

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Thursday, 20 August 2015

(Extract from book 11)

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The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

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|--|------------------------------|
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| Minister for Families and Children, and Minister for Youth Affairs | The Hon. J. Mikakos, MLC |
| Minister for Environment, Climate Change and Water | The Hon. L. M. Neville, MP |
| Minister for Police and Minister for Corrections | The Hon. W. M. Noonan, MP |
| Attorney-General and Minister for Racing | The Hon. M. P. Pakula, MP |
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| Minister for Women and Minister for the Prevention of Family Violence | The Hon. F. Richardson, MP |
| Minister for Finance and Minister for Multicultural Affairs | The Hon. R. D. Scott, MP |
| Minister for Planning | The Hon. R. W. Wynne, MP |
| Cabinet Secretary | Ms M. Kairouz, MP |

**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

| Member | District | Party | Member | District | Party |
|-----------------------------------|--------------------|--------------|---------------------------------------|------------------|--------------|
| 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 | Polwarth | LP |
| Battin, Mr Bradley William | Gembrook | LP | Naphthine, Dr Denis Vincent | South-West Coast | LP |
| Blackwood, Mr Gary John | Narracan | LP | Nardella, Mr Donato Antonio | Melton | ALP |
| Blandthorn, Ms Elizabeth Anne | Pascoe Vale | ALP | Neville, Ms Lisa Mary | Bellarine | ALP |
| 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 ² | Gippsland South | Nats |
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| Dimopoulos, Mr Stephen | Oakleigh | ALP | Richardson, Mr Timothy Noel | Mordialloc | ALP |
| Dixon, Mr Martin Francis | Nepean | LP | Richardson, Ms Fiona Catherine Alison | Northcote | ALP |
| Donnellan, Mr Luke Anthony | Narre Warren North | ALP | Ryall, Ms Deanne Sharon | Ringwood | LP |
| Edbrooke, Mr Paul Andrew | Frankston | ALP | Ryan, Mr Peter Julian ¹ | Gippsland South | Nats |
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| Garrett, Ms Jane Furneaux | Brunswick | ALP | Smith, Mr Ryan | Warrandyte | LP |
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| Guy, Mr Matthew Jason | Bulleen | LP | Staikos, Mr Nicholas | Bentleigh | ALP |
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| Hibbins, Mr Samuel Peter | Prahran | Greens | Thomas, Ms Mary-Anne | Macedon | ALP |
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| 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 |
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| 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 | | | |

¹ Resigned 2 February 2015

² Elected 14 March 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, Mr Mulder, 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 Elasmr, Mr Melhem and Mr Purcell.

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, 20 August 2015

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

BUSINESS OF THE HOUSE**Notices of motion**

The SPEAKER — Order! Notices of motion 1 to 179 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:

Eltham ambulance station

To the Legislative Assembly of Victoria:

The petition of residents of the state of Victoria draws to the attention of the Legislative Assembly the state of the Eltham ambulance station, which is in need of an extensive upgrade.

The residents of the state of Victoria note that the Victorian government has promised to spend \$20 million to upgrade nine ambulance stations across the state.

The petitioners therefore request that the Eltham ambulance station be one of the nine ambulance stations to receive the funds necessary to upgrade the station.

By Ms WARD (Eltham) (210 signatures).

Manchester Primary School

To the Legislative Assembly of Victoria:

The petition of the residents of the Yarra Ranges draws to the attention of the house the apparent inadequacy of existing funding available for the redevelopment of Manchester primary which the school is under increasing pressure to use to deal with a backlog of maintenance issues.

The petitioners therefore request that the Legislative Assembly of Victoria increase available funding for Manchester primary's master plan so that the school can keep pace with local population growth and parental expectations for a best practice student learning experience.

By Mrs FYFFE (Evelyn) (285 signatures).

Jetty Road, Rosebud

To the Legislative Assembly of Victoria:

The petition of the residents of the electorate of Nepean points out to the house the extremely dangerous traffic conditions at the intersection of Jetty Road, Rosebud, and the terminus of the Mornington Peninsula Freeway.

The petitioners therefore request that the Legislative Assembly of Victoria, in accordance with the VicRoads Point Nepean Road Study, urgently approve funding for the Jetty Road overpass in order to relieve the congestion on local roads at the current terminus of the Mornington Peninsula Freeway.

By Mr DIXON (Nepean) (36 signatures).

Tabled.

Ordered that petition presented by honourable member for Nepean be considered next day on motion of Mr DIXON (Nepean).

Ordered that petition presented by honourable member for Evelyn be considered next day on motion of Mrs FYFFE (Evelyn).

Ordered that petition presented by honourable member for Eltham be considered next day on motion of Ms WARD (Eltham).

BUSINESS OF THE HOUSE**Adjournment**

Ms ALLAN (Minister for Public Transport) — I move:

That the house, at its rising, adjourns until Tuesday, 1 September 2015.

Motion agreed to.

MEMBERS STATEMENTS**Milemaker Petroleum**

Ms NEVILLE (Minister for Environment, Climate Change and Water) — This morning I call on Caltex franchisee, Milemaker Petroleum, to waive, as a show of goodwill to the people of Drysdale and Clifton, the \$5500 in legal costs recently awarded against the Drysdale and Clifton Springs Community Association.

