so we can work

together to address the health and wellbeing impacts and risks associated with family violence.

**Electorate office staff**

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. With Labor campaign staff whistleblowing and Labor sources and Labor MPs declaring that their party has knowingly rorted the parliamentary casual staff system, I ask: will the Premier now refer this matter to the Victoria Police or the corruption commission and, if not, why not?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. Clearly he was not listening at the beginning of question time when you, Speaker, indicated that the Presiding Officers, you and the President, are conducting a review of all of these arrangements. That is the appropriate course of action and — —

**Mr Guy** — On a point of order, Speaker, on relevance, I am asking a question particularly in relation to the Premier’s responsibility for the Parliamentary Administration Act 2005 under which staff are employed and for which he is responsible. With great respect, that has got nothing to do with the Presiding Officers. It has everything to do with his job to administer the Parliamentary Administration Act, which all staff come under.

**The SPEAKER** — Order! I do not uphold the point of order. The Premier is responding, and only a few seconds have gone by.

**Mr ANDREWS** — As I was saying the Presiding Officers, you and the President, are reviewing a range of these matters. That is appropriate. It was announced in the last sitting week. The government, and I am sure all members of Parliament, are ready to assist in that and await that review’s conclusion.

**Mr Pesutto** — On a point of order, Speaker, on the general issue of relevance, and to your point at the outset of question time about the investigation that you and the President are conducting, the Leader of the Opposition’s question goes to matters which with all due respect are beyond what you will be able to investigate. The allegations — —

*Honourable members interjecting.*

**Mr Pesutto** — The Leader of the Opposition’s question was not answered by the Premier, because the matters which are the subject of the allegations go well beyond what you, Speaker, and the President will investigate. The matters extend to potentially deception

offences under the Crimes Act 1958. They go to breaches of the code of conduct by which all MPs — —

**The SPEAKER** — Order! The member will resume his seat. The member understands what a point of order is all about. I do not uphold the point of order.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — With three Labor MPs, campaign staff and people from his own party saying that Labor has rorted the parliamentary casual staff system, but the Premier saying that nothing improper has happened, I ask the Premier: who is lying? Is it all of those people or just the Premier?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. The Presiding Officers are reviewing a range of different issues. That is an important review, and I would hope that all members of Parliament — certainly all government members, and I would hope those opposite as well — would both support that review and wait, as we do, for the results of it.

**Ministers statements: ambulance services**

**Ms HENNESSY** (Minister for Ambulance Services) — I rise to advise the house of a new government initiative to improve ambulance response times, to ensure that patients access quality emergency care closer to home and to improve distribution of patients across our hospital system. I am pleased to announce that this morning the Department of Health and Human Services has advised Victorian hospitals that as from 7 October hospital bypass will no longer be a feature of the Victorian health system. This is a significant reform but one that is long overdue.

Currently metropolitan hospitals can put themselves on bypass at peak periods, meaning ambulances are not permitted to take non-urgent patients to those hospitals. This practice has forced ambulances to continue to travel outside their region, it has forced hospitals to deal with a ripple effect around their emergency departments, and clinicians and paramedics have been calling for this change for a long period of time. It is unfortunate that the previous government ignored these calls from its health workforce.

The removal of hospital bypass was a recommendation of the ambulance performance and policy committee’s interim report. It is one of the significant reforms our government will implement. It is all part of turning around the ambulance crisis we inherited. It also reflects our deep commitment to improve health care

for all Victorians. This change will put patients first. It will finally bring Victoria into line with every other state and territory; they do not have bypass as a feature of their health systems.

Extensive work has taken place within hospitals and with Ambulance Victoria over recent months. We are providing an additional \$800 000 to assist those hospitals in implementing this transition. Our government is committing to making sure that all Victorians get to the right place at the right time, to turning around the ambulance crisis and to making sure that Victoria has the best healthcare system in the country.

## CONSTITUENCY QUESTIONS

### Ringwood electorate

**Ms RYALL** (Ringwood) — (Question 1082) My very specific constituency question is to the Premier. Were any of Labor's Community Action Network staff for the Ringwood electorate campaign partly paid by the Parliament of Victoria?

### Niddrie electorate

**Mr CARROLL** (Niddrie) — (Question 1083) My constituency question is to the Attorney-General. On 1 September, new power of attorney laws commenced, reflecting three key areas of reform under the Powers of Attorney Act 2014, including the clarification and consolidation of Victorian laws concerning financial and personal powers of attorney, increased safeguards protecting the interests of people making powers of attorney and the introduction of a new role, which is a first for Australia — the supportive attorney appointment.

On behalf of the constituents of Niddrie I ask the Attorney-General to provide advice on the changes to power of attorney laws, what resources will be available to assist my constituents in becoming familiar with these new laws and what the opportunities offered to the community by this important new legislation are.

### Lowan electorate

**Ms KEALY** (Lowan) — (Question 1084) My question is directed to the Minister for Energy and Resources. I have been contacted by a number of constituents of south-western Victoria, including residents of Hamilton, Branxholme and Byaduk, and Mr Michael Neoh of the south-west coast, regarding concerns that Labor will reinvigorate the onshore gas

industry in western Victoria following the end of the moratorium in December of this year.

The recent interim report of the inquiry into unconventional gas in Victoria outlined the concerns of the people of western Victoria, including the potential risk to prime agricultural land and to the water resources that support agriculture, the importance of the tourism industry, the potential health impacts and the lack of appropriate governance and monitoring structure for onshore gas mining in Victoria. Labor has a terrible track record in onshore gas exploration, having issued 73 exploration licences and 23 fracking permits without undertaking any scientific or hydrological studies. I therefore ask the minister to be transparent for the people of western Victoria and to disclose her intentions regarding future onshore gas mining activities in western Victoria beyond the end of the current moratorium.

### Bundoora electorate

**Mr BROOKS** (Bundoora) — (Question 1085) My constituency question is to the Minister for Public Transport. The minister will be aware of the very popular Parkiteer bike lockers that are currently being rolled out across many train stations in Victoria, and I am very happy to say that a new one has just been installed at Greensborough station in my electorate. It is really important that commuters be encouraged to ride their bikes to local stations, and it is a great thing that these new bike lockers provide secure and popular bike storage. Can the minister outline the number of train stations that have these Parkiteer lockers already installed and advise if there are plans to provide more in the future, particularly along the Hurstbridge rail line?

### Mount Waverley electorate

**Mr GIDLEY** (Mount Waverley) — (Question 1086) My question is to the Minister for Housing, Disability and Ageing. I ask that the minister urgently review all aspects of any support which his department is providing to Mr Mark Modra and his son Luke Modra. Mr Modra has contacted me and indicated that he cannot care for his son Luke with the current level of funding provided by the minister's department. In light of Mr Modra's concern for his son, I would seek the minister's urgent attention to this question.

### Sunbury electorate

**Mr J. BULL** (Sunbury) — (Question 1087) My question is to the Minister for Education. Monday's education state announcement for the Sunbury electorate was fantastic news. Local schools in the

electorate will receive over \$2 million in extra funding from the Andrews Labor government. This comes on top of our election commitment of \$3 million for a new science wing at Sunbury College and \$1.1 million last month maintenance funding for four schools in the electorate, including my former primary school, Sunbury Heights Primary School. Can the minister advise how this funding is to be allocated against the four priorities of excellence in teaching and learning, professional leadership, positive climate for learning and community engagement in learning?

### Bass electorate

**Mr PAYNTER** (Bass) — (Question 1088) My question is for the Minister for Education. Last night during the adjournment debate the minister stated:

The best thing I can do prior to making any commitment for any school is to visit that school and see the needs of the school community firsthand.

On behalf of the Wonthaggi Secondary College community I again ask that the minister visit the school with me to see firsthand the physical condition of the school.

During the 2014 election campaign the Labor Party made a commitment to fund a new secondary school at Wonthaggi, stating that it would be built out of the \$510 million education fund. Disappointingly this project was not included in the budget announced in May this year. I therefore ask: will the minister commit to visiting the school with me prior to the end of the year to, in his words, ‘see the needs of the community firsthand’? If this is the best thing the minister can do prior to making a commitment to fund a new secondary school at Wonthaggi in the 2016–17 budget, then let us get the visit organised without further delay.

### Frankston electorate

**Mr EDBROOKE** (Frankston) — (Question 1089) My constituency question is on behalf of one of my constituents, Lisa Whitehouse, and it is for the Minister for Housing, Disability and Ageing. Lisa had a conversation on the phone with my office regarding ice pipes being sold in tobacco shops in Frankston and Karingal, and no doubt the rest of Victoria. This horrible drug has destroyed many families, and the police and communities are trying their best to tackle this problem. It is so easy to purchase one of these items, and even water pipes, when they are displayed in nice, fancy glass cases for even children to see. Ms Whitehouse’s question, and this is a question being asked by other constituents in my electorate, is: after four years of pretty much

nothing being done about this epidemic, what is the Andrews Labor government doing about ice addiction and treatment in Frankston?

### Kew electorate

**Mr T. SMITH** (Kew) — (Question 1090) My question is to the Minister for Planning, and it relates to Victorian Civil and Administrative Tribunal approval of a five-storey building at the Kew Cottages site abutting the Willsmere estate. I ask: will the minister write to Heritage Victoria in order to guarantee that this application will not proceed as planned?

### Mill Park electorate

**Ms D’AMBROSIO** (Minister for Industry) — (Question 1091) My constituency question is to the Minister for Public Transport, and it concerns progress on construction by Public Transport Victoria (PTV) of a temporary car park at the busy South Morang train station, on land owned by Westfield. The minister will be aware that for too long some commuters have had to park in a muddy paddock on McDonalds Road near the Whittlesea council offices. This winter commuters who cannot find parking in the station car park proper have had to endure what at times have been unacceptable, quagmire-like conditions. I thank these commuters for their patience.

I am aware that negotiations regarding sites have been ongoing between the PTV and the City of Whittlesea. I am also aware that PTV is keen to commence construction as soon as possible and that at long last a permit has been issued by the council. I ask the minister to give me an update on when construction of the temporary car park will be started and an anticipated completion date.

**Mr R. Smith** — On a point of order, Speaker, I stand to be corrected, but I was listening intently to the member for Sunbury. I did not hear a question, and I would ask that you review *Hansard* to see if his contribution conformed with the sessional orders.

**Mr J. Bull** — On the point of order, Speaker, I did ask the Minister for Education a question.

**The SPEAKER** — Order! I will review the contribution made by the member for Sunbury.

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

*Second reading*

### Debate resumed.

**Ms COUZENS** (Geelong) — I rise to contribute to the debate on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015. It is with great pleasure that I speak on this bill which enshrines nurse-to-patient and midwife-to-patient ratios in legislation, delivering on a key election commitment of the Andrews Labor government.

This bill is an Australian first. Victoria is the first Australian jurisdiction to initiate this type of legislation which aims to protect the safety of patients and the nursing profession. It is the first to guarantee minimum healthcare staffing levels in primary legislation; Victoria will have the most comprehensive nursing and midwifery staffing legislation of anywhere in the world. Enshrining nurse-to-patient and midwife-to-patient ratios in legislation means there will always be a certain number of nurses and midwives present to care for Victorian patients, now and into the future.

The bill protects the strength and integrity of the nursing profession by taking this essential requirement of care off the bargaining table and enshrining it in law, safe from the risk of being stripped away by future governments. This is a significant and historic change in the way minimum nurse and midwife staffing levels are specified within Victoria's health system, including public hospitals, publicly operated denominational hospitals, public health services and multipurpose services.

Nurse-to-patient and midwife-to-patient ratios were first introduced to Victoria in 2000 as part of an enterprise agreement. When ratios were first introduced, the subsequent recruitment campaign led to an additional 2650 nurses and midwives working across the Victorian public hospital system, an increase of 12 per cent. The majority of these additional nurses were employed to meet the newly introduced nurse-to-patient and midwife-to-patient ratios. Since then, the minimum nurse and midwife staffing levels within our public hospitals and health services have been maintained. There is evidence from Australia and around the world confirming that if a nurse has more time to provide care to a patient, then the risk of that patient having an unintended complication or event — like falling or developing a pressure ulcer — is far less than if the patient was left unattended.

Our nurses play a vital role in our community. I will be forever grateful to our nurses in Geelong who have provided the best of care to myself and my family and friends over many years. They provide care at the worst of times when families are coping with having a loved one in hospital and at the best of times when, for example, a new baby arrives. Nurses provide the support and care we need. At times I have heard complaints from the public about things in our hospital service; it is usually the food. However, I have never heard a complaint about the nursing staff. They have always been highly praised for their work.

This bill means that the ratios of nurses and midwives to patients will be permanently quarantined from industrial relations disputes. They will no longer come under threat from future governments. This is a good, progressive move. Under the previous government the Australian Nursing & Midwifery Federation (ANMF) Respect Our Work campaign saw our nurses fighting to keep ratios. The attack on our nurses was not supported by our local community. In fact the community was 100 per cent behind the nurses. At the time I was an official of the Geelong Trades Hall, and I, along with many others, supported the campaign with the ANMF organiser at the time, Mel Dwyer, who tragically passed away. I know Mel would have been delighted to be sitting in the gallery today if he was still with us, but I am sure his family will be very honoured and understand that the work Mel did contributed to this legislation in the end.

At the time, I stood proudly with many nurses from our community at the protest in Ryrie Street out the front of Geelong hospital. The dedicated ANMF members and the community fought hard for the ratios, and they won. They won because it was their right, and they won because they had the support of the Geelong community and the community of Victoria. Listening to members opposite yesterday, it was clear they are prepared to compromise patient care because they do not support the ratios.

The bill achieves three things. It sets out the current numeric nurse-to-patient and midwife-to-patient ratios that are already in place by setting specific requirements for the minimum number of nurses or midwives for a set number of patients. University Hospital Geelong is classed as a level 1 hospital, so ratios for a general, medical or surgical ward are one nurse to every four patients during the day and one nurse to every eight patients at night. I am sure that the people of Geelong will feel confident now that these ratios are locked into legislation, and they will be happy that we are looking after our nurses, one of the most valued professions in our community. These provisions

vary across different hospitals, different types of wards and different shifts, and they are intended to replicate the arrangements and scope contained within the current public sector nurses and midwives enterprise agreement.

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

The bill introduces a compliance and enforcement regime. As ratios will no longer be subject to the enterprise agreement, the Fair Work Commission and the commonwealth Fair Work Act 2009 will no longer have jurisdiction to conciliate, arbitrate or otherwise deal with matters relating to ratios. The enforcement regime replicates the enforcement mechanism under the enterprise agreement and is intended to have a similar effect to the dispute resolution arrangements under the enterprise agreement and is intended to impose no additional burdens on any of the stakeholders.

For serious and wilful breaches of the ratios or for a ratio variation, the Magistrates Court may, at its discretion, impose a civil penalty of up to a maximum of 60 penalty units. This, combined with reporting requirements, is enough to deter hospitals from breaching this requirement under the act. Health services will also be required to report on any breaches as part of their published annual report.

The nursing profession works tirelessly to provide safe and effective care to the sick, injured and some of the most vulnerable members of our society. Midwives equally work tirelessly to support and care for expectant and new mothers during this pivotal time in their lives. In 2015 nursing was rated by Australians as our most highly regarded profession for the 21st year in a row. The staffing levels of our most ethical and honest profession help determine the safety and care of patients within Victoria's health system. Something so basic and essential should never need to be defended time and again during industrial negotiations.

It is pleasing to note that, during consultations, the bill received widespread support from across the health sector. Health services and employees alike recognise the irreplaceable role that nurses have in our health system and our lives. The bill will help nurses and midwives do what they do best. It will guarantee every

Victorian patient the care they need, and it will protect the integrity of our highly respected nursing profession in the future. I congratulate the minister on her work on this bill, and I commend the bill to the house.

**Ms KILKENNY** (Carrum) — I am very proud to rise to contribute to the debate on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015. With the introduction of this bill, the Andrews Labor government is fulfilling yet another election commitment, and at the same time it is showing Victoria, indeed the world, that this government is a world leader. With this bill, the Andrews Labor government is introducing one of the most comprehensive, significant and sophisticated pieces of nurse and midwife staffing legislation to be found anywhere in the world. For this we should be very proud. I would like to particularly commend our Premier and the Minister for Health on this achievement. Their work has been pivotal in bringing about this critically important and historic legislative regime which, for the first time, will write into law minimum nurse-to-patient and midwife-to-patient ratios.

We have had nurses in the gallery during this debate, including some today. They have sat through several hours of debate on this bill because they understand the importance of staffing ratios to quality patient care. Nurses understand that staffing ratios are critical, and they understand that they are instrumental in achieving the best possible outcomes and level of care for patients.

I acknowledge the very personal contribution made by the member for Bendigo West. The member is absolutely right that nurses provide not only care for patients but also support for family members, who are often going through very difficult times. Speaking personally, when I was young I suffered a life-threatening illness. I remember being absolutely terrified in hospital for several months. My mother was also terrified, and she found it difficult to cope with. The nurses provided extraordinary support and really helped us get through it as well as we did. I would like to publicly thank those nurses these many years later.

Evidence from around the world shows a strong correlation between higher levels of nurse staffing and better patient outcomes. There are also compelling economic and financial reasons for enshrining minimum nurse-to-patient ratios. We have seen that nurse-to-patient and midwife-to-patient ratios help to reduce the significant cost impacts from adverse events that have been shown to occur when staffing levels are too low. When staffing levels have been too low, that

can impact on mortality rates but can also lead to longer hospital stays, which adds to the burden on our health system.

We also know that better staffing levels improve nurse retention, morale and job satisfaction and significantly increase public confidence in our health system. We heard from others today and also yesterday that a significant amount of research has shown the improvement in patient outcomes from improved and better staffing levels. One study looked at data from more than 230 000 surgical patients discharged from 168 hospitals in the United States. This was a huge study, and it showed that for each additional patient per nurse, there was a 7 per cent increase in the likelihood of patient mortality.

More recently, in 2010, a study was conducted in Australia that also showed significant evidence both nationally and internationally that directly links nurse staffing to patient outcomes. It found that there was a 3 to 12 per cent reduction in adverse outcomes and a 16 per cent reduction in the risk of mortality in surgical patients with higher nurse staffing. That report also concluded that:

Evidence confirms that improvements in nurse staffing is a cost-effective investment for the health system ...

I expect that these statistics and conclusions do not come as any surprise to our nurses, who are at the coalface of this issue. There is so little debate about the value of nurses in the delivery of quality health care. In fact they are the very reason we have quality health care. The conclusion is that better nurse-to-patient ratios are good for patient outcomes, they help minimise hospital stays, they help to reduce pressure on our health budget, they constitute a cost-effective investment in our health system and they restore confidence in our public health system. I ask why anyone would want to play politics with nurse-to-patient ratios.

As members can see, we on this side of the house certainly do not, and that is why we have introduced this bill, which will write into law nurse-to-patient ratios. This is because we do not ever want to see again what happened under the former government, when this issue was treated as a political football. That was extremely irresponsible of the previous government; it was callous and it was devious.

For better patient care, better patient outcomes and a better public health system, we need to make sure that nurse and midwife staffing levels are maintained, respected and protected. We want to make sure those opposite can never again play politics with patient care

and patient safety. That is why I am very proud that we are introducing this bill, the core objective of which is to provide for safe patient care in hospitals by enshrining in law requirements for a minimum number of nurses and midwives per patient. This was a key election commitment, and I am very proud to be part of an Andrews Labor government that is delivering on providing better patient care for all Victorians.

We have heard from other speakers in this debate that Victoria was a world leader in introducing patient-to-nurse ratios on 1 December 2000. Ratios were introduced as part of the enterprise agreement at the time. From then on, significantly, we saw a 12 per cent increase in the number of nurses and midwives in the Victorian public hospital system. That equated to more than 2650 additional nurses and midwives — a staggering number. Nurse-to-patient ratios have assisted in protecting the safety of patients and enhancing health outcomes for all Victorians. Since their introduction, minimum nurse and midwife staffing ratios have been maintained and are now specified in the Nurses and Midwives (Victorian Public Sector) (Single Interest Employers) Enterprise Agreement 2012–2016.

The bill before us replicates those ratios and will maintain the current arrangements. In other words, this bill will enshrine the ratios in the current enterprise agreement and apply them to hospitals and health services that are currently covered by the enterprise agreement. This is the first component of the bill, and there are two further main components. The second concerns flexibility. This is quite important. It means that hospitals, in complying with the new legislation, will be able to apply ratios in a flexible manner. This is intended to make the best use of the skill base to make sure patients are getting the best possible outcomes. The third component introduces a compliance and enforcement regime that will replicate the enforcement mechanism and dispute resolution arrangements found in the enterprise agreement, and also permits applications to the Magistrates Court.

I will not go through the various ratios, but I want to state again for the record how very proud I am to be part of this Andrews Labor government, which is encoding and enshrining in law minimum nurse-to-patient and midwife-to-patient ratios. We on this side of the house recognise that better patient outcomes are directly linked to better nurse and midwife ratios. I never again want to see patient care treated like a political football, as it was under the former government. Victorians deserve so much better than that. By enshrining nurse-to-patient and midwife-to-patient ratios, we are treating Victorians

with the respect they deserve, and delivering the health care they are entitled to. It is important to give Victorians confidence in the health system, particularly given the savage cuts we saw under the previous government and former Prime Minister Tony Abbott — more than \$17 billion over 10 years.

Insufficient staffing levels place heavy burdens on a wonderful and dedicated nursing staff. That is prejudicial to patient care and patient safety and leads to adverse patient health outcomes, adding to health costs. That is just plain irresponsible on so many levels. The Andrews Labor government respects the work of our dedicated nurses and midwives, as do those in our community. We respect the right of all Victorians to have patient safety and quality care protected for all time. I commend the bill to the house.

**Mr DIMOPOULOS** (Oakleigh) — It gives me pleasure to speak in support of the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015. This bill enshrines in law the existing workplace practice in public hospitals and health services. It will protect patient safety. As others have said, it is yet another Labor commitment being delivered on by this government. The bill will not apply to private or not-for-profit facilities, residential aged-care facilities or mental health services.

The reality is that ratios matter. I want to talk a bit about what a ratio is. I am referring to a very informative document put out by the Australian Nursing & Midwifery Federation, *Nurse/Midwife: Patient Ratios — It's a Matter of Saving Lives*. It states:

The 1:4 ratio is the minimum nurse/midwife-to-patient ratio recommended in a level 1 acute general medical or surgical ward in a public hospital setting on morning and afternoon shifts.

If a ward has a number of high-acuity patients —

high-needs patients —

who are more unwell and therefore require more complex care compared with other patients on the ward, a nurse may be allocated a smaller number of patients than 1:4 to allow the nurse to give safe care, while other nurses may take on extra patients who require less nursing interventions on that particular shift.

In a 20-bed ward, this means that a minimum of five nurses, plus the nurse in charge, are rostered to work on the morning shift and five on the afternoon shift. The nurse manager has the flexibility to allocate nursing staff to patients based on patients' acuity.