The community association is a very much respected volunteer-led organisation whose members work tirelessly in representing the views and concerns of local residents. In doing this, in January 2014 they lodged with the City of Greater Geelong a submission opposing the proposed Milemaker service station. Like many other local submissions, the association's submission argued that the site was an inappropriate location and was zoned rural living. As a local member I also provided my full support to this reasonable position, as did more than 400 people who signed a petition. However, the City of Greater Geelong approved the application and the association then

appealed the decision to the Victorian Civil and Administrative Tribunal. The appeal was dismissed on the grounds that it was lodged late. Milemaker applied for legal costs, which were awarded by the Victorian Civil and Administrative Tribunal to the tune of \$5500. This is a very substantial amount for any voluntary association and there is a genuine fear that if these funds cannot be raised by the community the Drysdale and Clifton Springs Community Association will fold. That will have a devastating impact on our community and on the work the association's members do down there.

I therefore reiterate my call on Milemaker to waive this cost as a show of goodwill and to begin the important process of building bridges with locals and in doing so becoming part of the wonderful community of Drysdale and Clifton Springs.

Wimmera cancer centre

Ms KEALY (Lowan) — I would like to extend my sincere thanks to the Wimmera community for their support of the Rachael's Wish Fundraising Appeal to raise vital funds for the Wimmera cancer centre. The ACE Radio Broadcasters telethon was an enormous success, raising over \$125 000 for this great cause. Congratulations to Rachael Littore for driving this important local project in conjunction with the Wimmera Health Care Group Foundation and the Wimmera Hospice Care Trust. More than \$500 000 has now been raised by the community for this fantastic local project. I urge the Labor government to urgently commit \$1 million to fund this very important local project so that works can begin as soon as possible and people across the Wimmera can access the local cancer services that they deserve.

The Overland

Ms KEALY — The Overland is the only passenger rail service in the Wimmera, providing a vital link to Melbourne and Adelaide. The local community is greatly concerned that the future of this service is in doubt as no timetables for next year have yet been published. I call on the Labor government to acknowledge the importance of The Overland to the Wimmera, and urgently finalise an agreement with the South Australian government to ensure that The Overland train service continues and the frequency of The Overland train services is not reduced.

Horsham West and Haven Primary School

Ms KEALY — Recently I had a great experience as principal for a day at Horsham West and Haven

Primary School. It is so inspiring to meet confident young people who enjoy learning. It is clear that our future is in good hands. Thank you to principal Brendan Bush, to all the educators and to the students who made me so very welcome — and special thanks for sharing your great ideas on how we can build a better future for our young people.

Coleraine Art & Photography Show

Ms KEALY — Congratulations to Val and her team for putting on a fantastic exhibition at the Coleraine Art & Photography Show, which I had the pleasure of attending last week. It was a fantastic community event and it is great to showcase our local artistic community.

City of Casey councillor

Mr DONNELLAN (Minister for Roads and Road Safety) — I want to raise serious concerns about the language and behaviour of Cr Sam Aziz at the City of Casey over a long period of time. Specifically, I refer to action or lack of action taken by the chief executive officer in relation to ensuring a safe and orderly workplace. Former councillors Karen Baxter, Judy Owen and Lynette Keleher have all had concerns about Cr Aziz's behaviour. Recently Cr Rafal Kaplon, who is from the gay community, was referred to by Sam Aziz as a 'parasitic mosquito who thrives by spreading blood-borne viruses between otherwise healthy people'. They are totally and utterly inappropriate comments from a councillor in the state of Victoria.

Further, recently he made the following comments in relation to the Islamic community:

Dear so-called Muslim leaders — I am sorry you feel alienated in Australia. Perhaps you would be far more comfortable leaving Australia (with its liberties and welfare system) and go back to somewhere in the desert in Arabia, where you can engage in oppression, violence and any other 7th century activity that does not belong in a civilised country in our time.

Those comments are totally inappropriate. This person is not fit to be a councillor in the City of Casey. Many of his fellow councillors have great fear in relation to his behaviour and language, and it is not a safe workplace. I call on the CEO to act and ensure that his legal obligation of providing a safe workplace is implemented.

Somerville police station

Mr BURGESS (Hastings) — Today I rise to call on the Minister for Police to fulfil the clear directions given by the Chief Commissioner of Police, Ken Lay, as detailed in his letter last year for the Somerville

police station, and provide the 16 hours a day service Chief Commissioner Lay had committed to in writing for the people of the Somerville community. Even though the minister later contradicted this principle by overriding the chief commissioner's wishes and personally directing that police be stationed in the Labor marginal seat of Bellarine, the minister has acknowledged in writing that it is the role of the commissioner to allocate police officers to a station, and Chief Commissioner Lay did this for Somerville.

Anything less than what Chief Commissioner Lay identified for Somerville will be recognised by the community as the political interference that it is and will be fought every step of the way by the local community and the police family. It became clear that Somerville was going to be at risk under this politically partisan and soft-on-crime government when it cancelled the 250 additional police that had been committed to by the Liberal-Nationals government to complement the 1850 more police, 100 transit police and 950 protective services officers the Liberal-Nationals government had already delivered.

Public holidays

Mr BURGESS — On 13 August I was pleased to join the member for Ripon in speaking to small businesses in Ararat, Stawell, Maryborough and Creswick. The businesses in these regional areas have the same concerns as businesses throughout the state about the state government's proposal to introduce an AFL grand final eve public holiday. These businesses, like many others around the state, are concerned that the grand final Friday public holiday will result in both lost productivity and higher wage costs at a time when they are already doing it tough. Inviting businesses from across the state to submit their concerns in writing — —

The SPEAKER — Order! The member's time has expired.