I mention that definition because I think it comes from a very good source — the representative body of a profession that lives by these ratios and supports this

bill. It also addresses some of the criticisms the opposition has made about the bill.

The evidence on ratios is clear. Both Australian and international research has clearly shown that the more nurses per patient, the higher the survival rate and quicker the recovery rate of patients. An Australian study has shown a 16 per cent reduction in the risk of mortality in surgical patients when there were more nursing staff. There was also a reduction in adverse outcomes of between 3 per cent and 12 per cent. A significant study in Pennsylvania in the US in 2002 showed that for each additional patient per nurse, there was a 7 per cent increase in the likelihood of death within 30 days of admission and a 7 per cent increase in the failure to rescue.

An article in the *New England Journal of Medicine* in 2011 stated that:

Studies involving RN —

registered nurse —

staffing have shown that when the nursing workload is high, nurses' surveillance of patients is impaired, and the risk of adverse events increases.

It goes on to say that:

... those concerned with the quality of care should pay increased attention to assessing the frequency with which actual staffing matches patients' needs for nursing care.

In my view you do not need research to ascertain that ratios matter; it is commonsense.

The bill before us today is ground breaking. It is certainly the first of its kind in Australia and perhaps one of the first in the world. I am very confident that other jurisdictions around the world and in Australia will look to Victoria to see how we have approached this issue in a way that is collaborative with our workforce, the nurses of Victoria.

When nurse-to-patient ratios came about in employment agreements in 2002 we saw a massive surge in employment of nurses in Victoria. In fact the increase in nurse numbers was one of the hallmark achievements of the Bracks government. There are now around 50 000 nurses in the public health system. This bill enshrines in law ratios that have already saved lives. We saw that in 2011 when the former government tried to take these ratios out of the agreements, as others have said.

I also note, again as other colleagues have noted, that the opposition intends to not oppose the bill, but does not, in a sense, support the bill, and it was very careful

with that language. That does not surprise me. I do not say that the Liberals do not care about health, but my view on why opposition members are not opposing but not supporting the bill — that clever use of language — is that in their hearts they do not really support what this will mean. Effectively it will mean maintaining a higher level of service and therefore a higher level of public expenditure in health over the forward period. That is what it means, and it is for public safety and public health. It is looking after the workforce that we directly employ. At the federal level the Liberal-Nationals coalition has taken \$70 billion out of health and education. The opposition's clever choice of language that, 'We will not oppose but we will not support' is really linked back to its ethos and its lack of passionate interest in public health, and in my view that is very transparent here.

It is interesting that question time today was run by the *Herald Sun*; it was not run by the opposition. It was on issues about the signing of casual employment forms. The government comes into this chamber and talks about nurse-to-patient ratios, talks about protecting the community from serious sex offenders, talks about Gonski funding, talks about things that actually matter to people, but all we get from the Victorian opposition is, 'Did you fill out casual employment forms?', while people in public hospitals are waiting for an appropriate level of care and a government in Spring Street that reflects the needs that they have.

The other comments I will respond to were made by the member for Lowan and the manager of opposition business. I do not doubt that the member for Lowan has enormous experience in public health at the managerial level — and that is fantastic — but the issue for us is that we are not interested in necessarily doing something to make the lives of the CEOs easier; we are doing something that is going to make the lives of patients and nurses easier. There is a fair bit of flexibility in this bill. The bill enables these services to address — the member for Lowan made a point about rural and regional hospitals and I will address that point — the specific challenges through the utilisation of the flexibility provisions. This can be done through either a formalised variation from the ratios proposed, similar to a clause 42 proposal under the enterprise agreement, or by entering into a formalised local agreement.

What I really get from the contribution by the member for Lowan if we strip it back — and from the manager for opposition business — is that regional Victorians do not deserve the quality of care that Victorians in metropolitan Melbourne get. The reality is that we cannot sit in this chamber and institute ratios that will

only apply when it is convenient that they apply in major hospitals in Melbourne. In the end regional Victorians deserve a similar level of care, and we support the nursing staff and the nursing workforce more than any Liberal government has. The reality is that what we are doing in this bill is we are setting a benchmark saying, 'This is the benchmark we want for treatment of patients in Victorian hospitals; this is the benchmark we want for our workforce'. If there are problems in operationalising or implementing that — —

**Ms Edwards** — On a point of order, Acting Speaker, the member for Lowan is calling out across the house but is not in her allocated position.

**The ACTING SPEAKER (Ms McLeish)** — Order! The member for Lowan is out of her place and out of order.

**Mr DIMOPOULOS** — The reality is that we are making a statement about what we want for patients in Victoria and what we want for our workforce in Victoria, and if it is difficult, if it is challenging for the CEOs of health institutions to implement that, tough! In the end they need to implement it, and if they cannot implement these ratios and this benchmark, we will hear about it in this Parliament, because health institutions all provide annual reports to the Parliament of Victoria — —

**Ms Kealy** interjected.

**Mr DIMOPOULOS** — We are at least being transparent — and they will provide the reasons those institutions cannot implement the benchmark. That will inform future funding outcomes and future governance arrangements for those public health institutions.

Nurses are the backbone of the health system. I will not take up any more time, but we have all talked about our personal experiences with nurses. I have had several, and I cannot tell members enough that when I have left those hospitals in those situations, the only people I have remembered are the nurses. They are the ones who were there 24/7 looking after my care, and if we cannot look after theirs and the patients, then I do not know what we are doing in this place. I fully support this bill. I am really pleased that it is being debated in this chamber. I look forward to the outcomes.

**Ms BLANDTHORN (Pascoe Vale)** — It is with great pleasure that I add my contribution to the debate on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015. It is an important bill that will codify the patient ratios and arrangements contained in the Nurses and Midwives (Victorian

Public Sector) (Single Interest Employers) Enterprise Agreement 2012–2016. I have worked on agreements with long names in the past, but that one is certainly a mouthful. Those nurses not included in the agreement are not the subject of this bill. The requirements set out the minimum number of midwives or nurses in specific wards or beds, and there are variations, importantly, depending on the type of hospital, the wards and the shifts. That is an important distinction: that flexibility is essential.

In meeting the objectives of the bill, hospital operators are able to apply the ratios flexibly in situations of varied patient numbers, peak demand, changes in demand and the demands of the patient's situation.

The Victorian Healthcare Association media release from the day the legislation was announced says:

Following today's announcement that the bill to legislate nursing ratios will be introduced to Parliament this week, the Victorian Healthcare Association (VHA) has said it will closely review and monitor the bill's progress to ensure it reflects the current EBA arrangements, as set out in the government's election commitment.

And that it does. The media release continues:

VHA CEO Tom Symondson said enshrining an EBA in legislation is unprecedented in Australia —

and this government is about unprecedented delivery —

and the VHA will work with the government in its implementation.

Victorian public health services already apply nurse to patient ratios as part of EBA arrangements and we are keen to ensure the bill faithfully reflects the current arrangements, as was the election commitment ...

And that it does. Mr Symondson went on to say:

I encourage the decision-makers in Parliament to seriously consider this bill and ensure any mandated changes imposed on the health workforce are in the best interests of patients.

Again I can assure Mr Symondson that this is in the best interests of patients. It is, however, a shame that those opposite are not giving it the due consideration that he called for. The bill is exactly what the Andrews Labor government promised at the election. As I said, we get on with delivering what we promise.

Prior to the nurse-to-patient ratios established in 2000, there were 400 beds closed in Victoria on any day, 20 000 nurses registered in Victoria were choosing not to work in the public sector nursing profession and over 15 years the full-time nursing workforce had decreased from 65 per cent to 35 per cent, according to the Australian Nursing & Midwifery Federation.

Back in 2011 Michael Bachelard wrote in the *Age*, under the headline 'Do nurse-patient ratios really matter?':

In the years leading up to 2000, there was a crisis in nursing in Victoria. Thousands had left the profession and would not return, despite government incentives, leaving hospitals short of nurses. Wards of up to 10 patients made do with just 1 nurse on duty.

...

'Those who choose to say that there is not a nursing crisis, in the [Australian Industrial Relations] Commission's view, are in a state of denial', wrote commissioner Wayne Blair in August 2000.

Thanks to his 'consent arbitration' — a tribunal ruling agreed to by both parties — the nurses won their bid for a fixed ratio of four patients to every nurse.

By the following year, the Bracks government had recruited 2300 nurses into the public health system. Governments have retained that level ever since.

'We fully recognise the positive impact ratios had on recruitment and retention', the hospitals' negotiator, Alec Djoneff of the Victorian Hospitals Industrial Association, told the *Sunday Age* ...

So why are we still fighting about this?

Indeed. That is the question that remains today. Why are we still fighting about this?

In 2000, following a recommendation of the Australian Industrial Relations Commission, Victoria set the benchmark for the rest of the world by becoming the first jurisdiction to mandate nurse-to-patient ratios through its public sector agreement. In 2004 California became the first jurisdiction in the world to enshrine ratios in legislation. Since minimum nurse-to-patient ratios were made mandatory in Victoria in 2001, there has been a 64 per cent increase in patients receiving same-day treatment, a 60 per cent increase in emergency admissions to hospital, a 31 per cent increase in the birthrate and a 20 per cent increase in urgent and semi-urgent elective surgery.

Despite the success of nurse-to-patient ratios, the previous shambolic government sought to dismantle the ratio system through the bargaining process. Despite the member for Box Hill standing up earlier and telling us he supports the bill, opposition members are not lending their voices to the bill, and as we know they sought to dismantle the system. They eventually saw sense in the end — or perhaps they bowed to the pressure of those behind us, who are the ones most interested in looking after patients in our hospitals — and the ratios were included in the enterprise agreement. However, this bill ensures that nurse-to-patient ratios will no longer become the

subject of negotiations at the bargaining table or in the industrial courts.

This is not purely an industrial issue; it is principally a patient safety and welfare issue. That said, it should be noted that nurses are some of the most hardworking members of our society. I come from a family of nurses and a family that includes its fair share of social workers and disability workers who work in hospitals, so I, like the member for Sunbury, grew up in a family of passionate nurses. My grandmother was a nurse. She later gave up paid nursing to care for her husband, who had an accident and became a quadriplegic. She decided the best way she could put her nursing qualifications to use was to nurse her husband at home. Eventually, after 14 years of caring for him, she went back to being a nurse in the not-for-profit sector.

My mum was a nurse. Perhaps as a result of her father becoming a quadriplegic, she became a spinal nurse at the Austin Hospital, and her spine is now wrecked from the workout she got lifting patients who could not lift themselves. My aunts are nurses, and some of my cousins are nurses. One of my cousins is a rectal nurse, which is not something you want to hear her describe in graphic detail, particularly after she has worked a double night shift and gone home to two young children and then watched Richmond lose at the MCG, as she did last weekend. She is a proud member of the union, and you do not want to get her started on the conditions that we frequently give to doctors but that nurses are forced to fight over.

As I am sure every member in this place does, I have a large number of nurses who work in the hospitals that service my electorate. I recently accompanied the Minister for Health to the Northern Hospital in Epping, where we met a number of dedicated nurses. Last week the chairman and CEO of the Mercy Hospital for Women in Heidelberg gave me a fantastic tour of the hospital's facilities. The nurses there work tirelessly with, in particular, babies who are born from 23 weeks. Last week there were a couple of babies who were literally the size of a Coke can. This is an area where the flexibility of this ratio system will be particularly important for patient care.

From my nursing family, my nursing constituents and my firsthand experience of being in hospital or having a member of my family in hospital, I know that the more patients nurses manage on a shift the less time they are able to spend caring for those patients. As the Premier said when the bill was introduced:

Nurses want to protect their ratios because they want to protect our loved ones.

The wellbeing of nurses is crucially important in a functioning and effective public hospital system, and despite this issue being framed in an industrial sense, it is not simply about enshrining an industrial entitlement. It goes principally to patient health and wellbeing. The president of the Australian Medical Association New South Wales has said:

Nurses play a vital role in hospitals, and in order to do their jobs effectively they have to be able to give each patient the care they require.

This is a problem doctors can certainly sympathise with, as providing quality patient care is the number one goal of both professions.

...

A hospital that is understaffed, does not have the right mix of staff or where the health professionals are fatigued due to working unsafe hours is not going to be able to provide the best level of patient care it otherwise could.

As members can see, doctors and nurses alike are in agreement that this is a patient safety and wellbeing issue first and foremost. If a patient cannot be attended to due to a limited number of nurses on a shift or due to a large number of patients, it represents a huge risk to that patient's health, and in the worst cases it can lead to fatality.

I commend the bill to the house. I commend the Minister for Health for her work in this area. I thank those representatives of the nursing profession who are here today and who have held the government to account by ensuring that this election commitment is delivered.

**Ms HALFPENNY** (Thomastown) — I rise to contribute to the debate on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015. This bill is the product of the Labor movement working at its best — the political and industrial wings working together in the interests of working people and in the interests of all Victorians. These terms may be considered old fashioned, but I believe our forefathers and foremothers, those who forged the bonds between workers and a political party, would be proud of Victorian Labor and the Australian Nursing & Midwifery Federation (ANMF) and its members today. We have a historic alliance that has realised some of the most progressive legislation in the world: shorter hours last century, workplace health and safety in the 1980s, universal health care and now nurse-patient and midwife-patient ratios. These are all laws that make our society a better, fairer, more just society.

In a combined effort, the Australian Nursing & Midwifery Federation and the Andrews Labor

government are guaranteeing nurse-patient ratios in the public health system, enshrining in law the rights of a patient to have high-quality treatment and care and the right of nurses and midwives to a manageable workload in order to provide that treatment and care.

Contrary to the false and misleading claims of those opposite, the collective actions and aspirations of workers represented by their unions are more often than not the same aspirations and interests as those held by the majority in our community. Health care is a very good example.

Labor believes universal health care is a human right. The Australian people have not always had a free and universal healthcare system. Medicare was introduced by the Whitlam Labor government in the 1970s. Later the Fraser Liberal government attempted to abolish free health care for Australians, and it was the trade union movement and the Labor Party opposition that led the campaign to defend Medicare for all. Again, when the federal government under the now deposed Tony Abbott attempted to undermine Medicare, the Labor Party and unions led the campaign to defend it.

In the past nurse-to-patient and midwife-to-patient ratios have been the subject of bitter disputation during industrial negotiations. Nurses and midwives have taken unprecedented action to protect the rights of nurses and the rights of their patients. The legislation we are debating today does not change the current nurse-to-patient and midwife-to-patient ratios. The ratios are contained in the wage and conditions agreement — the enterprise agreement — negotiated between public hospitals and the ANMF. So some might say, ‘Why do we need to make them law and why all the fuss about them becoming law?’. The answer requires some historical context. The history of the ANMF demonstrates the commitment nursing staff have always had to their patients, and this has often been at their own expense.

The Victorian branch of the Australian Nursing & Midwifery Federation began in 1901 with the formation of the Victorian Trained Nurses Association. As with many female-dominated occupations, nursing offered poor pay and conditions. In 1895 at the Melbourne Hospital nurses worked over 52 hours per week. In 1902 they were described as each doing the work of two or three women from 6.00 a.m. to 8.00 p.m. There was still nothing at that time to define nursing as a profession. In effect nurses were considered, according to the ANMF website, as handmaidens to doctors. They put up with such conditions because they saw it as loyalty to their patients. In fact up until the 1980s the nurses federation had a no-strike clause in its rules.

However, it became increasingly obvious to nurses and their union that the interests of nurses were linked to the interests of patients. Good training and professional recognition, good wages and conditions for nurses would also absolutely benefit patients. The industrial struggles of nurses in the 1980s under the leadership of Barbara Carson and Irene Bolger would put them in good stead to withstand the vicious attacks on our health system by the Kennett Liberal government — a sustained attack on nurse staffing levels, with mass forced redundancies and later skill shortages as nurses left the profession in droves. The Kennett years demonstrated that government will not always look after the interests of patients and good patient care. They highlighted the need for nurse-to-patient and midwife-to-patient ratios and the fact that it would be nurses who would have to fight for the interests of patients.

Nurses fought back, securing nurse-to-patient and midwife-to-patient ratios in their enterprise agreements in 2000, and nurses began to return to the profession. Ever since this time they have had to bargain over nurse-to-patient ratios in every enterprise agreement. I recall not all that many years ago standing with nurses outside the Northern Hospital when they were negotiating their last enterprise agreement. Of course one of the biggest sticking points and issues for the nurses on that protest line were the nurse-to-patient ratios.

As previous speakers have said, proper ratios of patients to nurses save lives. Research has determined that good patient ratios are important to avoid complications and to achieve better health outcomes. If we look at some of the current ratios, which are being enshrined in legislation, they apply to the public health system, both in metropolitan Melbourne and throughout country and regional Victoria. For example, the Austin Hospital and the Monash Medical Centre will soon have ratios enshrined in legislation of one nurse to four patients, plus one nurse in charge. Also, in relation to hospitals in Casey, Mildura and the Goulburn Valley, the patient ratios will be even better: one nurse to three patients, plus one nurse in charge and one triage nurse.

This is a piece of legislation that is good news for patients in metropolitan Melbourne and country and regional Victoria. I believe this legislation is a world first, and it shows a Victorian Labor government being prepared yet again to be in the front line with progressive legislation in this state. It also shows the absolute commitment by both the ANMF and the Andrews Labor government to protecting Victorians and ensuring that they have the best health care. In closing I would like to congratulate the Minister for

Health and also ANMF secretary Lisa Fitzpatrick for this historic achievement — another world first to protect Victorians and lead the way in quality health care in the state.

**Mr RICHARDSON** (Mordialloc) — It gives me great pleasure to rise to contribute in this place today to the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015. It is a great honour to speak on this bill because it was a very clear commitment made running up to the election last year of the Andrews Labor government. It is great to be putting this through the Parliament and to be standing here months on to contribute to this debate.

Last year was a challenging time for my family, as my mum went through a significant health scare. It was a stressful time for me, as well as for my sisters and my father, as we could see the tower of strength in our family go through some challenges. This is an unremarkable situation for so many families who interact with our health system on a day-to-day basis. However, during these times it is comforting and reassuring to know that our dedicated nurses are there to care for our loved ones and offer that unique and nurturing support in times of need.

Mum was in hospital for some time, and there were moments when our family was quite anxious and were trying to get a greater understanding of what was going on. This is a common thread in a ward with several patients who are each at different stages of their care and needs. The nurses who treated my mum were just incredible. They were caring, attentive, sympathetic and extremely professional, even at times when they were under extreme pressure. Our nurses are there in times of need for so many Victorians. They were there for my mum and my family. It is only fitting that this Labor government is supporting nurses today by enshrining nurse-to-patient ratios into legislation, and it is a great honour to be able to speak on this bill.

I want to address some of the comments about the nurses and rosters made by the member for Lowan during the member for Oakleigh's contribution. It goes to a more macro and systemic need that we need to talk about. You can quibble about the details. You can go around the edges, but the fundamental pressure on our health system was due to the substantial cutbacks to that system made by the previous government. That is irrefutable. If you then add in the absolutely massive cuts the federal government was going to make — and we call on current Prime Minister Malcolm Turnbull to reconsider some of those cuts to that funding — and you think that this state's population will grow to

8 million over the coming 15 years, you realise that the comments were nonsensical.

We need to be investing in our health system and in our nurses. We need to be investing in nurse-to-patient ratios. They are already enshrined in the current enterprise bargaining agreement so there is no additional significant cost to our state, but in each negotiation that comes forward we need to strip away the pressure upon nurses, who are trying to get a fairer deal for themselves and for their patients. We need to take that rhetoric away for the safety of those patients.

During the last 12 months we saw our health system under significant pressure, and at the centre of that pressure was the issue of ambulance ramping. However, there was a story on the other side of those walls, of nurses under extreme pressure managing the care of patients as more and more ambulances were pulling up with patients as well as trying to assist those patients who were in the wards to have a pathway to care outside the hospital within their community or with their GP. That was a day-to-day struggle. We may have seen one or two images in the news each week, but the nurses were confronting that struggle every day.

If you cast your mind back three years ago to the height of the enterprise agreement negotiations, you may remember the actions of the former federal member for Latrobe, Marshall Baillieu. Like many Victorians I thought his actions did not accord with any of our values. I have met Marshall a couple of times, and to see his disdain for those nurses who are protesting was disappointing. However, the lack of condemnation at the time by those opposite for his actions led one to believe that that the former government was almost implicit in that connection. It really went to the heart of the narrative and highlighted some of those challenges. I want to put on the record that that kind of action was deplorable and that that approach was not good enough.

I heard the member for Box Hill talking about the 'means to an end' in this legislation. With respect to the member for Box Hill's comments, the means to an end was not about cutting significant funding from our health system; it was about investing in our nurses, our paramedics and our health system. That was the means to the end. Those opposite had four years to have a means to an end, and they did not do it. I turn my attention to some of the comments by the Leader of the Opposition recently. This is an individual who wants to be the statesman — he wants to be the alternative Premier — yet he gets caught up in quibbling rhetoric, saying that it was 'another hit to the budget' and it was another sop to the unions. It cheapens a clear need in our system to enshrine nurse-to-patient ratios. This guy

wants to be the statesman and he is carrying on and saying, 'It's all about sops to the union' — but it is operating under the enterprise agreement now. That kind of rhetoric is unhelpful. These are people who are absolutely committed to their patients and absolutely committed to improving our health system, and we should be doing all we can to support them in their endeavours.

The first key element of the bill is that it provides nurse-to-patient ratios and midwife-to-patient ratios, replicating the arrangements that are currently in place within public hospitals. That is a key point because there has been a bit of inconsistency about what the cost might be, and it certainly contradicts some of the statements put forward by the Leader of the Opposition. The bill includes other elements of the enterprise agreement that relate to the interpretation of ratios. There are a number of different settings across the communities, whether that be our metropolitan or our interface communities.

I note some of the comments made about the City of Casey. There is significant growth in that area. There are up to 290 000 people living in the municipality now, now and in the coming decades it will be pushing towards 500 000 people, which will eclipse the population of the state of Tasmania, which is significant. The different settings acknowledge that. It is amazing that there are well over 50 000 active working nurses in our public health system today across 87 public hospitals. It is a truly remarkable number. That is a significant number of people serving a community. They are in our rural regions and in our local hospitals. I have four hospitals that locals in my electorate use — that is, in Frankston, in Monash, in Dandenong and in Sandringham. They are all emergency facilities.

There are also day facilities where people might have surgeries or other procedures done. That equates to a significant amount of support each and every day. The other day I was at the Monash Medical Centre in Clayton, the site of the soon-to-be constructed Monash Children's hospital. That will be the third-largest children's hospital in our state and a wonderful facility. It will be serviced by the best and most dedicated nurses in our state. The bill also reflects on the fact that nurse-to-patient ratios and midwife-to-patient ratios have maintained the safety of the Victorian public since they were introduced into the enterprise agreement in the year 2000. This is not a new thing.

The ratios were already there. The previous government was looking to erode them, but this bill will create certainty in our system, which is a very important

element. The bill will further protect the public by ensuring that the current nurse-to-patient and midwife-to-patient ratios within Victorian public hospitals and nominated public residential aged-care facilities are retained into the future. With the growth in our population over the coming years and with a significantly ageing population — and I touched on this area yesterday when talking about education in the matter of public importance — we have significant challenges. Health and aged care are the biggest burdens for our federal government but also for our states, which administer them.

We need to look to the longer term. The Premier has led the introduction of the bill, along with the Minister for Health, and it is significant. Opposition members have acknowledged that this is a means to an end, and that is absolutely right, but let us look to the long term because the record of the opposition parties over the last four years across Victoria and regional communities does not stand up. These groups were left out in the cold by the opposition when it was in government, and it was a disappointing outcome for everyone concerned. This bill builds on a wonderful election commitment. I am very proud to put my name to it. On behalf of the Mordialloc electorate and the south-eastern suburbs, I thank our nurses and I commend the bill to house.

**Ms SULEYMAN (St Albans)** — I rise to support the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015. This is a landmark and groundbreaking bill. It is a great honour to speak on this bill, as this was a Labor commitment and we are getting on with delivering it. I recognise that our medical staff, including nurses and paramedics, are a vital part of our healthcare system, and in particular I note that yesterday we celebrated Thank a Paramedic Day. I personally thank all of the ambulance officers, who save Victorian lives on a daily basis, for the work they do for our community.

I also acknowledge all of the nurses who are here today watching the debate, and I thank them for their continued dedication and the care and support they give to all Victorians. The bill will ensure that those whom we care about and who need medical assistance in Victorian hospitals and publicly operated aged-care facilities are protected. The Andrews Labor government is committed to giving Victorians the best quality health care, which the people of Victoria deserve. The bill will ensure that patients are safe and that staffing levels are protected, and that is a necessity and a foundation for our system.

We have an expanding, needs-based healthcare system, with close to half a million patients being admitted to

Victorian hospitals between April and June of this year alone. At Sunshine Hospital, which is my local hospital in the seat of St Albans, close to 20 000 patients were admitted between April and June of this year, with almost 10 000 patients admitted for same-day treatment. These are fairly significant numbers. They reflect the greater need to maintain good-quality care. The bill will enshrine in law the nurse-to-patient and midwife-to-patient ratios, ensuring better patient outcomes for those most in need in our community — mums, babies, the elderly and the sick. The bill is very welcome news in the west, particularly in the electorate of St Albans where the new Joan Kirner Women and Children's Hospital will be built to cater for the growing needs of that community.

The government has invested \$200 million in the new women and children's hospital. That multistorey facility will have 20 maternity delivery rooms, will provide 237 beds and have 39 special care nursery cots as well as 4 theatres and additional clinics. It will provide not only services but also job opportunities for the people of the west. The nurses, midwives and health professionals who dedicate their time to caring for mothers and babies at the most crucial times of their lives will be integral to the success of the Joan Kirner Women and Children's Hospital. I know firsthand that the first 24 hours after the birth of a baby is the most important time for a mother in terms of her care and support. That is why the bill is so important. It enables nurses and midwives, such as those at Sunshine Hospital and the new Joan Kirner Women and Children's Hospital, to continue to provide excellent support and, most importantly, care to the community.

As noted by several of my colleagues, this is a historic bill which enshrines, for the first time in Australia, minimum healthcare staffing levels in public hospitals and aged-care facilities. The ratios for the number of nurses and midwives per patient currently set out in the nurses public sector enterprise agreement will be retained and will continue to apply in the future. The provisions of the bill will apply to publicly owned health services, hospitals, multipurpose centres and residential aged-care facilities in Victoria. We have a significant number of quality public aged-care facilities in my electorate of St Albans. The bill means that the dedicated staff who care for the loved ones of families in those facilities will be protected under law. For instance, the Westside Lodge aged-care facility in St Albans provides specialist aged care for residents with dementia. Without staffing ratios, facilities like that would not continue providing world-class support and aid for dementia patients.

As we have seen, when nurses and midwives have more time to provide quality care to patients, there is less risk of a patient having a fall or developing serious conditions such as pneumonia or ulcers or going into cardiac arrest. Appropriate staffing levels also reduce the risk of mortality for surgical patients, improve recovery and reduce waiting times. The last point is so important in our health system. Maintaining minimum nursing and staffing levels is crucial in ensuring that the safety and care of patients within our healthcare system is the best in the world, and that is what we deserve. Health care in Victoria is non-negotiable. The dedication and commitment of our nurses and midwives is non-negotiable. Investing in our healthcare system is non-negotiable. This is an issue that is beyond politics and beyond the threat of any future government that would use it as a political football to be thrown around during negotiations.

This bill means that ratios will no longer be a bargaining chip during industrial relations disputes. Our nurses, midwives and health professionals look after us, our loved ones and our well-being. I have seen firsthand during times of ill health what this means. I have been admitted to a number of hospitals in my time, so I understand the dedication and devotion, the value of our health professionals and the level of care and support provided by our nurses. In times of ill health our nurses provide comfort, support and assistance. They make you feel better and put a smile on your face at times of ill health. I truly believe they are the angels of our community and that they should be recognised for their hard work and commitment. It is a challenging profession, and as someone who has been a patient, I know that they do tremendous work.

There are over 50 000 nurses and midwives working actively in our public sector health system. They have an integral role in our hospital system. I congratulate the Minister for Health, as this was a Labor commitment made by the Premier before the election. It is fantastic that we are getting on with delivering the best healthcare system in Victoria, and particularly for St Albans. I commend the bill to the house.

**Ms GRALEY** (Narre Warren South) — It is a pleasure to rise this afternoon to speak on this landmark legislation, the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015. As previous speakers have said, this is an important piece of legislation. Indeed it is an Australian first and a world first. As other speakers have indicated, Labor promised to introduce this legislation, and Victoria has become the first state in Australia to have nurse-to-patient and midwife-to-patient ratios enshrined in legislation. As I have said in relation to many other bills which have

been recently introduced in Parliament, this legislation was an election promise. Actions speak louder than words, and this is another election promise being delivered by the Andrews Labor government.

Like other speakers, I commend the work of the Premier and the Minister for Health for quickly bringing this legislation to the house, because it was a key commitment we said we would deliver on. At the outset I also want to mention the very fine contributions by members of Parliament, mostly from this side of the house, who have spoken so eloquently about Labor's commitment to building a world-class health system, one that recognises in real terms, in legislative format, the essential role that nurses play in making sure our health system is the best.

I also commend my fellow MPs for speaking of their personal experiences in hospitals. I am going to take a leaf out of that book, because only 10 days ago I was at Footscray Hospital, which is in one of our bigger hospitals, in the wee hours of the morning because my 100-year-old aunty had been admitted suffering pneumonia. I remember visiting Footscray Hospital as a child 50 years ago — it is fantastic the hospital is still there and thriving — and sitting on the side of my aunt's bed as she strained to breathe. She was one of those people who, pre-Ventolin, suffered severe asthma attacks. I remember as a young child being frightened about what might happen. I also remember crawling onto her bed and trying to get close and the matron with her nurse's cap and full robes chastising me for sitting on the bed. It seems like yesterday. I remember the matron being very vocal with a barrage of words. I promptly sat down and cried because I was unhappy I had done something wrong but also because my aunty was suffering so badly with her asthma. Thank God for the creators of Ventolin and thanks to the enormous support my aunty received over the years from doctors and nursing staff — she was readmitted to Footscray Hospital numerous times during the next 50 years — she was able to live an incredibly wonderful life.

Going back to Footscray Hospital in the wee hours of last Sunday morning, I was pleased to see that my aunt was in a hospital that has changed remarkably in the type of nursing care it provides. My husband and I and my brother and sister-in-law were catered for in such a meaningful and caring way that one could not have hoped to have had a relative in a better place. Even though my aunty was obviously suffering, she was given the best medical attention and the best nursing care. We were aware that probably this would be the time of her passing, and the nursing staff were intent on making sure that my dear, dear Aunty Peg, who was

unaware of her surroundings, was very comfortable as she peacefully passed away.

The nursing staff held our hands, stroked our foreheads and provided what we call world-class attention to my aunt. But the care was family focused and patient focused. My aunt did not know she was in a hospital, but she knew she was surrounded by the nicest people and by family members who loved her very dearly. To Footscray Hospital and all the people who work there, thank you so much for the care you gave my wonderful aunty over 100 years. She was born not far from the hospital, within a drop kick of the Western Oval. As I said, she attended the hospital many times, and over the years she experienced excellent health care.

If you read the excellent document on nurse-patient and midwife-patient ratios provided by the Australian Nursing & Midwifery Federation, you see that it is not just about making sure that patients get the best care but that nurses are well looked after. Nursing is such an important profession in our healthcare system. On page 6, under the heading 'Benefits for Victoria's public hospital system', it says:

Since the implementation of nurse/midwife: patient ratios in 2000, the health outcomes for the state's patients have radically improved and thousands of registered nurses and midwives have returned to work in the public hospital system.

Like the member for Thomastown, I recall a time when nurses packed up their kit and went out to do jobs other than nursing. Patient-to-nurse ratios have been successful not only in bringing nurses back to the system but in providing nurses with excellent working conditions. We are making sure that their profession is recognised and supported in an industrial way. It is important to ensure that they want to stay on so that they can provide the level of care we want.

The document continues:

Some of the immediate outcomes for the public healthcare system were:

reduced waiting times in Victoria's 87 public hospitals —

that is a benefit for every Victorian who may find themselves in an ambulance going to hospital or someone who has fallen over and needs some sort of emergency operation. It continues:

improved recruitment and retention of nurses —

as I have alluded to —

and midwives as a result of better, safer working environments

capability to meet demands on hospitals

improved economic performance of public hospitals.

That is good, because most people in our state end up getting their care in public hospitals. On this side of the house we know that strong public health and hospital systems are good for everybody, but they are also good for the private health system. If we can work together and provide a comprehensive suite of health alternatives to choose from, it is good for every patient and every family in Victoria.

This is landmark legislation. It is very important that it has come to the house, and I hope it will get universal support not only in this chamber but in the upper house as well. As other people have mentioned, one of the most important aspects of the legislation is that it will depoliticise the issue of nurse-to-patient ratios in the future. It will mean that patient care and nurses working conditions are not determined at the whim of any health minister who may follow the present minister. I hope my dear friend the Minister for Health does the job for a long time, because she does an excellent job. It means that nurses, like ambos and anybody else working in the health system, cannot be used as a political football. We know when that happens not only do the professions suffer but that patient care suffers. Despite the best efforts, people begin to question whether they are getting the best care when the health system is politicised. This is an excellent bill, and I wholeheartedly and sincerely commend it to the house.

**Mr EDBROOKE** (Frankston) — It is my absolute pleasure to rise today to speak on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015. This is yet another election promise being delivered by a very hardworking government. I believe it is a world first, which is something to be proud of. My parents were both nurses when they met. Dad was a nurse in the air force and went over to Vietnam. When he came back he met Mum at the Austin repatriation hospital, from memory. I have heard the story a thousand times but, as children do, I nodded off a bit.

I would like to acknowledge the members of the Australian Nursing & Midwifery Federation and those present today, especially my friend Chris Morgan. Like a lot of people in other industries they have had to fight for this, and it was a long and hard fight. They did it, and I say, 'Well done'.

There is a bit of history here. We have seen the coalition at war with our community. Seriously, who picks a fight with nurses, ambos and fireys over things that should be givens? If it were not serious, it would be funny. There is a theme here. We had a bunch of people

who did not care and who had a clear hatred for workers. I have some news. People talk about fireys and nurses being dressed up at polling booths. I say to the opposition, 'Those people are your constituents. Those people are the voters' — —

**Ms Knight** — Exercising their democratic right.

**Mr EDBROOKE** — They were exercising their democratic right to get rid of a bunch of leaners. As one of my friends said, 'The former government was like a lantern; it was very dim and needed to be carried'. So voters got rid of it.

I stand here today very proud. I was able to ring my mother and father last night and say, 'Guess what is coming through?', When I was a kid this was spoken about at the kitchen table, amongst other things, including the procedures that people had had to do that day. Some were very ugly but it was kitchen table conversation, as was the fact that nurses were worked to the bone and needed more support. It is great to finally see this happening. It is a disappointing — —

**The ACTING SPEAKER (Ms McLeish)** — Order! The house will now take a break for lunch. The speaker on his feet will have the call when we resume.

**Sitting suspended 1.00 p.m. until 2.01 p.m.**

**Mr EDBROOKE** — Prior to lunchtime I was starting to speak about the disappointing turnout of opposition members in the chamber. It looks like we have some here now, which is great. We are blessed to have some nurses in the gallery today. They are living testament to the level of disrespect that some of the Liberals have for workers. We have Megan Hayes sitting over there. While Ted Baillieu, the former Premier, was busy launching a book and telling us how much he appreciated nurses, his relative, Marshall Baillieu, was busy giving the finger to nurses outside. That demonstrates some level of disrespect, I would say.

In common with that I have seen the new preselected Liberal candidate for Indi, the great Sophie Mirabella, give the finger to my friends and work colleagues in Frankston. I would like to say 'good luck' to Sophie! I am sure the people in Indi will vote the correct way. We also have a nurse in the gallery today who used to work at Traralgon hospital. That too is a great hospital; it is the hospital where I was born, so thank you very much.

Back to the bill! The thing about this bill is that enshrining nurse-to-patient ratios in legislation means there will always be a certain number of nurses and

midwives present to care for Victorian patients now and into the future. As I previously mentioned, we believe this is a world first. This means quite a few things for nurses and for patients. In terms of the nurses, since 2012 when nurse-to-patient ratios were set out in the enterprise bargaining agreement, health outcomes have improved and more nurses have returned to work in public hospitals, which is a fantastic thing. We have had reduced waiting times in all 87 Victorian public hospitals. More importantly it shows that improved retention of skilled nurses means our nurses are valued and feel valued and they are working in safe, legislated conditions. Industrially this means there is no longer room for bargaining in an enterprise bargaining process to take away these nurse-to-patient ratios — and there should not be. This should be a given. I am glad we have bipartisan support to some extent for this bill.

For patients, this bill provides for a greater level of care. I cannot overstate the importance of that for my community of Frankston, and I cannot overstate the importance of that for me at the moment. During lunch I was told that my grandmother has been diagnosed with lymphoma, and that she is on her way to one of Melbourne's hospitals via ambulance to be looked after by nurses.

This bill protects the strength and integrity of our nursing profession, which we should be building upon. It does this by taking this essential requirement off the bargaining table. It is a significant and historic change in the way minimum nursing and midwifery staffing levels are specified within Victoria's health system. We know that when the ratios were first introduced the subsequent recruitment campaign led to an additional 2650 nurses and midwives working across the Victorian public hospital system, which is an increase of 12 per cent. I think we can attribute that to the ratios.

The majority of these additional nurses were employed to meet the newly introduced nurse and midwife patient ratios at the time. Since then the minimum nursing and midwifery staffing levels within our public hospitals and health services have been maintained, which is a fantastic outcome. Earlier the member for Lowan was talking about nurse staffing in Victorian regional centres. I think there is a point to be made there — that the previous Minister for Health, David Davis, a member for Southern Metropolitan Region in the Legislative Council, did very little to ensure nurses were respected in these areas, so it seems a bit odd for our Nationals colleagues to come out and question our motivations.

There is evidence from Australia and around the world that confirms that if a nurse has more time to provide

care to a patient, the risk of that patient having an unintended complication or event, such as a fall or a pressure ulcer, is far less than if the patient was left unattended. This fundamental requirement, which protects the safety of our patients within our health system, is not something that should be traded away or threatened during enterprise bargaining negotiations, as occurred with the current agreement. This issue does not affect just our nurses; it affects our communities. With this bill the ratios of nurses and midwives to patients will be permanently quarantined from industrial relations disputes, which is a great outcome. They will no longer come under threat from future governments. We have future-government-proofed them with this bill.

The bill essentially does three things. Firstly, it sets out the current numeric nurse-to-patient and midwife-to-patient ratios that are already in place by setting specific requirements for the minimum number of nurses or midwives for a set number of patients. Of course these provisions vary across different hospitals, different types of wards and different shifts and are intended to replicate the arrangements and scope contained within the current public sector nurses and midwives enterprise bargaining agreement, which seems to be working well.

Secondly, the bill retains some more important elements of the enterprise bargaining agreement which relate to the interpretation and application of the ratios. These provisions allow either employers or employees some flexibility to propose and negotiate variations of the ratios to allow for a further refinement when required, which is very important. It is also important that the act be flexible enough to factor in local needs and issues at different hospitals around the state.

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

Once again, before I express my approval of this bill to the house, I would like to thank our nurses and the Australian Nursing & Midwifery Federation for the great work they do and the great work they will do in the future. I will say one final thing: if you cannot do

the job these nurses do — male and female nurses are absolute angels and not everyone can do their jobs; special people are required to do this job — and you have not got the skills to pay the bills that the nurses have, do not fight them. I wish this bill speedy passage through both houses.

**Ms SPENCE** (Yuroke) — I move:

That the debate be now adjourned.

**Mr CLARK** (Box Hill) — The opposition does not agree with the adjournment of this debate. We have been making the point all along that there is no disagreement with the objectives this bill seeks to achieve; the important thing is to make sure we get the detail right. We said during debate on the government business program that we believe this bill should be considered in detail. The Nationals speaker and I made the same point in our second-reading debate contributions. We find it quite galling that at the point where government members have made their contributions, the government does not want the debate to continue and to have the bill considered in detail. It is appropriate that members who have something to say about the issues and principles involved should have their say, but it is also important that the detail of the bill be considered in this house. Needless to say, the Minister for Health is a member of this house and not of the other place.

We have signalled all along the importance we attach to having the bill considered in detail. As I said in debate earlier, large parts of the measures in the bill are being implemented by way of regulation. There is a lot of detail that needs to be examined concerning how various matters are to be prescribed, when the regulations are going to be drafted, whether there are going to be exposure drafts, what consultation will take place and how closely the provisions of the enterprise bargaining agreement will be able to be reflected in the regulations. There are many such matters of detail to be dealt with, and I would have thought that if government members were genuinely committed to giving effect to the objectives of the bill on which they have spoken during the course of the second-reading debate, they would agree that the bill should not be adjourned off but instead at the completion of the second-reading debate and after the passage of the second reading we now proceed to consider the bill in detail and go through these matters.

It is no good simply expressing a lot of fine sentiments and aspirations in the course of a second-reading debate if you do not then make sure that the bill you are supporting achieves the aspirations you have set out.

The opposition is certainly keen to make sure this bill works effectively, and there are a large number of aspects we want considered in detail. We also want to get some commitments, or lack of commitments, as the case may be, from the minister — hopefully she will be able to give those commitments — to reassure the community that there will be no unintended adverse effects of this legislation on the community, particularly on rural hospitals.

These are all very important matters that should not just be brushed off. I need hardly remind the house that the government committed as an election promise to make a consideration-in-detail stage a standard part of debate on bills in this house, yet we have had barely a handful — not even a handful — considered in detail since this government came to office. This is a bill on which we contacted the government. The shadow minister contacted the Minister for Health last week, and I contacted the Leader of the House, to make sure that the government was aware that we believed this was an important bill that needed to be considered in detail.

We do not believe it is appropriate that this debate be just adjourned off with no commitment about a consideration-in-detail stage and that this house does not do the job that in principle at least both sides of the house have committed to in order to make sure the legislation that leaves this chamber is in the best possible state and that issues and concerns have been addressed.

For those reasons, the coalition parties oppose the adjournment of this bill. We believe that the second-reading debate should be completed. If there are no other speakers on the bill, the second reading should be passed and should then go into a consideration-in-detail stage and make sure we get the detail of this bill correct.

**Ms HUTCHINS** (Minister for Local Government) — I want to speak in favour of the motion on the table that the debate be adjourned. On this side of the house we have heard over 20 speakers talk in detail and with great passion about this bill. There is an allegation of a lack of commitment from the minister on this side of the house, and I challenge that. In fact the minister has consulted quite widely on this bill, and it is quite pathetic that those opposite chose not to extend their speaking rights on this bill yet at the same time oppose the matter being adjourned. I ask that the debate be adjourned.

**Mr KATOS** (South Barwon) — I support the opposition of the manager of opposition business to the

adjournment of debate on this bill. From the outset opposition speakers have said the opposition wants to go into a consideration-in-detail stage on this bill. That was communicated to the minister, who is in the chamber as we speak, and it was communicated to the Leader of the House. Much of this bill concerns the regulations that will be drafted, which are not in the bill and which we have not seen. During debate on the government business program we flagged that we wanted to see this bill go into a consideration-in-detail stage.

The Leader of the House, when she was manager of opposition business in the previous Parliament, made a commitment that a consideration-in-detail stage would become standard practice in this house. So far this year we have had only two bills go into consideration in detail — the National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015 and the Summary Offences Amendment (Move-on Laws) Bill 2015. Two bills out of almost a whole year of sitting does not constitute standard practice.

Yesterday I read with interest that the next item on the program for the Legislative Assembly procedural briefing series is in relation to the consideration-in-detail stage. We could save the officers of the Parliament some time, because given that we are not going into consideration in detail on most bills, why on earth would members need to be briefed on it?

The Leader of the House needs to honour the commitment she made to the people of Victoria and to this Parliament that a consideration-in-detail stage would be made standard practice in this house. We have indicated in no uncertain terms that we want this bill to go into consideration in detail, and I support the opposition of the manager of opposition business to the adjournment of this debate.

#### House divided on motion:

#### *Ayes, 47*

Allan, Ms	Knight, Ms
Andrews, Mr	Lim, Mr
Blandthorn, Ms	McGuire, Mr
Brooks, Mr	Merlino, Mr
Bull, Mr J.	Nardella, Mr
Carbines, Mr	Neville, Ms
Carroll, Mr	Noonan, Mr
Couzens, Ms	Pakula, Mr
D'Ambrosio, Ms	Pallas, Mr
Dimopoulos, Mr	Pearson, Mr
Edbrooke, Mr	Perera, Mr
Edwards, Ms	Richardson, Mr
Eren, Mr	Richardson, Ms
Foley, Mr	Sandell, Ms
Garrett, Ms	Scott, Mr

Graley, Ms  
Green, Ms  
Halfpenny, Ms  
Hennessy, Ms  
Hibbins, Mr  
Howard, Mr  
Hutchins, Ms  
Kairouz, Ms  
Kilkenny, Ms

Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Thomas, Ms  
Thomson, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

#### *Noes, 36*

Angus, Mr  
Battin, Mr  
Blackwood, Mr  
Bull, Mr T.  
Burgess, Mr  
Clark, Mr  
Crisp, Mr  
Dixon, Mr  
Fyffe, Mrs  
Gidley, Mr  
Guy, Mr  
Hodgett, Mr  
Katos, Mr  
Kealy, Ms  
McCurdy, Mr  
McLeish, Ms  
Morris, Mr  
Northe, Mr

O'Brien, Mr D.  
O'Brien, Mr M.  
Paynter, Mr  
Pesutto, Mr  
Ryall, Ms  
Ryan, Ms  
Sheed, Ms  
Smith, Mr R.  
Smith, Mr T.  
Southwick, Mr  
Staley, Ms  
Thompson, Mr  
Tilley, Mr  
Victoria, Ms  
Wakeling, Mr  
Walsh, Mr  
Watt, Mr  
Wells, Mr

**Motion agreed to and debate adjourned.**

**Debate adjourned until later this day.**

## CRIMES AMENDMENT (CHILD PORNOGRAPHY AND OTHER MATTERS) BILL 2015

### *Council's amendments*

**Returned from Council with message relating to amendments.**

**Ordered to be considered later this day.**

## LOCAL GOVERNMENT AMENDMENT (IMPROVED GOVERNANCE) BILL 2015

### *Second reading*

**Debate resumed from 3 September; motion of Ms HUTCHINS (Minister for Local Government).**

**Mr CLARK** (Box Hill) — The Local Government Amendment (Improved Governance) Bill 2015 amends the Local Government Act 1989 principally to improve the governance standards of councils and to amend the arrangements for local government elections. It also provides for a number of other matters.