Ros Leslie

Mr BROOKS (Bundoora) — I rise to pay tribute to Ros Leslie, who passed away just over two weeks ago, on 2 August. Ros was an amazing woman with a passion to help and empower people who have an intellectual disability. In 1998 Ros, compelled by a belief that disability organisations were not developing the full potential of their participants, founded Lifeskills. Based at La Trobe University's Bundoora and Bendigo campuses, Lifeskills is a registered training organisation which runs a growing range of courses for people with disabilities. The philosophy of

Lifeskills is to ensure that each participant is encouraged to reach their potential by gaining individual skills, recognised qualifications, work experience and then, finally, employment. From its inception to the time she passed away Ros was dedicated to Lifeskills, being the sole managing director. From small beginnings she grew Lifeskills from an organisation providing programs for around 5 people to between 65 and 70 people attending per day.

I first got to know Ros when she was lobbying to secure an ongoing partnership between Lifeskills and La Trobe University. I have since been honoured to attend various functions hosted by Lifeskills, including its annual art shows. Ros's kindness, passion and dedication to making a difference in the lives of those with a disability emanated from her personality. Many local families who have utilised the services of Lifeskills have told me of the great work of this organisation, and I have consistently heard kind words spoken about Ros. Her achievements are too many to do justice to in this statement, but Lifeskills will endure as her legacy. She will be greatly missed.

Fire services review

Mr WAKELING (Ferntree Gully) — I would like to raise some concerns on behalf of the firefighters of Knox, with whom I had the great pleasure of meeting recently, in particular Bill Watson and Rob Earney from the Knox volunteer firefighters. I have received a letter written on behalf of Knox volunteers that reads:

... the announcement of a review to our fire services came as a surprise but what is more of a surprise was the advice there was the window of opportunity to offer submissions of only about one month. This appears less than adequate time for all major stakeholders to research and create a worthy document. Given the fact that most volunteers also have day jobs and a family commitment, this time line offers even less opportunity and an unfair disadvantage. The terms of reference are broad and leave prospect to review a substantial variety of facets of our fire services.

I call upon this government to ensure that firefighters in my community and across the state are given ample opportunity to put in a submission.

Hungarian Community Centre

Mr WAKELING — I would like to raise concerns in regard to the Hungarian Community Centre in Wantirna, to which the previous government provided a \$40 000 grant to help upgrade its facility. This week that group has been advised by this government that the \$40 000 grant has been taken away by the minister. This is of grave concern. I call upon the minister to

reverse this savage cut and to ensure that the Hungarian club gets the \$40 000 that was approved by the former government. I call upon this government to stand up for groups in my community.

Mount Ridley College

Ms SPENCE (Yuroke) — I recently had the pleasure of meeting with Nick Orchard of the Beacon Foundation, who is doing some terrific work with Mount Ridley College in Craigieburn. Mount Ridley College and the Beacon Foundation have partnered to support young people to stay in school, become work ready and acquire real jobs in growth industries. This involves collaborating with local business leaders to identify the skills that young people need to thrive in the 21st-century workforce.

On Wednesday, 5 August, the Beacon Foundation held a Collaborative Classrooms session at Mount Ridley College, along with senior representatives from five large industry groups, including Origin, Cummins and Holcim Australia. These industry representatives collaborated with teachers to reinterpret the classroom curriculum in a way that is engaging and reflective of real-world skill requirements. The most exciting outcome of the session was Cummins commissioning Mount Ridley coding students to solve a real challenge the company is facing in revamping its stock management systems. Students are going to design a solution using robotics and will present their solution and costings to the Cummins Australia executive.

I am really excited about this partnership and what it can achieve for local students. I look forward to hearing about its ongoing work. I hope to see such partnerships develop in other schools and, most importantly, I look forward to hearing the proposal to be put by the Mount Ridley College students to modernise and revamp the stock management system for Cummins Australia.

Melbourne High School

Mr HIBBINS (Pahran) — I recently addressed the Melbourne High School Political Interest Group, where I shared my experiences as an MP and discussed the place of the Greens in the political landscape and the main issues facing the Prahran electorate and Victoria. I also fielded knowledgeable and thoughtful questions from students on a range of subjects, including South Yarra station, renewable energy and economics. I thank all students for the engaging discussion.

Prahran electorate netball

Mr HIBBINS — I attended the launch of the Prahran Assumption Football Club's new netball teams. The netball teams are part of the commitment of the Prahran football club's netball team, the Two Blues, to the wider community through the community sports program. The teams were launched by the great back-pocket player from Prahran, Kevin Sheedy. The junior and senior netball teams will compete this year in the Prahran Netball Association, which is yet another reason we need more netball courts in Prahran.

Youth Parliament

Mr HIBBINS — I was fortunate enough to be Speaker for a session of the YMCA Victoria Youth Parliament, where I presided over a debate on a bill for increased opportunities for homeless youth. Congratulations to the Swinburne University of Technology team, the South-East Koori Mob and all other teams for their substantive, well informed contributions to the debate. I also had the opportunity to chair the adjournment debate, where members spoke on issues such as gender equality, climate change, animals and more. It was a privilege to hear young people speak passionately about these important matters.

Victorian Student Representative Council congress

Mr HIBBINS — I attended the Victorian Student Representative Council annual congress, where student representatives debated a number of issues that directly affect young people, including needs-based funding and mandatory student involvement in decision-making processes. Young people being involved in decisions that affect them is a principle I strongly support. I congratulate all council members for their involvement in congress and wish them well in their ongoing efforts.

Sport funding

Mr EREN (Minister for Sport) — One of the great things about being the Minister for Sport is the opportunity I have to get out and about in the regions, visiting the sporting clubs that truly are the lifeblood of our suburbs and towns. Whether it is at the Olympic Games, on AFL grand final day or at national athletics meets at Lakeside Stadium, all regional athletes do our state proud. The Andrews Labor government believes that all Victorians should have access to the sports facilities they deserve, regardless of where they live. Last month, I was in Tungamah, where the mighty Tungamah Bears are rebuilding, after heavy flooding destroyed the netball courts in 2012. It was delightful to

see the smiles on the faces of those hardworking families who call the club home. With new courts, complete with floodlights, hopefully another premiership is just around the corner for the team.