In many respects the bill is the same as the Local Government Amendment (Governance and Conduct)

Bill 2014 that was introduced into the Legislative Assembly by the previous government in April last year, but some detailed changes have been made to various provisions. The 2014 bill was introduced following a 2013 review of councillor conduct and governance arrangements which included distribution of a discussion paper, a public discussion period and targeted consultation with the local government sector.

There are two main respects in which the current bill differs from the 2014 bill. The 2014 bill required all councils to establish a chief executive officer employment matters committee chaired by an independent person with relevant expertise, who could oversee and provide advice to council on all matters regarding employment of the chief executive officer, including employment termination, extension of a CEO's contract and the conduct of performance reviews. This provision is absent from the bill that is currently before the house. On the other hand the electoral reform provisions contained in the current bill were not included in the 2014 bill. The Liberal Party and The Nationals support the bill, but we do wish to explore a range of aspects of departures and differences between the 2014 bill and the bill currently before the house.

Turning to the provisions of the bill itself, the key changes regarding governance include requiring newly elected councillors to make declarations that they will abide by the councillor code of conduct, introducing a mandatory internal resolution procedure within councils and making improvements to the councillor conduct panels, including the capacity for panels to hear serious misconduct matters. These amendments also aim to strengthen the powers of the chief municipal inspector and to allow the minister to seek an order in council to stand down councillors who may be regarded as problematic.

The bill seeks to ensure that councillors know and understand what is required of them and accordingly adopt appropriate standards of behaviour from the outset of their terms of office. All newly elected councillors, including those who have previously been councillors, will be required to read the councillor code of conduct and declare that they will abide by that code. If they do not take the oath of office within three months of being elected, that will result in their not being capable of becoming a councillor. All councillors are required to repeat the declaration process each time a new councillor code of conduct is adopted by their council.

The bill encourages councils to take responsibility for resolving conduct issues internally as far as possible by

strengthening internal councillor codes of conduct. It does that in three ways. Firstly, councils will be required to review and adopt their codes at a special meeting set aside for this purpose within four months of the election. Secondly, the bill requires councils to have an internal resolution procedure within the codes that makes clear to all councillors how allegations of breaches of the code are to be handled. Thirdly, the bill provides that councils may impose sanctions where a finding of a breach of the code has been made following an internal resolution procedure. Sanctions must be voted on by council and include requiring an apology, excluding a councillor from attending or chairing meetings and removing them from any role representing council on an external body. This is aimed at ensuring that councillors know the consequences of their actions in breaching the standards of behaviour that they as councillors have adopted. It is also aimed at ensuring that councillors accept responsibility for resolving behavioural and conduct issues occurring within their councils.

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

The CEO's responsibility for the organisational structure and day-to-day management decisions of council is expanded in the bill. The bill provides that the CEO must ensure that council receives timely and reliable advice about its legal obligations under the principal act and other legislation. In addition, a CEO is required to provide support to the mayor and to manage interactions between councillors and staff. This includes putting in place appropriate policies, practices and protocols for how that interaction should take place.

There are also provisions in the bill relating to councillor conduct panels. In respect of those panels, the bill provides that the minister will appoint suitably qualified people to a central list of panel members. This replaces the current arrangement under which the Municipal Association of Victoria is responsible for that process. A new position of principal councillor conduct registrar is being established to manage the establishment of panels when applications against councillors alleging misconduct and serious misconduct

are made. This registrar will be appointed by the Secretary of the Department of Environment, Land, Water and Planning, and will be employed under the Public Administration Act 2004.

There is going to be a new function for this registrar; namely, to vet applications to ensure that they are properly supported by evidence and are not made for frivolous or vexatious reasons. The registrar will be able to refuse to establish a panel if there is no clear evidentiary basis for the claims of misconduct or serious misconduct. However, where an application is made by the chief municipal inspector alleging serious misconduct, the registrar must establish a panel. The registrar will also be empowered to refer an application back to a council if he or she determines the matter has not been properly dealt with through the council's own processes.

There is also an expansion of the councillor conduct panel jurisdiction. The panels will be able to hear applications against councillors for both misconduct and serious misconduct. Misconduct will be defined to mean failure by a councillor to comply with the internal resolution procedures of the councillor code of conduct or repeated contraventions of the councillor conduct principles in the act. Serious misconduct is defined as failure to comply with a panel direction, which includes attending, providing information to or otherwise cooperating with the panel. It also includes continued misconduct after a panel direction, bullying another councillor or a member of staff, attempting to direct council staff or releasing confidential council information. Bullying is defined in the bill in the same way as in the commonwealth Fair Work Act 2009, which is the definition used by WorkSafe Victoria. That definition is basically repeated — that is, unreasonable behaviour that creates a risk to health or safety.

Panels will have the power to direct councillors to make an apology, to undertake counselling or, if found to have engaged in serious misconduct, to take leave for up to two months or to be suspended for up to six months. The Victorian Civil and Administrative Tribunal will continue to be the only forum in which allegations of gross misconduct will be heard with applications as a result of the bill to be made by the chief municipal inspector rather than the secretary of the department. The definition of 'gross misconduct' has been amended to mean behaviour that demonstrates a person is not of good character or is not a fit and proper person, and appeals to the Victorian Civil and Administrative Tribunal may be made from all panel determinations.

There are also provisions in the bill relating to the chief municipal inspector. The chief municipal inspector plays an important role in investigating and prosecuting offences against the Local Government Act 1989. The bill seeks to provide a statutory basis for the chief municipal inspector that reflects the primary role of the inspector. The chief municipal inspector will also be given a role in investigating and prosecuting serious and gross misconduct matters. That reinforces that breaches of the conduct provisions are as important as other offences under the act.

The bill introduces two new offences for breach of confidentiality and of directing the staff. An offence under these provisions will now involve a penalty up to 120 penalty units, which is over \$18 000, similar to the breach of conflict-of-interest provisions in the act. The chief municipal inspector will be able to investigate and prosecute these two matters. The chief municipal inspector will be a statutory appointment made by the Special Minister of State and will be employed under the Public Administration Act. There are also provisions in the bill relating to monitors, which are set out separately for the first time, so the minister will continue to have the capacity to appoint persons to monitor the activities of councils where governance issues have been identified. Municipal monitors will also provide advice to the minister where a complaint is made that conduct by a councillor represents a threat to health or safety or is obstructing council business or various other matters.

In addition to being able to appoint monitors, the minister will be empowered by the bill to issue directions about governance matters to council where the minister considers governance processes and policies require improvement. The minister will only be able to exercise this power following advice from the chief municipal inspector or municipal monitor, and then the minister will be able to take the way a council responds to such a direction into account when exercising a power under the act to recommend suspension of the council. There are also a range of other governance reforms included in the bill. Other provisions of the bill relate to prohibition of councillor conduct discretionary funds, which are expressly prohibited, including funds allocated to particular council wards. There are provisions relating to audit committees, which seek to increase their independence by specifying that the chair has a right to have a report placed on the agenda of a council meeting.

As I indicated earlier, there are electoral reform provisions also included in this bill that were not included in the 2014 bill, and those are being implemented in time for the 2016 general council

elections. One of the key aspects of those provisions is making the Victorian Electoral Commission the statutory provider for all council elections, which is a role that in practice it has provided for all council elections since at least 2003. Other changes proposed in the bill include removing the requirement for an exhibition voters roll and preventing a person who is banned from being a company director from being a candidate at an election or continuing as a councillor. It is also proposed to require councils to have an election period or caretaker policy and clarifying limitations on publication of council documents during the election period.

As I indicated earlier, the vast bulk of this bill is very similar, at least in broad structure and indeed as to much of the drafting, to the bill that was introduced under the previous government in 2014. As I also indicated earlier, the opposition parties support the bill. However, there are several issues raised by the bill that are worth further exploration and we seek some response from the government on them. There has been some concern expressed to the opposition during the course of our consultation on the bill. A concern has been expressed to us by councillors that although the bill sets standards for councillor behaviour, the bill does not set standards for the behaviour of council staff. One potential response to that is to say that the behaviour of council staff, such as the bullying of a councillor, is an employment matter within the jurisdiction of the chief executive officer, and therefore it is not necessary to provide for that in the bill.

That is perhaps a matter that could be explored further. At the end of the day the objective that hopefully everybody subscribes to is that there be appropriate behaviour by both councillors and council staff, and whatever means are adopted to achieve that, we need to make sure that those means are effective. In particular, by whatever means, it is important to make clear that conduct of council staff, as well as conduct of councillors, is an important part of council governance. It would be undesirable if elected community representatives, in other words, councillors, were left in a position where they felt that they were always on the back foot in their dealings with staff, that their capacity to engage with staff was unduly curtailed, but on the other hand that they as community representatives had no effective redress if they were to be subject to unacceptable conduct by staff.

I am sure that is an outcome that no-one in this house would want to see occur, and it is important that the Parliament be satisfied and that the government make sure that, whether it be through this legislation or through other mechanisms, the principle is well

established that everybody involved with councils is expected to observe appropriate behaviour and that where that does not occur, whether it be the behaviour of a councillor or council staff, there are effective mechanisms for that to be redressed and in particular that the party involved who feels aggrieved and who feels that the right thing has not been done has a way in which they can instigate a process to have the matter resolved. The opposition parties certainly hope that the government and the minister in particular will respond to that concern and explain to the house and the community how the government envisages that that concern will be addressed.

Another issue raised with us by councillors during the course of consultation relates to a requirement for allegations and evidence of councillor misconduct to be supported by some form of swearing, oath or affirmation — some form of verification in other words. There is a concern that false allegations can too readily be made against councillors. It is easy to make an allegation, but once an allegation has been made and gains circulation, it is hard to undo the harm it may have caused even if it is subsequently proved to be unsubstantiated. That can occur in many different fields of life, but councillors have expressed to us that they are potentially at risk of being exposed to unjustified allegations of misconduct or to situations where the evidence put forward in support of an allegation has not received sufficient verification or attestation and therefore councillors are exposed to the harm that unjustified and inaccurate allegations can cause.

I am sure that no-one in this house would want to see community representatives, who put themselves forward and agree to serve on behalf of the community, exposed to unjustified allegations, which is equally important to ensuring that there is an effective regime to deal with justified allegations of councillor misconduct.

It appears these matters of verification can be dealt with, at least to some extent, in the codes of conduct adopted by councils. However, it is not necessarily the case that this would be required in all council codes of conduct, and the opposition parties are keen to receive a response as to whether the minister agrees there is a need to ensure that allegations and evidence are properly attested to under oath, by affirmation or otherwise. If there is, should it be made mandatory through council codes of conduct and should a requirement to that effect be incorporated into legislation? The minister can require that specific things or matters be addressed in codes of conduct, but the question to which we seek the minister's response is whether that is the minister's intention or whether the minister envisages that the issue can be dealt with in

some other way. Whether or not the minister is prepared to give a commitment to that effect, it is important to have this issue on the record so it can be taken into consideration during the course of the assessment of this legislation in the other place.

I conclude my remarks by reiterating that the coalition parties support the bill. In many respects it draws on the good work done by the coalition when in government — by our two ministers for local government — by our two ministers for local government, by their parliamentary secretary and by others. We hope it will make a significant contribution to improving standards of governance in local communities. However, the matters I have referred to need to be addressed by the government during the course of the debate.

**Mr WYNNE** (Minister for Planning) — I rise to make a contribution on behalf of the government to the debate on the Local Government Amendment (Improved Governance) Bill 2015. I note that I am joined at the table by the Minister for Local Government and that the previous Minister for Local Government, the member for Gippsland East, sits opposite me. The Minister for Local Government has put in place a sweeping set of reforms and a fantastic reform agenda through her ministerial statement, which was debated in the house during the last sitting week. I was pleased to make a contribution in support of this farsighted ministerial statement, which paints a clear picture of how the government sees its relationship with local government more generally. We have a respectful and professional relationship with local government that is in excellent shape under the leadership of the Minister for Local Government.

This bill goes to the heart of the question of governance. As the lead speaker for the opposition, the member for Box Hill, indicated, a bill was introduced into the Parliament last year that was the same as this bill in part but not in full. Whilst it echoes in part some aspects of the previous bill, I indicate to the house, as did the member for Box Hill, that the previous bill lapsed, and for the life of me I do not know why it did. As the former Minister for Local Government knows, I made a number of representations to him about bringing the bill on for debate. I indicated that we had some concerns with the bill, as he knew, but in the spirit with which I engaged with the former Minister for Local Government, in our respective roles — —

**Mr T. Bull** interjected.

**Mr WYNNE** — We were keen to have the bill brought on. I will not respond to the matters raised by my colleague on the other side of the table as to why

the bill did not come on. I will simply say that is history and a time we all look back on with some reflection.

This bill is important because good governance is fundamental to the operation of local government. Many people freely and willingly give of their time to serve in local government in the 79 councils because their interests lie in the common good of their local communities, but inevitably there are some circumstances where the motivations and behaviours of some elected representatives are less than we, as elected representatives, would hope for.

In 2008 the previous Labor government, in which I had the honour of being the Minister for Local Government, sought to put in place a governance structure that addressed in a more systemic way some of the behaviours of local government, which in one circumstance unfortunately for me led to the sacking of a council. Also, under the coalition government the Wangaratta council was sacked when there was a systemic breakdown. That reform was about the establishment of a governance structure based not only on codes of conduct for councillors but also on a panel process run by the Municipal Association of Victoria (MAV). Matters could be brought to the attention of an independent panel serviced by the MAV, which would hopefully nip in the bud certain unacceptable behaviours of councillors and, if necessary, provide the opportunity for appeal through the normal processes of the Victorian Civil and Administrative Tribunal. The reform also included a significant role for the secretary of the department.

In retrospect some of the more clunky aspects that we had put in place then have now been resolved by the Minister for Local Government, and I give absolute acknowledgement of that. We now have a much smoother process by which these issues can be addressed. It is important that we signal clearly and unambiguously as a Parliament that not only do we respect local government, we also expect the highest standards of behaviour from our elected representatives. That sits at the core of the initiatives that the minister has put in place here.

Where this bill departs from the previous bill is in three significant areas. In the previous bill, there was the ability for the mayor to exclude councillors from meetings. We were quite opposed to that. This is a red card, where in effect you could have a capricious use of this power by the mayor of the day, who, for whatever range of motivations or reasons, could in effect exclude a councillor from a meeting with no just cause. Frankly we felt that was a bridge too far and had the potential to be abused. We felt that if that was to occur it really

pointed to a failure of the council to govern itself. Having to actually throw a person out and ban them from a council meeting speaks of a systemic breakdown in relationships. We felt that provision was just too difficult.

The second matter relates to the concept of a CEO employment matters committee. Whilst we understood the broad focus was to bring a level of professionalism into the selection of councillors, we spoke against this as well. We felt that whilst it is very common for selection agencies and employment agencies to develop a short list of candidates for the position of CEO, depending on where they sit on a selection panel there is the potential for a conflict between the elected representatives and the specialist person who comes into the selection process. We felt that due to the particular and, can I say, intimate relationship between the CEO and the councillors, it is important that there is a level of confidence and trust in the decision-making process of whatever that subcommittee of the council is that would select a CEO.

The third matter is in relation to an induction program for councillor conduct principles and taking the oath. We require councillors to commit to abide by the council code of conduct. There have been circumstances where that has in fact not been signed up to, and that is just simply not acceptable. If you are coming onto a council in 2016, you have got to understand that you are coming on with certain obligations and commitments that you make to the public realm. That of course means that you are going to sign up to the councillor code of conduct in order to join the council to the full extent.

There are two other matters, and hopefully the minister will have the opportunity to summarise. I will just quickly pick up on one of these things, the relationship between councillors and council staff, which was canvassed by the member for Box Hill. Obviously, as the member for Box Hill knows, the CEO is responsible for all matters pertaining to staff, and that is clearly articulated already in the Local Government Act 1989. In relation to councillors, clearly the governance bill we are debating here defines the difference between the two, and there are different provisions that attach to staff as opposed to elected representatives.

Unfortunately I cannot canvass the second matter, but the minister may well do so. It relates to allegations and evidence of misconduct and verification thereof. hopefully the minister in her summary will pick up on those matters. I absolutely commend the Minister for Local Government for this excellent piece of work and her leadership in local government more generally.

**Mr T. BULL** (Gippsland East) — It is a pleasure to rise to make a contribution on the Local Government Amendment (Improved Governance) Bill 2015. As the coalition's lead speaker indicated, this is a bill that we will be supporting. As has been mentioned, in large part the contents of this bill were introduced in a bill in the last Parliament. It is pleasing to see that the current Minister for Local Government has picked up on that bill and is introducing the majority of the reforms that were contained therein.

There is one aspect of the bill that I wish to discuss, and it was mentioned by the previous speaker, the former shadow minister in this area. It was in the original bill but is not in the bill we are discussing here. It relates to the implementation of a CEO employment matters committee, which was to be chaired by an independent person from the community. As was articulated in the bill that was in the Parliament last year, this person would clearly be someone with the appropriate skills who could add to the expertise of that selection committee. An employment matters committee would provide the community with a level of input into the process and add another layer of openness and transparency in the appointment of a local government CEO. The coalition believed, and I still believe, that was a very good policy and should not have been dropped from the bill. I will give some reasons as to why I hold that opinion.

Over the course of the coalition's bill being introduced last year and while we were awaiting its debate before the Parliament, we saw a flurry of activity in the local government sector. We had CEOs moving on for various reasons, and a number of councils had to appoint CEOs in a rather short period. I think there were four in all. The councils knew the provision to have a CEO employment matters committee was in the pending bill, and although it was not mandatory at that stage, three of the four councils chose to implement that proposition, which was in the bill that was before the Legislative Assembly at the time. They chose to have a CEO employment matters committee and elect an independent member of the community as the chair of the committee. If three of the four councils did that, it is an overwhelming endorsement that they thought it was a good idea.

Interestingly the only council that did not follow that course of action was the East Gippsland Shire Council in my electorate. The decision not to elect a member of the community as the chair of its CEO employment matters committee was met with a reasonable level of angst in the East Gippsland community. I remember the mayor, with whom I had a good relationship then and still do, and I were invited to a business breakfast in

Bairnsdale with about 30 businesspeople. The focus of that breakfast was to discuss the appointment of a CEO for the shire. People were unanimous in wanting a community chair of the CEO employment matters committee. It is fair to say that they made it quite clear they were unhappy that while the three other councils in the state that were going through this process went to the trouble of appointing a community representative as the chair of their employment matters committee, that council did not. Even though it was not mandatory, people certainly wanted it put in place.

During that time I also visited the Mildura Rural City Council, which is one of the councils that put an independent chair in place. It was going through that appointment process at the time of my visit, and the feedback I had from councillors was that it had been well received by the local community. The councillors believed the process was going well, and I am sure they were happy with the subsequent employment of their CEO. Even without having the process in place, councils were doing it because they thought it was a good idea to have an independent community member as the chair of the CEO employment matters committee. It is disappointing that the bill has come back into this chamber without that element, and I am sure a number of our councils will be feeling the same way.

I will move on to some of the other aspects of the bill. I congratulate the government for bringing to fruition what was largely the policy of the coalition government. As previous speakers have touched on, this bill is about enhancing the standards of governance and the behaviour across the local government sector. A key change is the requirement for newly elected councillors to make a declaration that they will abide by the council's councillor code of conduct. That sounds pretty straightforward and basic, but it needs to be drummed into our new councillors that they have these standards to uphold. The bill introduces a mandatory internal resolution procedure within councils and makes improvements to the operation of councillor conduct panels, including the capacity for panels to hear serious misconduct matters.

The amendments will strengthen the powers of the chief municipal inspector and allow the minister to seek an order in council to stand down problematic councillors. One of the major reasons for this is that previously the only capacity the minister had was to dismiss a whole council. There were instances where a number of councillors were performing well and very ethically but the minister was hamstrung by the legislative tools available to take action against an individual councillor who was problematic. This

element of the bill rectifies that situation and allows the minister more scope in how she can address the problematic behaviour of individuals within council.

The bill seeks to ensure that councillors know and understand what is required of them from the outset in terms of appropriate standards of behaviour during their term in office. That is why we included in our original bill that all newly elected councillors were required to read the councillor code of conduct and declare that they would strictly abide by this code. Failure to take the oath of office within three months of being elected will result in that person not being able to become a councillor. There is a high degree of importance put on a new councillor achieving this.

All councillors must repeat this declaration process each time a new council code of conduct is adopted. Councillors must be across any changes in relation to appropriate and ethical behaviour. The bill also encourages councils to take responsibility for resolving conduct issues internally, so far as possible, by strengthening the internal councillor codes of conduct. To achieve this, councils will be able to impose sanctions where a finding of a breach of the code has been made following an internal resolution procedure. Sanctions must be voted on by the council and include requiring an apology. There is also the power for council to exclude a councillor from attending or chairing meetings and remove them from any role representing council. The outcomes for inappropriate behaviour are specific and quite severe.

Before I finish there is one final element of the bill that I wish to comment on, and that is the prohibition of councillor discretionary funds. This is something that we strongly supported. The bill expressly prohibits councillor discretionary funds — that is, where a councillor is allocated funds for use at their discretion. This includes funds allocated to particular council wards. The coalition very strongly supported this point, and it is pleasing to see that that element of last year's bill has been maintained in this version. Quite simply, it was very clear that some councillor discretionary funds were being used by individual councillors as nothing more than re-election funds. There was far too much freedom, and it was not an appropriate use of ratepayer funds. There were certainly no overarching guidelines in place to ensure that funds were being spent appropriately within their local government areas. It is very pleasing to see that that aspect has been maintained.

A large part of this bill, as has been touched on, was a coalition initiative. Before I resume my seat I pay tribute to a former Minister for Local Government,

Jeanette Powell, and the former Parliamentary Secretary for Local Government, the member for Mornington, who did a lot of the foundation work in the preparation of the coalition's bill.

In urging its adoption I would like to think that in future the minister of the day will reconsider the issue of the CEO employment matters committee having an independent chair, because I firmly believe that that is extremely good policy.

**Mr McGuire** (Broadmeadows) — This bill delivers on the Andrews Labor government's commitment to integrity, improved councillor standards and good governance, as proposed in the ministerial statement. What we need in good governance and how this can be played out is a critical issue, particularly at a local government level. One of the critical issues I want to raise on the issue of governance is what has happened in the Sunbury out of Hume campaign and the decision-making by the former government. It was unprecedented, unfair and unsustainable, as I have long argued in this house. It may have ended up being above the law.

It also turns out that it was a confidence trick in many ways, one that would have duded ratepayers throughout the City of Hume, which runs from Broadmeadows and some of the poorest communities in the state all the way to Sunbury. It was a con by the coalition to deceive some of Victoria's poorest communities and financially punish them for the coalition's political plan to try to win a new seat in Sunbury. Fortunately the electors of Sunbury voted for Labor, and an independent inquiry which included former Supreme Court Justice Frank Vincent has exposed this folly.

This scam was a political set-up and stitch-up. That is the bottom line. The coalition's Sunbury out of Hume strategy was a sham to win votes by dividing communities which would have had to have paid a high cost, year after year, out of their own pockets through increased rates. An unnecessary financial burden was proposed to be imposed on some of the poorest communities in Victoria, which are suffering right now through the demise of manufacturing, hardship and a loss of jobs. The coalition government left Broadmeadows in a situation where unemployment was equal to that in Greece and youth unemployment in some parts of these communities had risen to more than 40 per cent.

The coalition's actions were cruel and calculating. That is the point. This goes to the heart of governance. I refer

to the recommendations from the transition auditors themselves. They say:

It is the view of the transition auditors that the separation of Sunbury from the municipality of Hume at this time is so problematic that it should not proceed. The reasons for these recommendations are set out in our full report — —

They are saying it is premature and too costly.

**Mr Clark** — On the point of order, Acting Speaker, it may be in order for a speaker to make passing reference to matters such as the Sunbury council separation issue in the context of the bill, but it is not in order for the member to devote his speech to expressing his views on that issue, and I therefore ask you to ask the member to bring his remarks back to relating to the bill.

**Mr McGuire** — On the point of order, Acting Speaker, this bill specifically refers to proposals to amend the Electoral Act 2002 in order to make immediate improvements in electoral processes for the forthcoming local government general elections scheduled for October next year. There could be no more relevant or timely case study to define the importance of such issues than the Sunbury out of Hume matter. It is absolutely within the jurisdiction of this bill for this issue to be addressed.

**The ACTING SPEAKER (Mr Pearson)** — Order! There is no point of order. The member may continue.

**Mr McGuire** — This local governance panel is saying that this whole proposition of Sunbury out of Hume is premature and would come at too high a cost to the Sunbury community. Its report states that:

... a separate Sunbury is unlikely to be financially sustainable on either a short-term or long-term basis.

It says there will be financial strain on the people of Sunbury and they may lose their services. The report points out that not proceeding with the separation ensures that capital works planned for Sunbury will be delivered, including a global learning centre. It actually asks for that to be done. It says for any community that is looking to be independent each new municipality should be viable and sustainable in its own right.

The critical issues here are that these recommendations, from an independent, highly credible, high-calibre investigation, go exactly to points I had raised repeatedly in this Parliament before any of this happened. What was the issue behind this? It was nothing less than politics. This was a triumph for politics over rational decision-making. The executive

summary of the report by the Sunbury transition auditors concludes:

A key problem was created by the decision to move straight from the poll —

that was the local poll —

which presented a view about the key level of support for separation, directly to what was effectively a process of implementation. The relatively limited — —

**Mr Clark** — On a point of order, Acting Speaker, the member has had considerable latitude to canvass issues about the Sunbury matter. If he is going to continue to do so, he must relate his remarks to the bill. It is not good enough to say that it has got something to do with governance; he has to relate his remarks back to the matters before the house. There is greater discretion allowed to lead speakers, and that has been a longstanding convention, but other speakers do need to relate their remarks to the bill, and so far the member has failed to do so. I ask you to ask him to comply with the standards and requirements of debate in this house.

**Mr McGUIRE** — On the point of order, Acting Speaker, I am relating directly to issues of governance and directly to the proposition within the bill referring to the electoral processes for the forthcoming local government general elections and to the amendment to the Electoral Act 2002 — that is, in order to make the immediate improvements. This goes directly to that point. This might be an inconvenient truth for the opposition, because — —

**Mr T. Bull** interjected.

**The ACTING SPEAKER (Mr Pearson)** — Order! Is the member still speaking on the point of order?

**Mr McGUIRE** — It might be an inconvenient truth, but this is the fact that needs to be addressed, so I call for the ruling.

**The ACTING SPEAKER (Mr Pearson)** — Order! The member does have some latitude obviously in relation to this matter, but as the manager of opposition business has indicated, he needs to make sure his contribution relates back to the bill. I encourage the member to ensure that his remaining 2 minutes and 48 seconds relate back to the bill.

**Mr McGUIRE** — The points I am raising do go inherently to the fundamental proposition. There is no use talking about good governance and saying one thing and doing another. That was the whole proposition. Within this bill you cannot have set-ups and stitch-ups for communities on rates that will go on

and on and on, and that is really what happened here — it was politically motivated, it does not stand up financially, economically, it is an irresponsible proposition. I will stand up and say this repeatedly because it is very important: this was known and understood. It is not as if the government did not know. I addressed adjournment matters to the Premier on this issue and to the former local government minister, and I did members statements to bring these issues to notice, and they were ignored. I will not be silenced or shouted down on these issues.

I am speaking on the bill, and this is important. It might be an inconvenient truth, but it is the reality of what has gone on here. You do not just come in here and speak on these issues. It is an inconvenient truth for the opposition; that is the point. This is the issue: rates were going to increase for the people in Sunbury, Broadmeadows and everywhere else. The conclusions go to the heart of the proposition. They found that the government's proposal was not financially credible — it was a wishin' and a hopin' strategy on population growth that may never have existed, so on financial credibility it failed. On economics, it failed. On the proposition of good governance, it failed, and that is what this bill is about and I will not be silenced on — —

**Mr Clark** — On a point of order, Acting Speaker, the member is continuing to defy your ruling. It is not good enough for him to say he is talking about governance and the bill is about governance; there are no provisions in the bill relevant to the matters about which he is speaking. He is therefore out of order, and I ask you to rule him accordingly.

**Mr McGUIRE** — On the point of order, Acting Speaker, there is a direct proposition, as I have referred to, that goes to the forthcoming electoral processes. It goes directly to the bill, a matter that I raised earlier. The proposition is specifically about governance. The whole basis of the government's proposition is about that. This is an attempt to talk me out of time, but I have had my say, and this will be about scrutiny and accountability, and the former government stands condemned.

**Mr MORRIS (Mornington)** — I am pleased to rise to speak on the Local Government Amendment (Improved Governance) Bill 2015. This bill covers a range of issues, starting with the role of the mayor and councillors. A substantial slab of it is about codes of conduct and how they are interpreted and enforced. The bill introduces a definition for the role of councillor and the function of the mayor. It extends the role of chief executives, including what I think is a substantial

departure but a good innovation in terms of the requirement to make sure that the council is fully informed when it is taking decisions.

The bill makes some changes with regard to arrangements for the chair of the audit committee, and it also introduces a ban on the use of discretionary funds for councillors, something which has been needing attention for two or three years. With respect to councillor conduct, there are a range of changes to the current provisions around governance, the chief municipal inspector's role is placed on a statutory basis for the first time and there are some changes with regard to the municipal monitor. Despite the grandly titled 'Electoral reform' section of the bill, these are relatively modest changes and nothing to get too excited about.

Notwithstanding previous comments from members, to a large extent this bill is identical to a bill presented to the house in the last Parliament. I have marked in yellow highlighter the words in the second-reading speech of the bill before the house that have been lifted out of the second-reading speech given by the previous minister when she introduced the earlier bill last year. Clearly we are not working on a visual basis in this house, so rather than simply waving the bill about it is probably worth reading the figures into *Hansard*. In this second-reading speech there are 2225 words, with 1896 of them being a direct lift from the second-reading speech of the bill before the Parliament in April last year. That is not counting the headings but counting in 184 words about electoral reform in the current bill. There are about 2000 words on the same subject, and almost 1900 of them are lifted from last year's second-reading speech. There is a remarkable similarity between the two bills.

Despite claims that the bill before the house is all the work of the Andrews government, clearly it is not. In this regard the former government put in a lot of work. It surprises me that the current government has taken 10 months to bring in a bill that to all intents and purposes was ready to roll from 1 December last year. It is indicative of the fact that we are yet to see any serious work in the local government sphere.

Despite the great similarity between the two second-reading speeches, there are some significant differences between this bill and the bill on the notice paper prior to the dissolution of the last Parliament. The successive bill deals with the same issues because the local government sector broadly expressed some concerns with the way the current conduct framework is operating. It has been operating for five or six years

and has not delivered the goods in the way everyone had hoped it would.

I acknowledge that councillor conduct is a difficult area. If people simply behaved themselves, everything would be a lot simpler. It is almost 30 years since I was first elected to a local council, and even in the 80s if you misbehaved and breached the act, that was considered a serious thing, even though to a large extent no penalties were attached. Unfortunately that view seems to have been somewhat lost.

We acknowledge there was a problem. There were excessive costs. There were delays in addressing problematic behaviour. Given the design of the process, there were opportunities for councillors who may have been accused of breaching a code of conduct to use provisions in legislation to delay and obfuscate, and I am sure that we are all aware of cases that seemed to go on and on. It is an area that needed a lot of work. An extensive consultation program began in May 2013, with the release of a public discussion paper. All of that work has fed into this bill, as it fed into its remarkably similar predecessor bill.

There are some changes or omissions that the government may care to consider. No doubt it already has, but they are worth flagging again. The earlier bill did not simply propose a tick-and-flick approach to the councillor code of conduct, where the councillor reads and declares that they have read the code. It also proposed an induction program, so having to be in the room to work through the issues. We are all aware that you do get a much better result that way. People sometimes read things and do not really understand them, but where they have an opportunity to discuss them and have them explained more fully they get it. That is what we are trying to achieve here; we are trying to make sure that councillors get it before they sit down at the council table.

The second aspect I want to address — and I think it is the intent of the government, but I want to flag it anyway — is that the earlier version of the bill showed a strong view that codes of conduct need to be owned by the councils using them. It is no good for the Parliament, the department, Local Government Victoria or whomever, to say, 'This is what the code will be'. Unless there is ownership, unless it is locally developed and locally understood, a code of conduct will not work. Certainly the former government was very keen for councils and councillors to take responsibility for their codes of conduct and for their own behaviour rather than us saying, 'These are the rules'. Hopefully that will form part of the process.

The next matter concerns CEO employment committees. It is regrettable that they have been omitted in this bill. Those committees were about probity and transparency and also about making sure that councils, which are often composed of people who do not have experience in employing \$300 000 or \$400 000 executives — and let us face it, there are not many people who do — were able to get independent advice and support. Similarly, councils could seek advice when they were negotiating performance agreements or seeking to extend a contract or increase remuneration. The intent was that they would be able to do that with support and advice and with an independent view so that councillors would have the benefit of the committee's experience and the ratepayers would have the benefit of knowing that there was a slightly arms-length relationship. I hope that idea is not one that has been lost.

The next matter concerns giving mayors the capacity to eject a councillor from a council meeting under certain circumstances after two warnings, with some controls around that so that a mayor could not abuse that capacity. That seems to have been lost from the bill. We are all aware of the challenges we would have in this place if the Chair did not have the sanction of standing order 124 or the right to name a member if absolutely necessary. It does not happen all that often; generally it is in the context of a heated part of the day. I have been to many council meetings and I have been through many experiences like that, and if a councillor wants to give their council grief, currently there is no sanction. Under this bill you will be able to eject them from subsequent meetings, but you do not have the management capacity to deal with them in the way that would be immediately desirable.

One last point concerns the appointment of the chief municipal inspector. Under the former bill the appointment was to be made by the secretary of the department. Under this bill the appointment is to be made by the Special Minister of State, Mr Jennings. I am not suggesting that there is a problem with Mr Jennings's character, but there is a problem with a process where a person with a politically sensitive role is appointed by the minister. I commend the bill to the house.

**Ms EDWARDS** (Bendigo West) — I am very pleased to make a contribution on the Local Government Amendment (Improved Governance) Bill 2015. This is a very timely bill in relation to what has been occurring at the City of Greater Bendigo over the last little while. It was extremely disappointing to read on the front page of the *Bendigo Advertiser* on Tuesday that there is a big rift in the council and that

talks have broken down. For all his good work the mayor has admitted that there is a significant rift in the council chamber. However, he denied that it was preventing the city from getting on with rolling out a suite of major strategies that the council has in place. Other councillors have referred to this rift as a distraction from the good work that the local council needs to be doing. On top of that of course was the horrendous and appalling news last night about the City of Greater Bendigo Council meeting that had to be shut down due to a rabble of anti-Muslim protesters who took over the meeting, the result being that the mayor and councillors had to be escorted from the council chamber by the police.

I will digress from the bill for a moment, with the indulgence of the house, because I think it is important that as the member for Bendigo West and as someone in the community who is very concerned about these ongoing issues that I make a significant statement on this issue. I state very clearly that we do not support the anti-mosque protesters, we do not support them coming into our town and disrupting our community, we do not support them attending council meetings and abusing the democratic process, and we do not support them spreading hateful rumour-mongering and lies.

What we do support, though, is the bill because it goes to the heart of a councillor code of conduct, and because we have some issues in Bendigo at the city council around that issue I am very pleased that it is before the house today. It is unfortunate that some councillors get elected and do not follow the code of conduct that has been put in place. It is unfortunate that some councillors treat social media as their plaything and inappropriately use it to send their message to people, often in an intolerant, disrespectful and ignorant way. The importance of the bill is that it will give councillors, the council and ratepayers the opportunity to have a councillor code of conduct enshrined.

While I am talking about the issue at the Greater Bendigo City Council I want to make the point that there are many leaders in the Bendigo community who are very concerned about this. A statement was put out today by the Bendigo Business Council, and I would like to read that statement because it is important. It says:

The Bendigo Business Council wants Bendigo to be the regional business capital of Australia, a vibrant and prosperous place to live and do business.

Bendigo Business Council is disgusted at the behaviour of a small number of people whose ill-perceived anti-Islam campaign has highlighted Bendigo for all the wrong reasons and last night went a step too far in closing down the work of our city council.

Bendigo Business Council supports Bendigo as a welcoming community and sees the building of a mosque in our city as an important step in the development of Bendigo. 'Enough is enough' says BBC CEO Leah Sertori, 'the behaviour of those opposing the mosque is now damaging not only Bendigo's reputation but our businesses. Bendigo Business Council supports the mosque development, just as we support the development of the Great Stupa of Universal Compassion and the Aspire Foundation's plans for a multifaith centre at the front of Sacred Heart Cathedral.

While considered and reasoned debate on local government issues is welcome and something the BBC participates in, the scenes at last night's council meeting demonstrates that this has gone far beyond a reasonable discussion.

The recent rally hosted in Bendigo was disruptive for traders and highly damaging for Bendigo's reputation on a national stage. We have a world-class regional hospital near completion, expanding tertiary sector and thriving business community. It is imperative the broader community understand how welcoming and accepting a community Bendigo is. This hateful vitriol is unwelcome.

As I said, the bill goes to the heart of what is happening at the Greater Bendigo City Council right now. These changes are urgent; they cannot wait until the government fulfils its promise to review the Local Government Act 1989. That is why we are moving with the bill now.

The minister has consulted widely about the need to improve the current councillor conduct rules. The government and the minister have heard loud and clear what is needed, which is a system that can respond quickly and appropriately. The bill allows councils to get back to business without being distracted by a few bad apples. It is too easy for a single misbehaving councillor to destroy the good work of the majority of councillors and staff. That is why the government is getting on with fixing the system. The bill will give councils and the Victorian government a broad range of powers to deal with councillors in breach of their codes of conduct. It will give councils stronger power to deal with misconduct internally and strengthen the power of the code of conduct panels and the chief municipal inspector.

The bill brings in reforms that the sector has been consulted about and is keen to have implemented. I note that in August the City of Greater Bendigo mayor, Cr Peter Cox, called for the conduct panels to be overhauled. He said the conduct panels were becoming an issue for almost half of Victoria's councils and that they needed reforming. He also said:

I'd be the first to say that local government needs reform — the behaviour of councillor conduct panels are among a whole range of other issues ...

These conduct panels are not only happening in Bendigo. Apparently 40 per cent of local governments throughout Victoria have had them.

Local government, along with the state government, needs to have a good look and reform local government so it can perform better.

And that is exactly what this government is doing.

We will give councils more powers to deal with misconduct internally. We will provide for improved efficiency and strengthened powers for the councillor conduct panels. We will give the minister the power to stand down councillors before serious or gross misconduct hearings in really serious cases and to issue governance directions to councils.

New, clearer distinctions between the different levels of misconduct are an important part of this bill, because they make it clearer to councillors what the standards of conduct are and who decides complaints of misconduct. That will lead to quicker resolution of complaints. In terms of the breakdown of these levels, first there are breaches of council codes, which will be dealt with by councils via clear and enforceable processes. Previously the codes had no effective compliance mechanism. Misconduct — failing to comply with a council's processes or repeated breaches of conduct principles — will be dealt with by councillor conduct panels. Previously these panels had no teeth, as the mayor of Bendigo has said, and could be bypassed by councillors going to the Victorian Civil and Administrative Tribunal (VCAT), which is exactly what is happening in the Bendigo context right now.

Serious misconduct — failing to comply with panel processes, bullying of other councillors or council staff, improperly directing staff or releasing confidential information — will be dealt with by panels. Previously bullying was not included in the relevant definition and also had to go to VCAT. Where it is necessary to deal with gross misconduct — conduct that demonstrates a councillor is not a fit and proper person to hold the office of councillor — such matters will be heard at VCAT, as is currently the case.

Councils will immediately have more ways of dealing with councillors who do not behave appropriately, because councils are being required to revise their council codes of conduct to include independent resolution procedures and are being given explicit powers to enforce their codes, including requiring councillors to apologise, to stand them down from representing council on committees and to exclude them from up to two meetings.

That is just a very brief overview of what this bill is about. The importance of it and the heart of it is about making sure that councillors, who are elected representatives, just like us, are held to account and that their conduct is above reproach and exemplary. We know there have been instances of state election candidates, preselected by certain political parties, who have had to stand down because of inappropriate behaviour or inappropriate use of social media, and it should be exactly the same for local government.

**Mrs FYFFE** (Evelyn) — I am pleased to speak on the Local Government Amendment (Improved Governance) Bill 2015. The purpose of the bill is to amend the Local Government Act 1989 to improve the governance standard of councils, amend arrangements for local government elections and provide for other matters; to amend the City of Melbourne Act 2001 to repeal part 4A of that act; and to consequentially amend the City of Greater Geelong Act 1993, the City of Melbourne Act 2001, the Electoral Act 2002 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes.

The main thrust of the bill is to enhance the standards of governance and behaviour across local councils. I guess we have reached a time when the scrutiny of the media and the emphasis put on local councils are — as they are for us — more intense. This legislation will make it easier for a minister to take relevant action. Up until now, that capacity has been rather limited. This bill provides for a clear pathway and provides the tools for the minister to take action that is more timely than it was previously.

I am fortunate in that Yarra Ranges Shire Council, which covers my electorate, does not reach the state of affairs I have heard about other councils reaching, although there may be differences of opinion and differences in political alignment in the council. We do not have the huge problems of divisions over politics. All the councillors in the Yarra Ranges council work for the local people. They work to achieve the best for their areas. As I said, we have differences, and at times we agree to disagree, but not once has there been an occasion, since Yarra Ranges council was formed — and I was a commissioner during its formation — have there been any instances of reportable or offensive behaviour.

That is different to what occurred in the former councils that existed prior to the amalgamation. I remember back in the 1970s — please indulge me in narrating a little story — when two councillors got very hot-headed and had fisticuffs in the council chambers. I am not quite sure what actually happened; I think they were

probably dragged outside. But it was real fisticuffs. That was in the mid-70s. When I was a commissioner in the mid-90s, and we had an open forum at Yarra Junction, which is in the former Upper Yarra council area, one of those protagonists, who was by that time almost 90, came to that open-air meeting. I do not know what set him off, but off he went again; he was going to take on everybody else in that room. He was going to tell them what to do. I think we took him out and gave him a cup of tea. I think on the first occasion they probably had a beer together. Times have changed, and councillors cannot behave in that way anymore.

Just back on the Yarra Ranges council, I note that interestingly the members for Monbulk and Croydon were both councillors during the same time at Yarra Ranges council. Even though from opposing political parties, both worked extremely well together. That is just an ongoing thing with our area — I hope it continues. This bill brings in measures that would help if that situation were to change and to assist with some of the other councils I hear about. It ensures that councillors know and understand what is required of them and adopt appropriate standards of behaviour. All elected councillors must read a code of conduct and agree that they understand it and will comply with it. As a matter of interest, I wonder how many members in this house have read the code of conduct that is in our guidebook and how many have actually thought about it and whether it covers everything.

I was recently in the UK and had meetings with the commissioner for ethics. After the UK expenses scandal, the UK government has gone completely to the other extreme in that the conditions imposed for making any claims for any expenses are so onerous that because of the pressure many MPs do not even claim now for things they are perfectly entitled to claim. One MP told me it takes one day a week to comply with all the new rules. This bill of course does not cover councillor expenditure but one always hopes that the swing of the pendulum does not go too far and make it too onerous for people to perform their duties — and we are talking about people who usually have other jobs. Their job as a councillor is part time; they are both serving their community and serving as councillors.

I also hope that the changes in this bill, which are good and which I support — the introduction of the measures relating to the inspector and so on — do not inhibit councils when they wish to object to something the state government has done. I hope they still feel free to speak out against the state government and that they do not feel inhibited by the fact that it might get back to the Special Minister of State and penalties will be applied just because they are exercising their democratic right. I

am sure this will not happen, but I think all governments must be very clear that councils can criticise and disagree with us if they wish and that will not be seen as poor behaviour.

The bill is aimed at ensuring that councillors know the consequences of their actions, and it defines the roles of council and mayor for the first time. Perhaps we should have legislation that defines the role of a state MP because I think many incoming MPs are unsure of exactly what it is. The bill defines the role of the mayor in providing guidance to councillors about what is expected of them. It also talks about the CEO's responsibility for the organisational structure and day-to-day management decisions of the council and deals with the panels process. All of the work done on this bill is excellent.

I commend the former Minister for Local Government, Jeanette Powell, and the work done by the member for Mornington on the original bill that came into the house. This bill encapsulates a lot of it but there are some changes — there are some things omitted and there are some things added. An important area is the prohibition of councillor discretionary funds. That has always been an issue. I know that at the Shire of Yarra Ranges the councillors actually discuss what contributions they make to local communities, and they have to be within certain criteria. This has been a problem, and it is something that has been seen as bankrolling votes. Time will see how that unfolds.