We are the major events capital, and we want to ensure that our impressive calendar stretches to all corners of the state. I know Dooen, on the outskirts of Horsham, cannot wait to stage the 2018 FIM Junior Motocross World Championships. I was at Dooen recently to announce an \$80 000 boost to help the club on its way, and I am not surprised that it is considered one of the best towns in Australia. In Geelong, we are delivering the Cadel Evans Great Ocean Road Race. Only this year, that flagship event was awarded elevated race status by the Union Cycliste Internationale or UCI. It means higher profile teams and better cyclists will come from all over the world. We are bringing AFL football to Ballarat, which means jobs for the locals and a stronger economy — but never at the expense of grassroots players. Night football is fast becoming a phenomenon in grassroots leagues, and we are helping clubs like Kyneton, Castlemaine and Mooropna to light up their venues and stage big blockbuster games.

Unconventional gas

Mr D. O'BRIEN (Gippsland South) — The Auditor-General's report entitled *Unconventional Gas — Managing Risks and Impacts* finds that Victoria is not as well placed as it could be to manage a potential unconventional gas industry, but also that state government departments have improved their ability to deliver effective regulation since the previous coalition government introduced the moratorium in 2012. The report is vindication of the coalition's decision to bring in the moratorium. It highlights that the state was not well equipped to regulate the industry and that more work needs to be done to improve the regulatory framework if it is ever to proceed. We should not forget that the previous Labor government issued 73 licences for onshore gas and 23 permits for fracking operations. The Nationals, and the coalition, have taken a much more cautious approach, and this report confirms we were right to do so. As we have always said, we will not support any activity that threatens our land and water resources.

Fire services funding

Mr D. O'BRIEN — There is much debate about fire services at the moment, but what concerns me is that the Labor government apparently has no plans or funding for upgrades to local fire stations. I recently wrote to the Minister for Emergency Services seeking support for rebuilds of outdated stations in Foster and

Mirboo North, but the minister's response indicates there is no money for these important upgrades. I will continue to work with local brigades to deliver the facilities they need and urge the government to come to the party.

Dancing With Our Stars

Mr D. O'BRIEN — I had the pleasure last weekend of being a judge at Sale's Dancing With Our Stars, a major fundraiser for the Five Star Project, which provides accommodation for adults with a disability. Congratulations to the eight locals who gave up their time to train and perform, and to help raise \$45 000 on the night for this very good community cause. Well done to organiser Jodie Willis and the whole Five Star team for this great event.

Foodbank Victoria

Mr PEARSON (Essendon) — I take this opportunity to thank Foodbank Victoria and its various corporate partners for the great work they do to provide food for Victoria's poor. Last week I visited the Wingate Avenue Community Centre, Ascot Vale, for a quarterly food distribution organised by Foodbank Victoria. Dave McNamara, the CEO, was on hand and volunteers from the ANZ bank helped to distribute food to the 400 or so people who had lined up, in many cases for a number of hours. The arrangements are fairly straightforward. People arrive, are given a number and wait for the truck to arrive. The food is then spread out on pallets throughout the car park. For many people this provides an opportunity for them to get a large box of Weet-Bix for their children or some milk, tea, pasta, fresh fruit and vegetables. Last year, Foodbank distributed more than 14 million meals in Victoria.

It is estimated that approximately 1 in 10 Victorians are not able to feed themselves. Historically, this has been the homeless, the unemployed and single parent families. In more recent times, Foodbank has seen a rise in the number of working families who, when hit with a multitude of bills, reach out for help. These families will often skip a meal to ensure their children have food, but once the kids run out of food they seek assistance. Foodbank provides an essential service to my community and to many throughout Victoria. I congratulate Dave McNamara and his team, as well as its corporate partners like the ANZ bank, for the work they do that helps to put food in the stomachs of the poor, the disadvantaged and the ill.

Birthday felicitations

Mr PEARSON — On a separate note, today is my wife's birthday, and I am thoroughly looking forward to leaving this place tonight. Juliet and I are going to bring home the pizzas, and we will have a nice night at home. Happy birthday, Nic, love you lots.

Visit Victoria logo

Ms ASHER (Brighton) — The member could at least shout his wife some French champagne rather than a pizza!

I wish to add to the discussion about the new logo for Victoria. Quite aside from the cost of \$220 000, which has been queried across the board, and it should be, I want to look at the reason given by the Premier to introduce the new logo. The Premier said the logo is going to be part of a campaign to attract investment, jobs and visitors. The key issue — —

An honourable member interjected.

Ms ASHER — It is a key issue for state government — a core issue for state government to attract investment and tourism, and in fact Victoria's no. 1 export is international education and Victoria's no. 2 export is tourism. A logo alone will play no role in either of those exports, no. 1 or no. 2. What is needed is a proper policy and program to attract international education and to ensure that we stay at the top of the table. What is needed is a proper marketing campaign for tourism, especially in China, which is already our no. 1 source of visitors, unlike the commonwealth.

What is needed is a proper trade program. The government has moved away from the trade mission program. That is its call, but it needs to have a proper substitute for that. I concur with the *Age* editorial of 14 August headed 'Triangles, enigmas and odd priorities'. This is gimmickry, and it has no substance.