The bill provides for increased independence for audit committees. That is very important. The consultation has been broad, and I think this provision is widely accepted. I know that we have consulted with both the mayor and the CEO of the Shire of Yarra Ranges and they both encouraged this legislation. There will of course be teething problems, as happens with all legislation, but I am pleased to support the bill. Changes will probably be proposed, but I commend the thrust and the intent of the bill to the house.

**Ms SPENCE** (Yuroke) — I am very pleased to rise to speak on the Local Government Amendment (Improved Governance) Bill 2015. The integrity of our local councils is an incredibly important issue. During my time on the Hume City Council, first as a councillor and then as mayor, I was privileged to work with my council colleagues in a collaborative and constructive way. I believe this benefited the people of Hume. But as members of this place know, whilst they are rare, there are still too many instances of councillor misconduct and dysfunction. Through the enhancement of the standards and behaviour of local government, this bill will directly address that issue. The provisions

of the bill seek to address this issue by giving councils and the government a broader range of powers to deal with councillors who breach the code of conduct.

The bill seeks to make it mandatory for councillors to agree to abide by the councillor code of conduct before taking office and to make it mandatory for councils to establish internal procedures to deal with alleged breaches of the code of conduct. It seeks to allow conduct panels to suspend councillors for six months in instances of serious misconduct, to give the minister new powers to direct councils to improve governance and, on advice, to stand down councillors for up to six months to allow a panel to consider a matter. The bill also seeks to establish an offence punishable by the imposition of penalty units for improperly directing council staff and, as we have just heard, it seeks to abolish and outlaw ward funding.

As the minister has publicly stated, she has consulted widely about the need to improve current councillor conduct rules and she has heard loud and clear that we need a system that can respond quickly and appropriately. That will occur with responsive and robust conduct laws. Moreover, if councillors decide to ignore these provisions and continue with poor behaviour, there will be consequences — not just a paid leave of absence but stand-down provisions with up to six months suspension without pay.

As well as providing consequences for councillor misconduct, the provisions in this bill may also serve as a deterrent to misconduct, which in itself is a beneficial outcome. These provisions may indeed deter other councillors from, for instance, sending out graphic tweets of genital mutilation in opposition to a mosque. They may prevent other councillors from referring to a councillor colleague from the gay community as a 'parasitic mosquito who thrives by spreading blood-borne viruses between otherwise healthy people'. They may prevent other councillors from suggesting to members of the Islamic community that they should go back to somewhere in the desert in Arabia.

The bill may also discourage councillors from referring to the council CEO as an 'idiot' in a council meeting; from grabbing and tearing a resident's sign at a public meeting because offence is taken at being depicted as one of Santa's elves; engaging in an altercation with a journalist in a public meeting and using a derogatory and offensive term in relation to her; heckling their own council mayor at a public meeting and using a number of derogatory and offensive terms to refer to her; or sending insulting, demeaning, threatening and aggressive emails to members of the community who take an opposing view on an issue. The provisions in

the bill may prevent other councillors from engaging in ongoing bullying of councillor colleagues and/or council staff.

Unfortunately these are all examples from around the state of poor councillor behaviour in this current council term. They do not accord with community expectations of appropriate behaviour, and I would hope that this bill is a deterrent to such things happening again. As was previously mentioned, this bill seeks to provide a broad range of powers to be more responsive when conduct issues arise. There will of course be people who think these provisions do not go far enough and that a paid leave of absence is never within community expectations as a sanction for misconduct. There will be others who think the bill goes too far.

In my own local government area of Hume, it was with disappointment that I read about Cr Jack Medcraft opposing these measures and stating that the changes were 'heading towards a dictatorship'. This is a councillor who himself has been stood down for a breach of the code of conduct following some extremely poor behaviour at and following a public meeting. He previously referred to the Municipal Association of Victoria independent inquiry against him as a 'kangaroo court', and he has clearly and openly begrudged being called to account for his behaviour. This is a matter of confusion for many in the community, as this councillor, who has had an independent finding against him for misconduct and was handed a 28-day holiday as a sanction, is also known as Steve Medcraft, the spokesperson for People Against Lenient Sentencing. I am not sure how much more lenient a sanction could be, so it is understandable that some may consider this approach rather hypocritical.

To those who think this bill does not go far enough and to those who are of the opposing view, I note that there is a further opportunity for review of councillor conduct provisions with the review of the Local Government Act 1989 that is underway. I encourage broad participation in that process.

It is also timely to mention the Sunbury Hume transition auditors report released today by the minister. It is important to do so in the context of this bill, as this has been a highly charged issue and the public debate has resulted in a number of instances of poor councillor conduct, including the finding of misconduct against Cr Medcraft following a public meeting that was held to inform the community about the Sunbury separation issue. I caution councillors that should this bill become law, they should be mindful that the consequences for

misconduct are no longer a slap on the wrist with a paid holiday. The community and the sector have had enough, and the provisions of this bill should send a strong signal that a higher standard is expected. I hope it will serve as a deterrent to poor behaviour.

So in reading the transition auditors' report, I note that the recommendations of the independent transition auditors, John Watson and the Honourable Frank Vincent, AO, QC, may not please those who have been blindly determined to separate the community of Sunbury from Hume City Council. They may not be happy with the recommendation that the separation at this time is considered so problematic that it should not proceed, as it is not financially viable and it is legally questionable. They may not be happy with the recommendation that the separation is considered premature and will come at too high a cost for the Sunbury community. They may not be happy that the report accords with the weight of financial advice prepared by three different financial consultants that without significant external financial assistance or the imposition of high annual rate increases and/or a reduction in services, a separate Sunbury is unlikely to be financially sustainable on either a short or long-term basis. They may not be happy that the report makes it clear that the proposed separation is inconsistent with long-term public policy objectives across the sector to support larger, more sustainable and efficient council structures.

What has been clear throughout this process is that those who have pushed for this separation have desperately wanted to keep the facts from the people who are affected by it, be that in Sunbury or in the other suburbs within Hume, including those that comprise the electorate of Yuroke. The proponents of the separation have driven their own personal agendas, which were clearly not based on what was best for the community. Indeed Cr Medcraft made a submission to the auditors that gave insight into his views regarding the need for separation. The transition auditors' report notes Cr Medcraft's view that:

Hume has the biggest multicultural base of any city in Victoria, and as a result of this it needs multiple services to cater for all these various groups. Sunbury doesn't have the same problem as something like 87 per cent of its base is of Anglo-Saxon background, so the need for things like interpreter services, cultural centres and the like are not necessary.

According to this councillor, Hume has a large multicultural community and 'Sunbury doesn't have the same problem'. I find it incredible that Cr Medcraft considers a multicultural community a problem. My family, my friendship groups, my street, my suburb, my

city, my state and my country are all proudly multicultural. Multiculturalism is not a problem; it is an asset. It is something to be celebrated, not denigrated. It should be embraced with pride and not used as a justification for separating a municipality in circumstances that are legally questionable and are not financially viable now or in the foreseeable future.

If councillors are not happy about the recommendations of the independent auditors, I caution them not to repeat behaviours of the past and not to engage in misconduct, as the provisions of this bill will give teeth to the councillor conduct regime. I look forward to the minister's response to the transition auditors' report in the coming weeks, and I commend the bill to the house.

**Ms McLEISH** (Eildon) — I rise with pleasure to speak on the Local Government Amendment (Improved Governance) Bill 2015. I am very pleased to speak on this bill. It is one that not just I but many members support.

The purpose of the bill is very clear. It is about improving the governance standards of councils and specifically addressing certain behaviours. I was a little surprised before when I heard the contribution of the member for Broadmeadows. I was quite curious about the opening comments of the member when he said that the bill is evidence of the Andrews Labor government's commitment to address and lift the standards within councils. I am not sure if he has been misled or if he was asleep during the last Parliament, because this bill was brought before the last Parliament almost in its entirety, not exactly. As the member for Mornington mentioned previously, the second-reading speech itself that was put forward with this bill is very similar to the earlier one. We know that the heavy lifting to bring this bill to fruition had certainly been done by the former Minister for Local Government, Mrs Powell, and her parliamentary secretary, the member for Mornington. I commend them for the work they have done.

We know and we have all heard of appalling examples of behaviours from councillors in a variety of different settings. The behaviours may be between councillors and other councillors, between councillors and council staff members — their employees — or between councillors and members of the public. It is very reasonable to have codes of conduct in place that people can understand, work with and uphold.

Our councils vary greatly across the state. In my electorate I have four different councils. I also had four councils in my electorate when I was the member for Seymour. Overall I have worked with five different councils. Often councils are, certainly in country areas,

the largest employers in town, and they deal with very large budgets. The responsibility of the council and councillors is very large when they are overseeing big budgets and large numbers of employees.

My councils vary quite substantially. The Murrindindi Shire Council has rates and charges amounting to \$16 million, and it has 138 employees. At the other end of the scale, the Yarra Ranges Shire Council has rates and charges amounting to \$125 million — almost \$110 million more — and it has 635 employees. Members can compare them with the Melbourne City Council. Its services and infrastructure charges amount to \$475 million. We are talking about large organisations in the main with a high degree of responsibility, and members of the public, ratepayers and those living in our municipalities have certain expectations of their elected representatives. This is not dissimilar to the expectations members of the public have of their local members of Parliament.

There are codes of behaviour for local governments. The newly elected councillors, as they come on board, have to read, understand and declare that they will abide by these codes. They have a certain period of time in which to do so, and failure to do so can mean they are then unable to become a councillor. That is a good thing because they absolutely must read, support and understand what it is they are required to do. I am sure there would be some discussion around these standards, particularly as to how they come into being and what they actually mean. It is one thing to have it in writing, but it is also very important to understand the behaviours that demonstrate your understanding.

I have done a lot of work in embedding values into organisations in the past, and it is very important to know the behaviours that are demonstrative of those values and at the same time know the behaviours that are not. It is worthwhile for councillors, as they work through their codes of conduct and standards, to understand what is and what is not acceptable.

The bill also encourages councils to take responsibility for resolving conduct issues internally, as far as possible. This internal resolution of issues requires a degree of skill. I have done a lot of work in alternative dispute resolution and I know that if a small concern remains unaddressed, it can grow. That small concern can become an issue. If that issue remains unaddressed or is mishandled, it can continue to grow. A tiny issue that could have been resolved in the first instance can result in an enormous divide. That is when you see matters being pushed up to higher levels. They might be referred on to members of Parliament or to ministers. They may go to the Ombudsman. They may

go to the local government authority. They could result in a charge of bullying. A lot can happen.

To have councils resolving issues internally to the best of their ability is a good thing. However, people need to understand that this requires quite a degree of skill. It is not something to be taken lightly. We cannot expect that everybody will get through this quickly and easily in the first instance. I am sure the right level of coaching and support will ensure that councils and their CEOs understand the importance of dispute resolution and what steps need to be taken in the early stages of a concern being raised. I reiterate that it is so important that concerns raised are addressed and not ignored, because they are the ones that can grow and become full-blown disputes.

One of the other areas I want to comment on is the prohibition of councillor discretionary funds. This bill expressly prohibits councillor discretionary funds, where a councillor is allocated funds to be spent at their discretion. We have seen examples in the past where funds have been diverted in ways that are perhaps not quite honourable. We know that this includes funds allocated to particular council wards.

I also want to touch on the role of the audit committees. Audit committees are very important, and it is important that the governance structures around them are set up correctly, because often an audit committee can be a process of a council reviewing itself and its own decisions. It is not a very effective review process if we are all just reviewing each other; there needs to be some independence. It is a terrific thing to have increased independence. It is also important to specify that the chair of an audit committee has the right to have a report placed on the agenda of any council meeting.

I know that a couple of my shires had a lot of issues around audits. One shire failed to understand, despite having an audit committee, that it had an underlying deficit of \$800 million, which had been there for quite a long period of time before it was discovered. The shire now finds itself under quite a bit of financial pressure. One of my councils had issues around the audit processes and systems, and it certainly caused a lot of ripples through the town. I am pleased that this bill is addressing that problem.

The codes of conduct relate to the behaviour of councillors. Often when there is a dispute internally it is with a staff member. Councillors need to understand not just the way to behave but how they should interact with staff members. We need to have the right processes and mechanisms in place to give councillors

clarity around their roles and responsibilities. Of course staff behaviour is addressed through performance management systems separate to this.

Overall I am very pleased to be standing here to support the bill. Councils are an important part of my electorate. I have four of them, and I know what large employers they are and how much buy-in, or otherwise, there can be from members of the different shires as to what is going on in the councils. Everyone is concerned about the behaviour of councils and wants to see them doing the right thing.

**Mr BROOKS** (Bundoora) — There does seem to be in this debate broad agreement about the importance of local government and the vital role it plays right across our state. It is such an important sector, and it is good to see this level of support for the changes that have been outlined in this bill, the Local Government Amendment (Improved Governance) Bill 2015. I commend the Minister for Local Government for bringing in this bill and finally delivering the sort of reform that is required, which others have failed to deliver in the past.

The bill essentially improves councillor conduct and electoral processes in the run-up to next year's council elections. These are sensible reforms, and I will touch on a few of them in a moment. Some people mistakenly think of local government as the three Rs: roads, rates and rubbish. But I would hope that all members in this place understand that local government is so much more than that. It affects people's lives on a daily basis. It is a vital service provider for many people in our community. In many respects it supports the very fabric of local communities, whether they be regional or metropolitan.

There are many services provided by local government. There are immunisation services for children in my local community; we had our children immunised at the local hall by the council. There is food safety, which is an important part of protecting people from danger. There are kindergarten and early childhood services. There are programs for older people and people with a disability; we have some fantastic programs in my electorate run by local councils for people with a disability. There are youth services. In fact while I was sitting here waiting to speak on this bill I received an email relating to a local council's presentation of a youth report that was compiled by young people in my local area.

Local government provides community sporting and recreational facilities, libraries, local traffic management and safety, stormwater and drainage and

flood mitigation. There is also of course planning and building control, which involve issues that often find their way through the office doors of members of Parliament and into their inboxes as well. There is the management of pool fencing, and there are high stakes around getting that part of regulation right. There is pet registration and domestic animal management. That is just to name a few of the things local government does.

It is a very important part of our community and one where it is absolutely vital that we have good people. We need to have the best people putting themselves forward to stand for elected office in council, they need to be supported by great officers at council level and they should perform their functions at the highest level with the highest standards. It is disappointing when you find councils that fall well below that mark, and there have been a few examples given in the debate today.

I served for a number of years at Banyule City Council, which covers part of my electorate, and that is one of the councils I mention today. In clause 6 the bill addresses the role of a councillor and inserts new section 65(2)(e), which provides that a councillor must:

... facilitate effective communication between the Council and the community.

That is a vital part of the function of a council, because if it does not communicate properly with the community about what it is doing, how it is allocating ratepayer dollars and what its priorities are, then it is fundamentally failing in its responsibility to that community.

I have great concerns with the application by Banyule City Council of that particular aspect of its role at the moment, because it is carrying a fairly large debt, which I think is out to about \$50 million or certainly around that mark over the forward estimates. There have been rate increases over the last three years of well over 20 per cent, possibly over 30 per cent, depending on which way you calculate the rate increase, including a set municipal charge. What concerns me is the explosion in the amount of business at that council that is being done in secret and via confidential items at the end of council meetings. There is a legitimate role for councils to conduct items in secret if they are legitimately items that might relate to contractual matters or matters that protect the interests of the ratepayer individuals, but then the councils have the responsibility to release that information when it is no longer required to be confidential. Unfortunately Banyule City Council is not releasing such information to the public down the track.

Given the debt levels that I have mentioned, what concerns me is that the council is now proposing to build a large office building at Greensborough on top of

the WaterMarc aquatics facility, which will cost anywhere over \$20 million, potentially up to \$40 million, but the council refuses to give an exact cost on that project. It refuses to engage with the community in a meaningful way about what it intends to do. When the council is talking about a financial commitment of that size and the burden that will place on ratepayers to service the debt for that facility potentially over a decade or more, it is important that communication take place. That is one example of a council that is failing in that particular function under the act.

As other speakers have done, I support the prohibition of councillor discretionary funds. Banyule City Council is another council that had an award fund system used by nearly all the councillors; I think only one councillor refused to allocate those funds because he did not think it was an appropriate system. I think that was correct, and there has to be a clear policy and rigour around any application of funds to community groups. We certainly do not want councillors effectively being able to dole out money to different groups and interests that could place pressure on them. I support that provision in the bill.

Another issue is dealt with in division 2, which is headed 'Councillor conduct'. Clause 12 contains a definition of bullying. Bullying is a serious issue in any organisation. Because of the passion that is sometimes involved at a council level on particular community issues, in local government bullying needs to be very clearly dealt with and there needs to be a clear definition of what constitutes bullying. Councillors need to understand what is acceptable behaviour towards other councillors and staff as well as people in the community. They need to abide by the appropriate standards.

I am aware that at Banyule City Council some years ago there was a male councillor who intimidated a younger female councillor to the point where she had to complain to the chief executive. Counselling was arranged for that male councillor. That is not something we want to see happen. We want to make sure that young people in general and young women in particular — people who might not otherwise think of doing so — are not discouraged from putting themselves forward for elected office at the council level by bullying behaviour. I am glad to see that this bill deals with the issue of councillor conduct. It deals with bullying and sets some very clear standards. I commend the bill to the house.

**Debate adjourned on motion of Ms D'AMBROSIO (Minister for Industry).**

**Debate adjourned until later this day.**

**CRIMES AMENDMENT (CHILD  
PORNOGRAPHY AND OTHER MATTERS)  
BILL 2015**

*Council's amendments*

**Message from Council relating to following amendments considered:**

1. Clause 6, page 7, line 19, omit "or X18+".
2. Clause 6, page 7, line 21, omit "or X18+".

**Mr PAKULA** (Attorney-General) — I move:

That the amendments be agreed to.

In so doing, I will make a few brief comments. The Crimes Amendment (Child Pornography and Other Matters) Bill 2015 introduces a new offence targeting the administrators of child pornography websites. The bill, as passed by this house, provided that the offence did not apply where the website in question contained material that would be classified other than RC or X18+. However, in the other place earlier today the government moved and that house passed an amendment to remove references to X18+ from the exception applying to the new offence.

The effect of that is that if material on a website is classified or would be classified as X18+, the new offence will not apply. The reason is that no material that involves any person under the age of 18 would or could be given the classification of X18+, because the commonwealth Guidelines for the Classification of Films 2012 are clear that the X18+ category does not permit any depictions of non-adult persons or of adult persons who look like they are under 18 years of age. Further, the guidelines do not permit persons 18 years of age or over to be portrayed as minors. This change is consistent with other jurisdictions.

The new offence will continue to apply when material is classified RC, which is appropriate as material may be refused classification — in other words, given the RC rating — because it contains the promotion or provision of instruction in paedophile activity, or descriptions or depictions of child sexual abuse or any other exploitative or offensive descriptions or depictions involving a person who is or appears to be under 18 years of age. These amendments are appropriate. It is quite simply the case that if material is classified X18+, it cannot by definition be child pornography.

In closing my remarks I convey my thanks to Ms Patten, a member for Northern Metropolitan Region in the other place, who initially moved amendments

identical to these and who agreed not to progress her amendments so as to allow the government's house amendments to be moved. Also, at the risk of making him unpopular with his colleagues, I express my appreciation to the member for Hawthorn for his cooperation in this matter.

**Mr PESUTTO** (Hawthorn) — I congratulate the Attorney-General for the manner in which he has conducted this process. It has been very constructive. We agree that the amendments are appropriate. The X18+ classification, on reflection, probably should not have been included in the bill. For the reasons the Attorney-General explained well, we think the amendments are appropriate. The X18+ classification is a special and legally restricted category containing only sexually explicit content between consenting adults. It is appropriate, as the Attorney-General explained, that the reference to 'X18+' be removed from new section 70AAAB(7), because we would not want material that has been lawfully and appropriately classified as X18+ falling foul of the subsection. For the reasons the Attorney-General explained, we are happy to endorse the amendments.

**Motion agreed to.**

**LOCAL GOVERNMENT AMENDMENT  
(IMPROVED GOVERNANCE) BILL 2015**

*Second reading*

**Debate resumed from earlier this day, motion of Ms HUTCHINS (Local Government).**

**Mr WATT** (Burwood) — I rise to speak on the Local Government Amendment (Improved Governance) Bill 2015. A very good reason we are supporting this bill is that it is effectively our bill. It has taken the government 10 months to get off its backside, go to the printer, press print, bring the bill in here and try to pass it. If the government had done this 10 months ago, we would have been happier, but we are happy that the bill is here.

There are very good reasons that we are supporting the bill. When the government pressed print, unfortunately it did not print all the pages. There are some things missing, but most of what was in our bill has been reprinted, which is why we do not oppose the bill. However, there are things the bill does not do, and that is why I am not very happy.

**Ms D'Ambrosio** — You said we should have done this months ago, and now you're saying you're not happy with it.

**Mr WATT** — I'm not happy with what you're not doing. That is the point.

The member for Bundoora talked about the three Rs. Given the many Labor councils, including Brimbank, Darebin and Monash, from which Labor councillors have found their way into this place, it is no wonder that a couple of days ago we looked at the front page of the paper and learnt about rorts, because under Labor councils there are not three Rs, but four: roads, rates, rubbish and rorts. Hopefully this bill, much of which was introduced by this side of the Parliament during the last term of government —

**Mr J. Bull** — You forgot the fifth R: rabbit.

**Mr WATT** — Rabbit? Please explain. There are roads, rates, rubbish and rorts from Labor councils. Darebin is not too bad now because it is not completely dominated by Labor hacks, and Monash is not too bad anymore because it is not completely dominated by Labor hacks. Then we have good old Brimbank.

The bill does some things I am fairly happy with. It moves the conduct of elections to the Victorian Electoral Commission, which is a professional body. I have no problem with the electoral commission running council elections as it does state elections. Another good thing the bill does is prohibit people who are banned from being company directors from being councillors. Someone being able to be an elected official if they are banned from being a company director would be a bit silly, so I am glad that provision is in the bill. I am glad there is a caretaker provision to stop councils doing silly things before they get booted. There are limitations on the publication of council documents, which is a good thing. Stopping councillors from promoting themselves during a council election is pretty good. The prohibition of discretionary funds is interesting. You need probity when it comes to the spending of government money, whether it is local, state or federal government money, so that is a good thing.

I will spend a bit of time on council behaviour, and let us start with Monash City Council. Monash council is completely dominated by Labor hacks, and it decided in its latest budget to increase council rates for businesses by 11 per cent. I scratch my head because I remember the election last year when the Labor Party stated it would cap council rates at CPI. I do not know on what planet CPI is 11 per cent. Monash council is increasing rates for businesses by 11 per cent, but I have not heard a squeak from the Minister for Local Government or the Minister for Small Business, Innovation and Trade. I have not heard a squeak from

any person in the Labor Party saying how disgraceful it is that Monash council is increasing rates by 11 per cent.

Only two Monash councillors are standing up for their local businesses and saying the rate increase is a disgrace and should not be supported. I support both Cr Zographos and Cr Davies in their fight against all the Labor hacks who are trying to increase rates for businesses. Just as the government does not care about small business, as demonstrated by its Grand Final Friday public holiday, Monash council does not care about small business either, trying to increase rates by 11 per cent.

**Mr Katos** — What? Eleven per cent?

**Mr WATT** — Eleven per cent. Disgraceful! The member for South Barwon, as a former councillor, understands how disgraceful an 11 per cent increase in local business rates is.

What else is disgraceful? We can look at some of the Monash councillors. Let us start with the kingpin himself, Cr Lake. If we want to talk about the behaviour of councillors, maybe we could talk about Cr Lake, who verbally abused a fellow councillor a number of years ago. It is interesting that during the last federal election, Cr Lake's behaviour was so disgraceful that even Kevin Rudd, who is known for flying off the handle a bit, decided that Cr Lake was so terrible he could not be the candidate for Hotham. We hear these stories about Kevin Rudd's star Victorian recruit Geoff Lake; his abuse of a wheelchair-bound woman was revealed.

**Mr Nardella** — Revealed?

**Mr WATT** — It was revealed. It was disgraceful. The behaviour of Cr Lake meant that he was not good enough to be a member of Parliament. Obviously the Labor Party figured that out a little bit too late, after he had already been made an endorsed candidate. He had to be given the boot.

This type of behaviour should not be accepted. It does not matter whether you are a Labor hack or not, no behaviour such as this should ever be tolerated in a council. It is not the type of behaviour we would accept here in this house, and it is not the type of behaviour we should accept in a council chamber. I do have to say the four Rs — rates, roads, rubbish and rorts from the Labor Party —

**Ms Spence** — What was that?

**Mr WATT** — There are four things: roads, rates, rubbish and rorts from the Labor Party! If the member is not really sure about rorts from the Labor Party, and the Acting Speaker and minister at the table are not either, all they need to do is go and read the front page of the paper from a couple of weeks ago and also today.

**Mr Katos** interjected.

**Mr WATT** — The member for South Barwon reminds me of the rorts from the Labor Party. All you need to do is have a look at the papers and you will see the four Rs: roads, rates, rubbish and rorts from the Labor Party councillors. Labor Party councillors are disgraceful. I am glad we have a bill that is going to try to clean some of it up. I think I have probably said enough.

**Ms WILLIAMS** (Dandenong) — It is my pleasure to rise in support of the Local Government Amendment (Improved Governance) Bill 2015. I am pleased because not only is this a good bill — a bill that makes changes that the community rightly expect — but the passage of this bill also represents the fulfilment of another election commitment. For that I am proud. I think it is fair to say that all Victorians want to see functioning elected councils across Victoria. In recent years we have seen some pretty unsavoury examples of some badly operating councils and some very poor behaviour on the part of some councillors. Thankfully these incidents concern the minority of councillors — just a few bad apples. But we must not let a few bad apples upset the apple cart.

The intention of this bill is to improve the standards of governance and the conduct of councillors in Victorian local governments. This bill will improve and update the current councillor conduct framework, which was introduced in 2008, and I think it is fair to say that the local government sector has now broadly come to the conclusion that the current framework does not adequately deal with councillor misbehaviour and misconduct. This is why we are seeking to make these changes.

This bill requires all councillors to read the council code of conduct and declare that he or she will abide by that code. Councillors will have to repeat the declaration process each time a new councillor code of conduct is adopted. Failure to do this will have consequences. It will result in a person not being capable of becoming a councillor. Councillors will be expected to review and adopt the council code of conduct within four months of election at a special meeting. The bill also requires that councils have an internal resolution process within the codes that make it

clear to all councillors how allegations of breach will be handled. The bill also provides that councils may impose sanctions where a breach has been established. Sanctions might include requiring a councillor to apologise, excluding a councillor from attending or chairing meetings, or removing them from any role representing council on an external body.

Current conduct rules are insufficient, and immediate action is needed to stem the flow of headline-grabbing behaviour by some councillors. Each of us in this place can probably give an example of bad conduct that has occurred in our local councils. I am no exception. I would like to mention one very recent incident, which I will mention because it is so abhorrent to me that I feel it should be exposed. I know the member for Narre Warren North has previously referred to the incident in this place and shares my disgust. In fairness, I also know this incident cut across party lines and a number of councillors at Casey council were pretty appalled by this particular incident too.

The incident I refer to involves an exchange between two Casey councillors, Sam Aziz and Rafal Kaplon. To fully comprehend the horror of the comments made by Cr Aziz it is relevant to know that Rafal Kaplon is a gay man. In an email exchange Aziz referred to Mr Kaplon as a ‘parasitic mosquito who thrives by spreading bloodborne viruses between otherwise healthy people’.

**Mr J. Bull** — Shame!

**Ms WILLIAMS** — Appalling. Now Cr Aziz has denied that this was meant as a homophobic slur, but I believe most thinking people would find that extremely difficult to believe. It certainly does not go in Cr Aziz’s favour that he has a fairly strong track record of inflammatory comments, and in recent times he has also been heavily criticised for making racist comments on Facebook in relation to the Muslim community in Australia.

**Mr J. Bull** — Should be sacked!

**Ms WILLIAMS** — Absolutely. Unfortunately most of the examples I can site of bad behaviour among councillors in my area derive from Casey City Council. I find this very disappointing indeed. The people of Casey are great people, hardworking people, people who expect decency and integrity from their local representatives, but unfortunately this has not always been what they have been given. Again I would say that most councillors across local government in Victoria are outstanding representatives and do the right thing. As with many things, it is the minority that bring the

collective into disrepute. This bill will better enable councils to deal with those few bad apples.

Importantly, and for the first time ever, this bill defines the roles of councillor and mayor. This is extremely important in adding clarity and also in removing excuses. The CEO's responsibilities have been expanded in this bill and will now include obligations to ensure that council receives timely and reliable advice about its legal obligations under this act and any other legislation. The CEO will now be required to provide support to the mayor and to manage interactions between councillors and staff.

Perhaps most importantly, this bill enables regulatory authorities to more effectively enforce behavioural standards through strengthened councillor conduct panel processes and a broader jurisdiction for panels. It also gives the chief municipal inspector a role in serious conduct matters. Panels will now be able to deal with allegations of serious misconduct, rather than referring them to the Victorian Civil and Administrative Tribunal (VCAT). Panels will no longer be managed by the Municipal Association of Victoria. The sector has agreed that it is preferable for the state to take on this role. As such, a central list of panel members will be established, which will include suitably qualified persons appointed by the minister.

The management of this list will be undertaken by a registrar who will be appointed by the Secretary of the Department of Environment, Land, Water and Planning. The registrar will be responsible for ensuring that applications are vetted to ensure such applications are not of a vexatious nature. He will have the right to refuse to establish a panel where there is no evidence to justify a claim of misconduct or serious misconduct. These panels will have more extensive jurisdiction and will have the ability to direct a councillor to be suspended for up to six months where necessary — and there are plenty of examples where that should and must happen. Allegations of gross misconduct will continue to be heard by VCAT, following an application by the chief municipal inspector.

The chief municipal inspector will be appointed by the Special Minister of State and will retain powers to investigate and prosecute allegations of serious and gross misconduct. He will be able to delegate to his employees, who will be known as inspectors of municipal administration. It is important that there will now be clearer distinctions between the different levels of misconduct, which will make clearer to councillors what the standards of conduct are and who decides on complaints of misconduct. This should lead to the quicker resolution of complaints.

To touch on another change being implemented through this bill, ward funds will no longer be allowed under the bill. Greater transparency is required, as it has become apparent that appropriate scrutiny does not always occur. The bill prohibits the allocation of funds to a councillor to be used at his or her discretion.

There is some electoral reform in this bill. The Victorian Electoral Commission (VEC) will be the body exercising statutory power over local councils, which will result in less red tape. Candidates who are disqualified will now be able to be removed from a ballot paper, which has not been possible in the past. These amendments have been requested by the VEC and the sector and will result in better councils and therefore better governance. The coalition government introduced a variation of the bill in an attempt to improve the situation we have today, but we had concerns, one of which was the proposal to empower a mayor with the ability to eject councillors. We felt this would have left the door for vote rigging wide open.

Other concerns with the previous government's bill were expressed, but an amended version addressing these concerns was never introduced. The Andrews Labor government took on the task and consulted widely in its efforts to develop a much more practical bill which addresses the concerns surrounding the one introduced by the previous government. The bill intends to raise standards and get issues of councillor behaviour out of the headlines. In the past such issues have got in the way of the important work our councillors do. Those who breach codes of conduct should be held accountable. The bill puts in place stronger means of dealing with inappropriate behaviour.

It is important that our councils and our councillors work hard to meet community expectations about integrity and genuine representation. Sadly I feel those standards have not always been met, whether by individual councillors or through decisions pushed through by groups of councillors. Last year I was extremely disappointed to learn of some pretty terrible behaviour by City of Casey councillors during the state election campaign, a campaign in which four councillors were running as conservative party candidates: three for the Liberal Party and one for the Rise Up Australia Party. At significant cost, Casey council approved and erected signs supporting the east-west link, despite being 50 kilometres away from it. It was hardly a relevant issue for council and clearly politically motivated with ratepayers money being used to bankroll state Liberal Party campaigns. What a disgrace that was!

At the time the *Leader* reported:

... irate ratepayers have labelled the signs as 'political opportunism' and a 'misuse of money' ...

That kind of blatantly political and frankly suspect spending is extremely disappointing given that this municipality has areas that experience high levels of disadvantage and that the council's contribution to those areas is often criticised by the community as being downright neglectful. Doveton is a good example. It has been reported to me by some ratepayers in Doveton that they still have rubbish bins labelled 'City of Berwick', despite the fact that the City of Berwick has not existed since 1994.

The people of Victoria have an expectation of their elected councillors that they will uphold high standards in their roles as council members. This legislation will put in place a framework to ensure that those standards are met. Inappropriate behaviour gets in the way of good governance, and on this side of the house we certainly understand that. Our councils can do much better in performing their duties and carrying out their responsibilities to ratepayers, and this bill will ensure that they do so. I commend the bill to the house.

**Mr CRISP (Mildura)** — I rise to make a contribution to the debate on the Local Government Amendment (Improved Governance) Bill 2015. The purpose of the bill is to amend the Local Government Act 1989 to enhance the governance standards of councils, to provide for the appointment of a chief municipal inspector, to provide for the appointment of municipal monitors, to provide for the resolution of allegations of councillor misbehaviour through the use of the internal processes of council, to amend the arrangements for local government elections and to strengthen the integrity of elections. It will also repeal parts of the City of Melbourne Act 2001 and of the City of Greater Geelong Act 1993, which do not have a lot to do with my seat of Mildura.

There are four councils in my electorate: the Mildura Rural City Council, part of the Swan Hill Rural City, part of Yarriambiack Shire Council and part of the Buloke Shire Council. These councils are widely divergent in size, in their operation and in what they do. I will focus on Mildura. This bill had its genesis under the previous government. I place on the record my thanks to former Minister for Local Government, Jeanette Powell, for getting this process underway. She was assisted by the then parliamentary secretary, the member for Mornington, the member for what is now the Gippsland East electorate and the current Minister for Local Government, who all worked to get this bill ready for the house.

There are a number of things in this bill that are of interest to communities and to councillors, particularly some of the important clauses, and we can begin to see a bit of a theme in this bill. Certainly the changes provided in clause 6 are about observing the principles of good governance and acting with integrity — and that is something we all agree with — providing civic leadership in relation to the exercise of various functions and responsibilities under the Local Government Act, participating in a responsible allocation of council resources for the annual budget and facilitating effective communication between council and community. Anyone who is a councillor would sign up for those responsibilities, and one would expect they would meet those standards, but we are prescribing them because, as other speakers have said, there have been some incidents.

I move to deal with the more interesting area dealt with in clause 8, which concerns the code of conduct and what needs to be included in it. It also defines some of the responsibilities of a CEO, which is useful. In relation to the code of conduct, a councillor will need to make a declaration that he or she will abide by the code of conduct as provided for in the amendments. There are penalties for refusing to do so, and it must be done within a specific period of time.

The bill also makes it clear that the chairperson of the audit committee must not be a councillor or a member of council staff but must be qualified for the role. This is where we introduce the idea of independent representation to assist in some parts of council. The missing part of the bill — it was discussed during the period of the Liberal-Nationals government when the legislation was in its genesis — is the idea of having an independent chairperson to act in the recruitment of the CEO. I pay tribute to the Mildura council because at the time this measure was announced the Mildura Rural City Council took it on board in the appointment of its new CEO, and I congratulate the mayor, Glenn Milne, for the council taking this action because it did not have to do so.

As I recall, around this time three or four councils chose to act this way, but I know one in Gippsland did not. It copped some fair criticism from its constituents, businesses and other interested parties about not doing so. Mildura Council used Mr Phil Shanahan as the independent panel member. The council has appointed its CEO, and from my observation he is doing a very good job. The Mildura Council showed that this does work and the community wants it, so I urge the minister to look at these successes and at the issues that arose where an independent person was not involved and to

see whether this would make a useful addition to the legislation at some stage.

Furthermore, this would aid the community's confidence in the systems and processes a council needs to go through in selecting not only a CEO but also the chairman of the audit committee. You need to make sure you pick up people who are eminently qualified to do the job. I know the Mildura Council sought advice from the Municipal Association of Victoria and did its due diligence before appointing Mr Shanahan, and the process was both transparent and very successful.

The bill brings about these changes to the law, in particular the councillor code of conduct. No council seems to be immune from its moments, and the Mildura Council has had such moments around councillor conduct, which can be a major distraction to the effective governance of the organisation. Therefore it is important for councillors to be familiar with the code of conduct so they are very clear about breaches and how to avoid them, and also what the process will be if a breach does happen. With those words, The Nationals do not oppose the bill, and I wish it a speedy passage.

**Mr J. BULL** (Sunbury) — It gives me great pleasure to speak on the Local Government Amendment (Improved Governance) Bill 2015. I would like to start by commending the Minister for Local Government, who is presently in the house, for her passion and determination in seeing the bill introduced and her passion for a better standard of governance across the state. The government is getting on with it. The bill will improve standards of governance and the conduct of councillors in local governments across Victoria. There are currently 624 councillors across 79 municipalities in Victoria.

Local government plays a vital role in Victoria. We hear some people say that local government is really only good for roads, rates and rubbish. I am not one who shares this view; in fact, quite the contrary. Local government has a vital role in service delivery, support and community infrastructure right across this great state, and therefore local councillors have a vital role in shaping their communities and advocating on behalf of those they represent. Like all organisations, though, there are some who do not do the right thing and do not conduct themselves as they should as elected members of their community. Too often these behaviours are ignored, and in being ignored they are in essence condoned. As was once said by Edmund Burke, the only thing necessary for the triumph of evil is that good men do nothing; in 2015 that is best changed to 'when good people do nothing' rather than just 'men'.

My point is that councillors who behave poorly should be reprimanded. I certainly agree with the minister's comment that misconduct among Victoria's 624 councillors is thankfully rare, but when it does happen, it is an unwelcome and unnecessary distraction that could be more easily dealt with by responsive and robust conduct laws. This bill will ensure that councillors know and understand what is required of them. It will require councillors to adopt appropriate standards of behaviour from the outset of their terms of office. It will do so by requiring all persons newly elected as councillors, including those who have previously been councillors, to read the councillor code of conduct and declare that they will abide by that code.

The government believes that councils should have the power to take responsibility for resolving conduct issues internally, so far as possible, by strengthening internal councillor codes of conduct. The bill does this in three ways. Firstly, councils will be required to review and adopt their codes within four months of an election, at a special meeting set aside for this purpose. Secondly, the bill requires councils to have internal resolution procedures within the codes that make it clear to all councillors how allegations of breaches of the codes are to be handled. Thirdly, the bill provides that councils may impose sanctions where a finding of a breach of the code has been made following an internal resolution procedure. These sanctions are very important steps. They must be voted on by council and include requiring an apology, excluding a councillor from attending or chairing meetings and removing them from any role representing council on an external body. This is aimed at ensuring that councillors know the consequences of their actions in breaching the standards of behaviour that they as councillors have adopted.

I have reflected on the importance of local government within communities, and I think it can play a vital role in leadership within the community, and within many communities across the state, local government does exactly this. I would like to discuss local government in my area in relation to clause 8 concerning conduct. As members know, the former government made commitments to separate the Sunbury community from Hume City Council. It has been a much-talked-about and somewhat divisive issue in my community. It should be noted that, despite four years in government, the Liberals failed to deliver on this promise. Only at the eleventh hour prior to last year's election did the former government decide it was the right time to set in place a process for separation, leaving Labor to clean up the mess. The former government also failed to provide sufficient information on the effects of the split, specifically on rates and services.

What we must remember in these instances — and this goes to the heart of the bill — is that we require our councillors to uphold the standards that we expect of elected representatives, and this issue was certainly played out locally in this matter. Let us not forget, though, that the former government took a careless and reckless approach to this matter. On coming into government I heard from many residents and community groups about this matter. Many residents both in Sunbury and the wider community were wondering what the new council would look like and what rates and services would be provided, all questions the former government could not answer. Two weeks ago I tabled in this place a petition with over 7000 signatures calling for another vote, and today the Minister for Local Government has released the report from the transition auditors appointed to review the separation of Sunbury and Hume. This important review was required because the former government took a careless approach.

The report was compiled by Frank Vincent and John Watson, who, within the report, express concerns about the financial viability of a new Sunbury council. They advise that a separation would risk Sunbury residents facing significant rate increases, a reduction in services and significant delays to the delivery of much-needed community facilities. There is also advice that the terms of separation proposed were inappropriate and contained legal uncertainties, which is of great concern. These include a real risk that rates in a new Sunbury municipality would substantially increase for many years to come or, alternatively the types and levels of service that the new council would be able to deliver would be significantly impacted.

An annual rate rise of 14.2 per cent is required to maintain current services, and the \$10 million investment in the Sunbury global learning centre has been delayed beyond the first 10 years. No information was provided in the ballot pack distributed by the Victorian Electoral Commission on the practical implications of the vote, which is extremely concerning. The auditors also found that arrangements made by the previous government were not equitable or appropriate to ensure continued delivery of services to Sunbury during the transition to a new council. During the consultation process there were 100 written submissions received, and I would like to thank everyone who provided valuable input on this important issue.

The Andrews government is committed to getting the best outcome for Sunbury residents. The former government did not share this concern but chose to march on regardless. The minister is now considering

this report carefully, and I thank John Watson and Frank Vincent for compiling their comprehensive and highly detailed report. It involved wideranging consultation with the community through the submission process, interviews and a public forum.

It is important to reflect on what local governments can do for communities — it is not just roads, rates and rubbish. They can do so much more than that, including providing infrastructure and driving and assisting local government services, and we have seen many examples of that as we have moved forward. Like all members, I look forward to improved local governments and better service delivery from local governments to communities across the state. I commend the bill to the house.

**Mr PAYNTER** (Bass) — It is my pleasure to rise to speak on the Local Government Amendment (Improved Governance) Bill 2015. The bill largely mirrors the bill introduced by the Liberal coalition government in April 2014 after extensive consultation, which is the way the coalition goes about business. It consults with constituents in local areas and with stakeholders. That is the way the Liberal Party does things, which is a good thing for the coalition and will no doubt be its signature move come November 2018 when it moves back into government.

The extensive consultations included a review of councillor conduct and governance arrangements, distribution of a discussion paper and an extensive public submission period, which included targeted consultation, again in consultation with stakeholders. It was important to get feedback from the stakeholders who will be largely impacted by this legislation. I congratulate the members for Gippsland East and Mornington on the extensive work they conducted last year in order to bring the previous bill to the house.

The bill is important because local government impacts on all of us. The bill seeks to amend the Local Government Act 1989 to enhance the standards of governance and behaviour across local government, because unfortunately those standards seem to have eroded over a period of time. The key changes include compulsory implementation and signing of a councillor code of conduct, which is long overdue. This is to ensure that councillors know and understand what is required of them. I would have thought a fairly basic code of conduct agreement is absolutely necessary to enhance the role of local government. The code of conduct also includes the setting of appropriate standards of behaviour, which councillors will be forced to sign off on from the outset. From day one, or when the code of conduct is implemented, councillors

will be expected to uphold the highest standards, as we all are required to do in our positions in government and in the community.

A code of conduct is particularly relevant in the traditional Labor lefty-type councils — Hume, Darebin, Wyndham and Moreland — which have been subject to large amounts of publicity in the papers. You only need to google any one of those areas and something about councillor conduct comes up. It is pretty easy to identify which councils have the most problems. When you delve into the types of personalities, it is those lefty-type councils up in the northern suburban areas that seem to have the greatest problems. If you had read the papers over the last five, six or seven years, it would be crystal clear to you which councils had problems. It is ironic that this government is now bringing in this bill. It should have been passed last year when the coalition was in government because it was trying to raise standards of local government in Labor lefty-type areas. It is funny how things turn: the government is now implementing legislation which will largely impact on its Labor councils. Karma is a wonderful thing, and it happens in this wonderful place.

The bill also encourages councils to deal with councillor conduct issues internally. That is to be supported. Interestingly the bill defines the role of councillor and mayor for the very first time. It is strange that we have had local government for such a long time, yet the role of councillor and mayor have not been clearly defined. Anybody who starts a job of any kind has a job description and is fully aware of the type of role they are expected to fill, but that does not appear to have been the case with local councillors. It is commendable that the bill introduces that requirement, and again that is due to the wonderful work of the members for Mornington and Gippsland East, who thought the bill needed to include a job description of sorts.

In local government we have seen rising remuneration levels and rising expectations of our councillors. It is only reasonable that they have a job description as a benchmark to measure against so that expectations of the local community and ratepayers can be met. It is a fairly basic requirement that the functions of councillors are included in the job role. Obvious functions include participating in decision-making at council level, representing the local community, and contributing to the strategic direction of council, which of course is an important part of being a councillor.

Further, the role of mayor will be fully outlined and will include providing guidance to councils, supporting good working relationships between councillors and

attending civic and ceremonial duties. The responsibilities of the CEO are also expanded to ensure councils receive timely and reliable advice about their legal obligations. The CEO will also have an expanded role, one which many CEOs perform very effectively now, in supporting the mayor and councillors and, critically, in supporting the interaction between councillors and staff. This is absolutely critical to the proper functioning of local government. I have seen firsthand on many occasions when councillors have bullied council staff and management and attempted to influence operational matters. They have entered the workplace and made complete nuisances of themselves.

A key attribute of a quality councillor, or board member for that matter, is to understand their role. First and foremost it is their responsibility to appoint a CEO. Second, once appointed, the council or board provides an oversight and governance role. Importantly of course it allows the CEO to get on with what the CEO has been employed to do.