Brookside P-9 College

Ms KAIROUZ (Kororoit) — On 20 July I had the privilege of attending the opening of the Anzac centenary memorial garden at Brookside P-9 College in Caroline Springs. It was lovely to attend the opening of the memorial garden, which was funded under the Anzac centenary local grants program. The children at Brookside P-9 College designed and constructed the garden themselves as a living memory to those who fought in World War I. The handmade poppies that were placed in the garden were very beautiful.

I enjoyed hearing the students speak on the importance of carrying on the memory of Anzac and keeping the Anzac spirit alive. I would like to thank the Caroline Springs RSL for all the help it provided to Brookside College in the construction of the memorial garden, and I congratulate the students of Brookside College on such a beautiful garden of remembrance.

Deer Park North Primary School

Ms KAIROUZ — On another matter, on 23 July I was pleased to attend the opening of the Deer Park North Primary School Gratitude Garden, along with the member for Macedon. The Deer Park North Primary School Gratitude Garden is part of a collaborative preventative health project that involves members of the Deer Park community, sponsors and the primary school. The project aims to promote healthy eating, nutrition, exercise and physical and mental wellbeing. The garden is part of the Building Healthy Communities in Melbourne's West project, which aims to positively change the health outcomes of families in Melbourne's west. I would like to thank Deer Park Primary School for inviting me to this important event.

Pakenham Scout Group

Mr PAYNTER (Bass) — On the night of Friday, 7 August, I had the pleasure of stepping foot in the Pakenham scout hall for the first time in 40 years for the annual report and presentation evening of the Pakenham Scout Group. Although my time in scouts was somewhat short, the memories of 'Dyb, dyb, dyb, dob, dob, dob', toggles and tying knots will stay with me forever. The Pakenham Scout Group continues to grow steadily each year and now includes an equal representation of girls and young women. As a Pakenham boy myself, it makes me feel proud to see so many people actively contributing to our community.

I would like to extend my special thanks to group leader Jason Baird for his excellent leadership. I would also like to thank the committee members, the team leaders, including my good friend Jackie Connelly, and the numerous dedicated volunteers, who work steadfastly throughout the year to provide such wonderful, character-building experiences.

Aside from the obvious hands-on skills, the Pakenham Scout Group, which includes joeys, cubs, scouts, venturers and rovers, gives our young people the opportunity to develop a clear vision for their future. The scout group helps to promote self-confidence, self-esteem and self-respect by actively supporting children's social and emotional wellbeing. It also teaches important life skills, such as leadership,

teamwork, creativity and environmental awareness by focusing on the positive connections available to them within our community. It was a fabulous evening, and I was delighted to be able to attend.

Women's Friendship Cafe

Ms GRALEY (Narre Warren South) — Just last week I had the great pleasure of welcoming the Minister for Multicultural Affairs, Robin Scott, to our diverse local community. We began the day at the Women's Friendship Cafe at River Gum Primary School, which was funded through a small grant from the Alfred Felton Bequest. The cafe provides a much-needed opportunity for women who would otherwise be socially isolated to make friends and acquire new skills. They can also bring their children, as students completing the early learning certificate at Chisholm Institute provide a playgroup session.

The minister and I met with the tireless project leader, Elaine Smith; principal Roma McKinnon; executive director of the Victorian Immigrant and Refugee Women's Coalition, Melba Marginson; and many of the women who now enjoy this wonderful program. Special thanks go to school captains Elisa Truong and Owen Rocas, who were outstanding tour guides.

Hampton Park Secondary College

Ms GRALEY — Not to be upstaged, students at Hampton Park Secondary College provided a dazzling display of musical performances. Silao Stanzlaur-Ato and Pene Va sang a mash-up of songs in English and Samoan. Monica Reea performed a beautiful Cook Islands dance and took to the stage with her classmates to perform the amazing sasa. Well done to Semi Felise, Rachel Meni, Sala Meni, Corrine Tapusini, Chris Westerlund, Marguerite Leilua, Karen Tuifelasai, Konrad Tauaa, Gus Seiuli, Jay Vailosaloa, Ivy Robertson and Tama Westerlund.

The school's 'multi pride' leaders, Paz Dichoso and Geomar Landicho, also spoke about their commitment to the school's values of respect, learning and working together, and these values were clear to see in the school's new song, *Stand Together*, which was performed by the incredibly talented Jurel Ortencio. She sang:

We are all in one community
We all come in our different ways
We are the many who make up the one
When we come together we stand as one

It was a fitting note to end a day that showed off the very best of Hampton Park Secondary College. I know the minister was very impressed and had a great time.

bestchance Child Family Care

Mr GIDLEY (Mount Waverley) — I rise to congratulate bestchance Child Family Care in Glen Waverley on the successful completion and opening of the new four-year-old playroom 8. Playroom 8 is providing additional four-year-old kindergarten places for Waverley area families. I particularly acknowledge the CEO, Mr Kevin Feeny, and his team at bestchance, who raised more than \$200 000 by their own efforts, which is a great achievement in this fundraising environment, while patiently delivering this project. That funding complemented partial state government funding that was delivered last year. It was nice to see the new kids room in action.

Rotary Club of Mount Waverley

Mr GIDLEY — Today in the Parliament I recognise the Rotary Club of Mount Waverley for its successful completion of the ANZAC Centenary Walkway in Mount Waverley. The memorial commemorates the First World War in a very dignified and respectful manner. The idea for the project was conceived by the club and through the collective work of its members, including Paul Power, Geoff Logie Smith, Terry Roche and Phillip McKenzie, it was able to move the project from a worthy concept in July 2013 to completion two years later. I also recognise the commonwealth government, which provided funding for the project.

GP Graders

Mr GIDLEY — Today in the Parliament I recognise GP Graders, which is a growing, award-winning manufacturing business. GP Graders was named 2015 Medium Manufacturer of the Year at the Victorian Manufacturing Hall of Fame awards. It was a great pleasure to visit the company with the member for Caulfield to see this thriving business in action. I saw firsthand why it has won so many awards. I extend thanks to the managing director, Stuart Payne, and his team at GP Graders.

Sport funding

Ms GARRETT (Minister for Emergency Services) — It is fantastic to see the great work the Andrews Labor government is doing for community sports in my local electorate of Brunswick. We know that community sport brings us together — it is part of

the fabric of our diverse community and plays an important role in advancing social inclusion.

Sport at the grassroots level is something we need to support and promote, and it is something that was sorely neglected by those opposite when they were in government. We have already seen the commitment from this side, and I would like to acknowledge the great work done by the Minister for Sport in this area. Just last month he announced \$100 million for grassroots sport, including a \$10 million investment in women's sporting facilities. This is the biggest ever investment in female participation in community sport by an Australian state government. This funding will not only be great for sport at a grassroots level but it will also bring huge benefits to women and girls who want to play sport.

On top of this we are providing \$9.6 million to build 64 netball courts in inner city Melbourne. Netball is a fantastic team sport, as we saw on the weekend when the Aussie Diamonds claimed an outstanding victory in the Netball World Cup. I was a very proud mum two weeks ago when I watched my daughter, Molly, and her team take out their grand final for the Brunswick Netball Club. The final score was 12 to 11. My head almost blew off with the tension, but the girls brought it home. Everyone deserves an equal opportunity when it comes to being healthy in their community. I have no doubt we will see a lot of budding athletes coming from the netball courts of Brunswick.

Dorothy Hill

Mrs FYFFE (Evelyn) — This week I was honoured to speak at the funeral of Dorothy Hill. It was very much a celebration of a life well lived. A member of the Liberal Party for 52 years, Dot was the epitome of those who have made our party great. Dot held many positions in the party, including being my electorate chair in 2006. Dot was not only a hardworking and devoted member; she was also fearless in the giving of advice. In fact her last piece of advice to me was issued on her deathbed. The family had been called to say goodbye. The next morning Dot had a bit of a rally. She was very cross and cranky that she was still alive. She was even more angry that she was unable to write a letter to me with instructions to support and campaign for euthanasia.

Whether it was her support of and work with the Red Cross, Probus, Lilydale museum or Lilydale and District Historical Society, Dot's energy and enthusiasm inspired many. Dot was a farmer, a businesswoman, a devoted wife to her late husband, Colin, a proud mother, an obsessed grandmother, and a

friend and supporter to many. She was a fine example of a generation of people who, when something needed doing, just got in and did it. Vale, Dot Hill. You will be missed.

Manchester Primary School

Mrs FYFFE — This morning I tabled a petition with 285 signatures on behalf of Manchester Primary School calling on the Andrews government to increase funding for Manchester primary's master plan so the school can keep pace with local population growth and parental expectations for a best practice student learning experience. Manchester primary is an excellent school with a vibrant local reputation, and the principal, Peter Jenkins, has done a fantastic job.

Oakleigh electorate level crossings

Mr DIMOPOULOS (Oakleigh) — I rise to speak again about the fantastic level crossing removals program in and around my community in the electorate of Oakleigh. Members will recall the government's historic announcement that nine level crossings will be removed between Caulfield and Dandenong and three level crossings will be removed on the Frankston line — all to be delivered by 2018. This government has not sat back waiting for things to happen, as we saw happen under the last government. We have acted, and there are more crossing removals to come — 50 in total.

In late June, tenders for the crossing removals on the Cranbourne-Pakenham line closed, and bidders for the project have now been announced. The Level Crossing Removal Authority has been on the ground, consulting with local residents and traders. I was fortunate to join them at Carnegie early on a cold morning. I have also been with the CEO of the authority to inspect the Murrumbeena crossing, and with the Deputy Premier and the Minister for Public Transport at the Carnegie and Hughesdale level crossings.

The government is not just making announcements and putting out advertisements without acting. We saw too much of that last year. Early investigative works have already started on the Murrumbeena line, and it was terrific to be at the rail line near Murrumbeena station in the early hours of a Saturday morning in June to see firsthand the works already underway. Following the issuing of contracts, major construction on the Cranbourne-Pakenham line is due to commence next year. I look forward to seeing the forthcoming work to remove these level crossings, and I commend the Andrews government for getting on with the job.

Hawthorn Men's Shed

Mr PESUTTO (Hawthorn) — I am pleased to rise to recognise the great work of Uniting Aged Care and Glenferrie Rotary club in Hawthorn. Last week, on 13 August, I was pleased to attend the opening of the Hawthorn Men's Shed, which is a credit to the work of Uniting Aged Care and the Rotary Club of Glenferrie, supported by Bunnings, Velux, Bendigo Bank and other community groups who have made donations to the shed. I was joined at that opening by the Minister for Families and Children, who spoke graciously about the work of those volunteers; my colleague Georgie Crozier, a member for Southern Metropolitan Region in the Council; and the former Premier and my predecessor in Hawthorn, the Honourable Ted Baillieu, whose government did a lot of work to establish the men's shed funding program.

Men's sheds are important as we age. An important function of government is to ensure that people are included in social activities to help overcome their loneliness and isolation. We can do a lot to assist people with those issues. The Hawthorn Men's Shed is a purpose-built facility, which replaces a far more limited facility. I encourage everyone in Hawthorn who could benefit from this great facility to make use of it.