I also note in the legislation that the audit committee role has been improved so that the audit committee can place a report on the agenda for council meetings. The audit committees were a wonderful innovation introduced under the Kennett government, and they have been a welcome addition to the functioning of local government. I was proudly the inaugural chairman of the Cardinia Shire Council audit committee and remained on that committee for over 10 years, so I have seen firsthand how effective audit committees can be. To see them now have the force of the legislation providing for them to put a report on a council's agenda is a good thing.

As I finish it would be remiss of me not to talk warmly about our councillors and the role they play in local government in providing representation for their local ratepayers. Councillors generally are to be congratulated for putting up their hands and seeking election. It is an extremely public role, and at times it can be a thankless task. It is a great honour to hold an elected position in any form of government. Many times our councillors suffer the wrath of locals for the shortcomings of and decisions made at the state and federal levels. My concern with local councils at the moment is that at times they can attract the wrong type of person, particularly people who are far too occupied with self-interest. We are placing a very high burden on our councillors, and the pay is now attractive enough that these people see it as a viable job alternative. There are too few of the old school councillors who truly filled their roles as a genuine contribution to the community. Too often people use local government as a launching pad into other forms of government.

Nonetheless, the bill addresses a real problem area of council conduct, and I commend it to the house.

**Ms THOMAS** (Macedon) — I wholeheartedly support the bill because I believe it will encourage more women to stand for local government knowing there is a mechanism in place to stop the many examples of outrageous and completely unacceptable behaviour that we have heard about today. One of the things that Labor lefty types pride themselves on is supporting women to take up roles representing their community, whether that be in local government, in this house or indeed in the federal government. It is something that those on the other side of the house have failed to do at every step of the way.

Local government is a very important tier of government, and it continues to concern me that women are seriously underrepresented as councillors. I cannot help but think that the culture evident in some of our councils is very off-putting for women who want to take on the very important role of councillor but who frankly cannot be bothered putting up with some of the behaviour that it seems is too often evident at council meetings.

In my electorate I have five local government areas: Moorabool, Melton, Mount Alexander, Hepburn and Macedon Ranges. It disturbs me that in Macedon Ranges only two of nine councillors are women; in Hepburn, only one of seven; in Mount Alexander, three of seven; in Moorabool, one of seven — —

**The DEPUTY SPEAKER** — Order! The time set down for consideration of items on the government business program has expired, and I am required to interrupt business.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## CRIMINAL ORGANISATIONS CONTROL AMENDMENT (UNLAWFUL ASSOCIATIONS) BILL 2015

*Second reading*

**Debate resumed from 15 September; motion of  
Mr PAKULA (Attorney-General).**

**The SPEAKER** — Order! The question is:

That the bill be now read a second and a third time.

**House divided on question:**

*Ayes, 77*

Allan, Ms	McLeish, Ms
Andrews, Mr	Merlino, Mr
Angus, Mr	Morris, Mr
Battin, Mr	Nardella, Mr
Blandthorn, Ms	Neville, Ms
Brooks, Mr	Noonan, Mr
Bull, Mr J.	Northe, Mr
Bull, Mr T.	O'Brien, Mr D.
Burgess, Mr	O'Brien, Mr M.
Carbines, Mr	Pakula, Mr
Carroll, Mr	Pallas, Mr
Clark, Mr	Paynter, Mr
Couzens, Ms	Pearson, Mr
Crisp, Mr	Perera, Mr
D'Ambrosio, Ms	Pesutto, Mr
Dimopoulos, Mr	Richardson, Mr
Dixon, Mr	Richardson, Ms
Edbrooke, Mr	Ryall, Ms
Edwards, Ms	Ryan, Ms
Foley, Mr	Scott, Mr
Fyffe, Mrs	Sheed, Ms
Garrett, Ms	Smith, Mr R.
Gidley, Mr	Smith, Mr T.
Graley, Ms	Southwick, Mr
Green, Ms	Spence, Ms
Guy, Mr	Staikos, Mr
Halfpenny, Ms	Staley, Ms
Hennessy, Ms	Suleyman, Ms
Hodgett, Mr	Thomas, Ms
Howard, Mr	Thompson, Mr
Hutchins, Ms	Tilley, Mr
Kairouz, Ms	Victoria, Ms
Katos, Mr	Wakeling, Mr
Kealy, Ms	Walsh, Mr
Kilkenny, Ms	Ward, Ms
Knight, Ms	Wells, Mr
Lim, Mr	Williams, Ms
McCurdy, Mr	Wynne, Mr
McGuire, Mr	

*Noes, 2*

Hibbins, Mr	Sandell, Ms
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**Question agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AND OTHER ACTS AMENDMENT BILL 2015**

*Second reading*

**Debate resumed from 16 September; motion of Mr NOONAN (Minister for Corrections).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**ENERGY LEGISLATION AMENDMENT (CONSUMER PROTECTION) BILL 2015**

*Second reading*

**Debate resumed from 16 September; motion of Ms D'AMBROSIO (Minister for Energy and Resources).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

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

*Second reading*

**Debate resumed from earlier this day; motion of Ms HENNESSY (Minister for Health).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**Business interrupted under sessional orders.**

**ADJOURNMENT**

**The DEPUTY SPEAKER** — Order! The question is:

That the house now adjourns.

**Kent Park Primary School**

**Mr WAKELING** (Ferntree Gully) — The matter I wish to raise on the adjournment is in regard to the current facilities at Kent Park Primary School; this matter is for the Minister for Education. Kent Park Primary School is a fantastic primary school in the Ferntree Gully electorate. It is located in the suburb of Ferntree Gully. In fact Sir George Knox, after whom the City of Knox is named, owned the Kent Park estate. He is also a former Speaker of this house.

Over the years the school has been significantly rebuilt. This builds on recent capital investments in other schools in the area, such as the Ferntree Gully North, Wattleview, Mountain Gate and Fairhills primary schools. However, Kent Park Primary School is bursting at the seams with over 520 students. It is clear that whilst many of the facilities serve the community well, the current oval facility, which is frequently utilised for general play and sporting activities, is in need of an upgrade. In summer the oval is often threadbare in terms of loss of grass. More importantly, in the winter the area is subject to significant flooding and mud and goes out of use. It is really the only playing space for many children apart from one basketball area — this is for 520 students. It has been clearly identified that this school needs an upgrade.

I have been working with the school community, and I would like to take this opportunity to congratulate Alison Macauley, the administration staff, the teachers and the parent community. It is a great community. I was there recently to help celebrate the school's 40th anniversary. However, as I said, with 520 students at the school, there is a desperate need to upgrade the facility. There is an identified need for the oval improvement and other important grounds improvements; there is a real need for the community to see an investment. I ask the minister to consider the needs of this important community and to ensure that he takes action and provides a capital investment to ensure that the school's playing area is upgraded.

### Essendon Youth Council

**Mr PEARSON** (Essendon) — I would like to raise a matter for the Minister for Youth Affairs. The action I seek is for the minister to attend a function at Parliament House to meet with representatives of the Essendon Youth Council and their families. This year I established the Essendon Youth Council, which has afforded young people who live in the seat of Essendon the chance to meet and discuss ideas. We have spent a significant amount of time discussing a wide variety of topics, ranging from protecting the rights of young gay, lesbian, bisexual, transgender and intersex students to work experience opportunities in retailing for young people.

I would particularly like to acknowledge the involvement and participation of Buckley Park Secondary College, Mount Alexander Secondary College, Penleigh and Essendon Grammar School, St Bernard's College and Strathmore Secondary College, especially Regan May, Amy Gibb, Finley Andrews, Jett Fogarty, Declan Butler, Laura Cecchini, Jack O'Connor, James Webster, and Nathan Ratnam. I will be inviting the students and their families to a function at Parliament House before the end of the year and I would welcome the Minister for Youth Affairs taking the opportunity to drop in and meet these fantastic young people.

### Lion Australia

**Mr NORTHE** (Morwell) — I rise to seek an action by the Minister for Employment. The action I seek is for the minister to visit the Latrobe Valley and provide some detail on what support and assistance the state Labor government can provide to Lion Australia in Morwell and its employees.

An article on the front page of the *Latrobe Valley Express* of 7 September with the heading 'Jobs to Yo-Go' refers to 30 full-time jobs potentially being lost at the Lion Morwell site. Lion is not only one of the largest employers in the region, it is Australia's largest manufacturer of yoghurt and a very substantial business in the Latrobe Valley. We have heard a lot from the government about jobs, and the Premier has said very clearly that he will fight for every job. We need some support and assistance from the state government in fighting the potential loss of these 30 jobs in Morwell. It is critical for the local economy that we have employment opportunities. We have some wonderful businesses — as I said, Lion is one of the largest employers in the region — and we can ill afford to lose 30 full-time jobs in the Latrobe Valley.

This comes at a time when we are concerned about the creation of additional public holidays putting additional pressure on business. Also of some concern to the local business community is the abolition of the \$15 million Latrobe Valley Industry and Infrastructure Fund. Incidentally, Lion Australia was a recipient under that fund and under the coalition government it was able to upgrade its facilities, increase efficiencies and increase its output. However, there is no doubt that at the moment Lion is experiencing some challenges in terms of market competition, particularly with the supermarket duopoly and many other products coming online and providing substantial competition.

Nonetheless, we are asking the minister to visit the Latrobe Valley and outline any support and assistance the government can provide, not only to the company itself but also to its employees along with the local union. As I said, Lion is a very important large employer in the Latrobe Valley. It is a unique business, and we want to ensure that it is retained in the Latrobe Valley for many years to come. We would therefore welcome the minister taking the opportunity to visit the Latrobe Valley to outline what support and assistance she can provide to the company and its employees.

### Ballarat Centre Against Sexual Assault

**Ms KNIGHT** (Wendouree) — My adjournment matter is for the Minister for the Prevention of Family Violence. The action I seek is that the minister visit my electorate of Wendouree and in particular meet with staff at the Ballarat Centre Against Sexual Assault, known as Ballarat CASA.

CASA is an incredibly important and well-respected organisation in my community, and I understand well the demanding and difficult work it does because I worked there myself for a number of years. CASA's critical role within my community has been well and truly highlighted in recent times. The report on the inquiry into the handling of child abuse by religious and other organisations, entitled *Betrayal of Trust*, and the proceedings of the current Royal Commission into Institutional Responses to Child Sexual Abuse have shown just how responsive those amazing counsellor-advocates are in their support for victim-survivors.

I am very proud that the Andrews government has committed to implementing all of the recommendations of the *Betrayal of Trust* report, and I am also proud that it has committed to and provided \$500 000 to Ballarat CASA to provide individual case management and additional counselling for victims of abuse. This is

really an acknowledgement of and a response to the large number of victims of clergy abuse in Ballarat.

I also know that Ballarat CASA does much skilled and important work in the area of the prevention of violence against women and has a really active interest in and commitment to the Royal Commission into Family Violence, another initiative of the Andrews Labor government that I am incredibly proud of. Those counsellor-advocates are truly experienced and vocal advocates, and I thank them for that.

I am so proud and grateful for the work undertaken by the staff at Ballarat CASA and respectfully request that the minister visit CASA and hear firsthand from the dedicated team there. I think it will provide her with a great opportunity to hear about the particular issues facing victim-survivors of family violence in Ballarat. I also think it will show those workers how valued they are by our government. This will be well demonstrated if she is able to pay them a visit. It will be very much worth the minister's while, and I am sure they will have cakes for her.

### **Burke Road, Camberwell, safety**

**Mr PESUTTO** (Hawthorn) — The action I seek is that the Minister for Police urgently provide funding for CCTV facilities in Burke Road, Camberwell. The coalition government, as part of its substantial suite of community safety initiatives, committed funding for the installation of safety infrastructure in Glenferrie Road, Hawthorn, in 2014, with plans to extend it further afield after the last election.

The previous government provided funding of \$245 000 through its Public Safety Infrastructure Fund grants to install eight CCTV cameras on Glenferrie Road as well as transmission and monitoring infrastructure. The Public Safety Infrastructure Fund, under which that commitment was funded, was part of the previous government's \$35 million community crime prevention program, which provided grants of up to \$250 000 for councils to redevelop public safety and security infrastructure.

Through the Community Safety Fund under the present government, recipients of modest grants were announced on 8 September 2015, with nothing for Burke Road, Camberwell. The Community Safety Fund was developed under the coalition government as part of its community crime prevention agenda and funding has been continued only for this year by the present government.

Burke Road, Camberwell, is a bustling shopping and entertainment strip which attracts many students, shoppers and foodies each day. CCTV would ensure that people could safely enjoy the many shops and restaurants and that police would be able to monitor the Burke Road strip during the day and evenings. The footage could be wirelessly transmitted to the Boroondara police station, where it could be used to help prevent and prosecute crimes. With more than 100 000 people moving through the area each day and given its mix of restaurants, businesses, homes and student accommodation, the new cameras would help deal with some of the community safety challenges in Burke Road.

What makes this matter more urgent is that there is a commonwealth government commitment of \$100 000 to install CCTV facilities on Burke Road, that is subject to a matching commitment by the Victorian government of \$100 000. I have been approached by local traders, as well as the president of Burke Road traders, to ensure that this installation occurs. I have been advised that the traders association, which has recently been contacted by the commonwealth government about this matter, seeks a status update on the potential state government funding.

As one would expect, local traders do not wish to see the federal government commitment lapse because of the absence of a state government commitment. That is why it is so important for the government to seize the opportunity of \$100 000 in federal funding to commit to greater safety and security in Burke Road with a matching commitment.

I would like to take this opportunity to acknowledge the great advocacy and work of my colleague, friend and the member for the federal seat of Kooyong, the Honourable Josh Frydenberg, the Assistant Treasurer, in relation to this matter. It is through his efforts that we have been able to secure a commonwealth government commitment of \$100 000, and it would be a great shame if, with that money being available, we missed the opportunity to match it so that the traders, residents and shoppers on Burke Road could enjoy greater security.

### **Frankston electorate**

**Mr EDBROOKE** (Frankston) — My adjournment matter is for the Treasurer. I call on the Treasurer to visit the electorate of Frankston. I invite him to talk to local stakeholders, including small businesses and key community groups, to discuss the climate of business growth, economics, jobs and infrastructure for the electorate of Frankston. As I see it, we are at a precipice

in Frankston, where our community can sit back and decide to make small changes or make some visionary and bold changes to ensure that Frankston is viable in the future. These bold, visionary decisions include cooperation with our small business owners and the Frankston Business Network, who were involved with the Frankston station precinct redevelopment task force. The task force is all the better for having received the opinions of our business owners, and I know they would appreciate the chance to discuss Frankston's future with the Treasurer.

### **Boroondara precinct 74**

**Mr T. SMITH** (Kew) — My adjournment matter this evening is for the Minister for Planning. The action I seek from the minister is that he begin a planning amendment process in precinct 74, which is in Balwyn, in the City of Boroondara. Precinct 74 is currently zoned general residential, and local residents are seeking for it to be zoned as a neighbourhood residential zone, as are all the precincts abutting precinct 74. This planning anomaly affects an area that abuts Whitehorse Road in Balwyn, where there is a propensity for medium density apartments to be built, and local residents feel that this zoning is totally inappropriate for their local area.

Local residents have contacted the City of Boroondara on countless occasions, and the council has not been forthcoming in beginning that process. Residents, including Heather Turner in particular, who has done a great job leading the local residents group, have asked me to raise this matter in Parliament with the minister, which is why I have raised this adjournment matter this evening.

Precinct 74 abuts Cherry Road and Whitehorse Road. The Balwyn Tigers home ground is within the precinct, and the Tigers are playing in the grand final this weekend. Good luck to them!

This is an anomaly that the Minister for Planning should be looking into. I am keen to work with the minister on this important matter to ensure that this planning anomaly in that part of Balwyn is alleviated as quickly as possible.

### **Duncan Mackinnon Reserve, Murrumbeena**

**Mr DIMOPOULOS** (Oakleigh) — I wish to raise a matter for the attention of the Minister for Sport. The action I seek is that he visit Duncan Mackinnon Reserve in Murrumbeena to inspect the recent pavilion redevelopment works. I also seek the opportunity to show him around the athletics venue and the netball

courts. Both sites are a hive of activity on most Saturday mornings. Hundreds, if not thousands, of local families utilise both these venues every week. These areas are actually part of a very large sporting and public park precinct in the Murrumbeena area, which also includes facilities for cricket and other recreational activities.

As the minister would be aware, I am a very big supporter of sporting activity, particularly for young people. As a councillor at the City of Monash, I was heavily involved in supporting investment in local sporting clubs throughout the municipality. One such investment was the Jack Edwards Reserve redevelopment in Oakleigh, a truly fantastic venue with brand-new surfaces, which was officially opened last week. It makes sense that there is appropriate investment to ensure the best experience for participants but that they have a safe environment.

A few months ago I joined the mayor of Glen Eira and the federal member for Hotham to inspect the new development at Duncan Mackinnon Reserve, an investment of over \$8 million, with \$500 000 in funding from the Brumby Labor Victorian government. Prior to the election of the federal coalition government it was announced by the federal Labor government that there would be over \$280 000 provided to resurface the athletics track. It was a great disappointment that this pledge was cancelled by the incoming Abbott government.

The track is not just used by the athletics club. It is also used by local schools, and it is open for general community use. It is also the site of the annual Relay for Life, at which I will join hundreds of others next month. I look forward to joining the minister at the Duncan Mackinnon Reserve precinct along with representatives of the local Glen Eira Council to see if there are any opportunities for this government to invest in the facilities to make them an even better environment for local sportspeople and the community.

### **Healesville-Koo Wee Rup–Bald Hill roads, Pakenham**

**Mr PAYNTER** (Bass) — My adjournment matter is for the Minister for Roads and Road Safety. I ask the minister to commit to upgrading the roundabout at the Healesville-Koo Wee Rup Road–Bald Hill Road intersection in Pakenham. There is currently a group of businesses in the area surrounding Bald Hill Road in the Cardinia shire that have been campaigning for an upgrade to this roundabout to help decrease the traffic congestion, which is at best diabolical. I recently met with representatives from Cardinia Shire Council, as

well as business owner Tim Leed from Melbourne Rotomould and Norm Davidson from Bendigo Bank, to discuss this issue.

Cardinia Shire Council has estimated that approximately 16 000 vehicles per day drive along Racecourse Road over the railway crossing, north of the Bald Hill Road roundabout. A similar number of cars and trucks travel east–west along Bald Hill Road. When these two roads meet at the roundabout it produces major traffic delays during and leading up to peak times. According to council’s traffic engineer, 16 000 vehicles per day is the saturation point. During peak hour this means that the traffic on the Pakenham bypass on the M1 comes to a grinding halt waiting to enter Healesville–Koo Wee Rup Road. There is often a long queue of stationary vehicles on the freeway, which for obvious reasons is extremely dangerous. I have been told that it can sometimes take over 40 minutes to drive north from Mitre 10 to Railway Avenue, which is made far worse when the boom gates are down.

With dozens of new factories in the area, which provide a critical employment hub for locals in surrounding towns, and with no footpaths for people to walk on, children from Chairo Christian School are required to cross busy Bald Hill Road, which of course is a major truck route. As a flow-on effect, a great deal of pressure has been placed on the smaller back streets — for example, Webster Way, which has clearly not been designed to accommodate so much through-traffic and so many trucks. Small business needs state government support. Traffic jams cause problems and cost money. The state government can assist by delivering great infrastructure to enable businesses to flow efficiently and free of major delays. I ask the minister to support the residents and businesses of Pakenham by committing to fund this much-needed upgrade to the roundabout.

### South Geelong landfill site

**Ms COUZENS** (Geelong) — My question is for the Minister for Environment, Climate Change and Water. I ask the minister to outline what arrangements are in place to protect the Geelong community in relation to a recording of higher than normal levels of methane detected on a landfill site in South Geelong. The Environment Protection Authority has been notified of high levels of methane in buildings in Birkett Place, South Geelong, which is near an old City of Greater Geelong landfill site. The high levels have been recorded by the City of Greater Geelong and reported to the Country Fire Authority. Levels of between 1.5 per cent and 9 per cent methane have been reported in one of the buildings.

Methane is a landfill gas, a high concentration of which — between 4.4 per cent and 10.1 per cent — may be explosive or result in fire. This is a light industrial site; it is not residential. I am aware that WorkSafe Victoria, the Country Fire Authority and local tenants have been notified, and I am also aware that the Environment Protection Authority has conducted a site visit to assess what appropriate action should be taken. An outline of what has been put in place following these assessments would be beneficial to the community of Geelong.

**The DEPUTY SPEAKER** — Order! Before I call the Minister for the Prevention of Family Violence, I remind honourable members that the adjournment debate is not about asking questions; it is about asking for action. The member for Geelong did go on to detail the required action, but I ask that members keep that in mind.

### Responses

**Ms RICHARDSON** (Minister for the Prevention of Family Violence) — It is my very great pleasure to respond to the member for Wendouree, who has invited me to her electorate. The member has been a fierce advocate for her local community for many years. In particular she has been very focused on the need to address family violence in her community. I want to take this opportunity to thank her for her commitment to this very important issue and for all the work she does on behalf of her community. The member was instrumental in the Andrews Labor government’s decision to provide additional funding for the Ballarat Centre Against Sexual Assault (CASA) in this year’s budget. She was the key reason for that funding being allocated. The \$500 000 boost to Ballarat CASA will help provide expert support to victims and survivors of sexual assault.

Tragically we know women bear the greatest burden as a consequence of family violence and sexual assault. In Australia one in three women will experience violence and one in five will experience sexual assault. I have met with a range of staff members from councils around Melbourne and around the state. Like the member, I take this opportunity to thank them for the work they do. It is particularly tough work that they undertake to support women in these traumatic times.

I thank the member for offering me the opportunity to visit Wendouree and Ballarat CASA in particular to see firsthand the work it undertakes. I look forward to continuing to work with the member for Wendouree, whose dedication to preventing all forms of violence against women and children is truly inspiring.

**Ms ALLAN** (Minister for Public Transport) — I will respond briefly to the member for Morwell in my capacity as Minister for Employment. He raised a matter regarding Lion Dairy & Drinks. I am very familiar with the work Lion dairy does, having visited just last year and tried some of its yoghurt and other products. I appreciate that it is a great example of a regionally based food manufacturer with a top-quality product and that it is an important employer in the region. I am obviously concerned to hear that there is the potential for a number of jobs to be lost; the member mentioned was up to 30. I advise the member that Regional Development Victoria's Gippsland office is already working with the company to provide a Business in Transition Support Program information session to affected employees.

I will ask the department to brief the member on the work it is doing, if he has not been briefed already. In regard to his call for further support and assistance, I will also ask the department to look at that matter and consult with the member on what else can be done. The Andrews government will fight for every job. We have a range of programs to support activity in regional areas, and we want to make sure that these issues are addressed wherever possible.

All remaining matters raised by honourable members will be referred to those ministers for their attention and action.

**The DEPUTY SPEAKER** — Order! The house stands adjourned.

**House adjourned 5.32 p.m. until Tuesday,  
6 October.**