CRIMES AMENDMENT (CHILD PORNOGRAPHY AND OTHER MATTERS) BILL 2015

Second reading

Debate resumed from 19 August; motion of Mr PAKULA (Attorney-General).

Ms KEALY (Lowan) — Another section of this important bill is the provision for the use of random sample evidence in child pornography offence proceedings. This provision is respectful of the difficult work that people who are researching child pornography have to manage in every part of their lives. I cannot imagine in my working life having to go through very confronting images and videos of child pornography and then having to go home to my family and to keep that balance in my life. This provision in the bill is supportive of the people who do this difficult job. Anything we can do to ensure that we keep people in these types of positions so that we can prosecute and hold offenders to account is essential.

A final section of the bill, which I have not yet referred to, is about restricting the right of the accused to inspect child pornography evidence. That is a common-sense provision. You do not want to have somebody who is

being prosecuted with child pornography offences to have a last little look at some of the images they have been distributing.

If we consider the responsibility we all have in this place to protect our children, this bill goes a very long way towards ensuring that continues to happen. We are increasing the penalties available to the judicial system so that harsher penalties can be imposed. We are making sure we support officers of the law to apprehend and prosecute these repulsive people who are exploiting our children. I commend the bill to the house.

Ms THOMAS (Macedon) — As others in this house have commented, it is no pleasure to rise to speak on this bill, but it is a very necessary part of our role as representatives and legislators to ensure that we are taking the steps that are required in order to protect our children across the state and indeed children around the world. It is for those reasons that I wanted to speak on this bill.

It is hard to imagine anything more abhorrent than sexual abuse of children. The fact that this abuse is recorded, distributed and traded for sexual gratification is sickening in the extreme. As the member for Carrum noted yesterday, the advent of the internet has been fabulous in so many ways and has contributed so much to our community, to our knowledge and to children's experience of life. Unfortunately it has also created a demand for child pornography, a demand which is utterly beyond my comprehension.

My preparation for this bill has been telling. Like others, I imagine, in this house, I do not make a point of reading stories in the media about things that sicken me. I feel that I have perhaps seen enough in my life already without needing to add such new information and new trauma. In preparing for this bill, however, I have done that, and it has been utterly appalling. Data gathered from Victoria Police, the Australian Federal Police and Interpol and quoted in the *Herald Sun* suggests that at any time there are 2 million child abuse images in circulation on Victorian computers; that 7000 Victorian internet protocol addresses were accessing child abuse images at the highest point; and that 1.5 million images were seized in raids in Victoria last year.

Eighty per cent of child abuse victims are under 10 years old. In preparing for this debate, I have read of cases involving the abuse of babies and the torture and murder of children for the creation of pornography. Make no mistake: those who view child pornography, be it from their suburban homes, on their computer at work or on a mobile out in the back paddock, are party

to these despicable crimes and contribute to the ongoing exploitation of millions of children worldwide. Behind every one of these images is a story of abuse of trust, depravity, degradation and untold harm to children. Protecting children from the horrors of those who seek to harm them is a fundamental responsibility of our Parliament, so I applaud the Attorney-General for introducing this bill to the house.

The bill introduces a number of new offences. The bill targets the administrators of child pornography websites; it creates a second new offence by criminalising the encouragement of others to access a child pornography website; and it criminalises the provision of information to another person about ways to avoid apprehension in relation to a child pornography offence. This new package will make it easier to prosecute online-related activities.

In my next point I pick up on comments made by my colleague the member for Carrum which relate to the bill increasing maximum penalties for the offence of possessing child pornography. I am a person who would generally seek to find ways in which we can look first to rehabilitate persons found guilty of crimes in this state, and I am not always persuaded that increasing penalties is in the best interests of our community as a whole. Be in no doubt that on the matter of these extremely serious crimes and this absolute abuse of children I have no hesitation in supporting the increase in maximum penalties, and in doing so I believe I truly represent the views of my constituents in welcoming that increase.

Another amendment that this bill introduces is the idea of random sample evidence. As we have heard, currently the child pornography images are required to be viewed by those involved in investigating these offences. These images can number in the tens of thousands. Again, as we have heard, each time one of these images is viewed it is another violation of that child and of that child's rights. Any amendment we can make, and indeed that this bill makes, to minimise the viewing of those images to what is essential is to be applauded.

As many members of this house know, my partner is a member of Victoria Police of almost 40 years standing, and I know that for police, judges and lawyers it is vitally important to try to minimise the harm that occurs to them in doing their work. We should not subject those people who are seeking to protect children and the community from needlessly seeing more of these images than is required. I am pleased that we are seeking to amend that part of the act so that random sample evidence will be able to be used.

Restricting an accused from accessing the images they have been accused of creating is also to be applauded. Again it is seeking to act in the best interests of the children who have already been violated. We do not want a situation where the accused can perhaps experience gratification from viewing those images again, and restricting access to the smallest amount required is something I also applaud.

These new offences are an important step forward in stopping the proliferation of child abuse images in our state, and I note that the Attorney-General has said this is part of a package of reforms. On that note I commend the bill to the house.

Ms VICTORIA (Bayswater) — I rise to speak on the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. I say from the outset that along with members on this side of the house, I am supporting this proposed legislation. Unfortunately it is something that is greatly needed, and I say unfortunately because in a perfect world this sort of crime would never be perpetrated. These sorts of offences would never have to be discussed if they did not exist, but they do. There are sick people in our community and they need to be stopped, and this legislation goes towards doing that.

The purpose of the bill is obviously to modernise the law in Victoria to make the investigation and prosecution of child pornography offences in this state more effective. It seeks to ensure that with the advances in technology, which offer ease of access to this type of material, and with the wider availability and opportunity to connect with others worldwide, the opportunities to view such images are minimised for Victorians. We know it is through online access that most people who are involved in this type of sick indulgence get their material. We are modernising the law to make sure that it is not only harder for these people to access child pornography but that when they are caught, and they will be caught, they feel the full brunt of the law.

It has been suggested that one of the platforms most widely used to distribute this material is the internet. The advances in technology are going well beyond what we as legislators can even imagine. If you look at the very first time that child pornography was first regulated separately from other forms of obscene material, back in the 1970s — more than 40 years ago — you will recall that there was no internet and there was no email at the time. People could not have envisaged what it is that we are looking at now. Our challenge as lawmakers in 2015 is to say, 'We have no idea what people will be looking at and how they will be looking at it in 40 years time'. We also do not know

what they will be doing in two years time because the advances in technology are so great.

The bill introduces new offences into the Crimes Act 1958, which are designed to discourage the creation of child pornography websites, the promotion of those websites and also the use of those websites. I want to talk a little bit about some good investigative work that has been done. There was a recent *Herald Sun* investigation that found that four out of five offenders who appear in the Magistrates Court are receiving very small penalties. There are a lot of fines and community-based orders as opposed to periods of imprisonment.

Unfortunately even though the bill before the house is increasing the penalty to the maximum penalty of 10 years per offence — and that is all very well and good; we could say 50 years as a maximum — the judiciary needs to understand what it is that the public expects of them. They need to know how seriously the public regards these offences. I think that 99.9 per cent of people polled would say that these are some of the most horrific offences that could ever be perpetrated, dealing as they do with those who are innocent, who are naive, and who have no option in so many cases.

We can put in whatever penalties we want, but if the judiciary does not impose those sanctions, then whatever we do in here becomes useless. I urge members of the judiciary who hear these cases to heed the will of the people, not just the will of the Parliament, and understand that this type of act is abhorrent to most people and that should be reflected in the sentences they impose. The report in the *Herald Sun* basically came back to saying that the punishment does not necessarily fit the crime. It also found that the higher courts, including the Supreme and County courts, are sentencing fewer than 1 per cent of those charged with child pornography offences to more than three years in jail. That surprises me no end.

That investigation also found that up to 7000 people in Victoria are accessing child pornography at any given time online. That is an astounding figure. Police computer monitoring has also revealed that as many as 2 million or so pornographic images are accessed over 90 days here in Victoria. I want to talk a little bit about the police in this, because obviously that is the job I do not wish upon anybody. I have great respect for somebody who has the conviction to go out and say, 'I want to put these perpetrators behind bars. It is my job. It is my duty'. But it is not their duty to suffer what the police do, and I have spoken with people who work in this area. They have a lot of counselling services available to them, but the images that they need to see,

that they need to sit through, are awful — videos of offences perpetrated on children younger than one year old. No matter how hardened the police are, no matter how much of this they have seen, it does get to them.

Therefore, one of the very logical things proposed in the motion before the house today is that only a random sample be taken of all the images and other evidence. Of course the person who has been put on trial does not have access to those images. We certainly do not want them getting satisfaction or whatever it is they gain from being able to view the images again. However, members of the accused's legal team will be able to look at all that information should they wish to. One of the sensible things in this bill is not making police sit through a viewing of every single image and every single video, because no matter how much counselling they go through nobody has a skin that thick. It is a very tough job.

The Sentencing Advisory Council publication *Sentencing Snapshot*, under the heading 'Knowingly possess child pornography' provides a really good snapshot of the perpetrators. Of the 197 people sentenced during that snapshot period of a couple of years every one was a man and the median age was 39, although some were much younger and some much older. We need to be careful to make sure we are not stereotyping people, because having read some of the newspaper reports I know that there are couples involved and women involved. It is sick beyond belief.

As a former professional photographer I am mindful that when we are taking pictures of children and newborns we need to be careful with images that are beautiful and available for family members to download because we know there are also sick people out there who will get some sort of satisfaction, sexual satisfaction in so many cases, from the most beautiful innocent photograph of a newborn baby with its beautiful pale skin and its innocence. That image unfortunately stimulates some people. What we do with those people is up to the judiciary, but I hope that after this debate and the passion expressed by all members in this chamber that members of the judiciary — I cannot say they should take in more than just the evidence — take note of the weight of public expectation alongside the evidence, which is damning evidence in many cases, and that as a result the very low conviction and incarceration rates are changed.

There is a lot of reasoning behind what the Attorney-General has done to bring this bill to the house. There are many steps in the process. Obviously I do not have time to go into all of that now, but I want to place on the record the disgust I feel for the perpetrators

of these crimes. There is never an excuse for harming children, whether it be physically or because of their naivety, in any form. There are things I have learnt from this debate that I will explain to my nearly 12-year-old daughter about online access and about people who pose as other teenage girls and how they lure girls into submitting photographs and the blackmail that goes on. I have certainly learnt lessons that I will take back to my family. I wish this bill a speedy passage through both houses.

Ms KAIROUZ (Kororoit) — I also rise to contribute to the debate on the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. This is a significant bill for our community because it seeks to address issues pertaining to a problem which all reasonable thinking citizens would consider has no place in our society. I will talk about the harms of child pornography in the latter part of my contribution, but firstly I will speak to the elements of the bill that go to the punishment of those who would exploit children and young people in this horrendous way.

The bill amends the Crimes Act 1958 to create three new offences. One of the new offences, as has been outlined in previous contributions, is the offence of administering a child pornography website. Under this section a person will commit an offence if they administer or assist in the administration of a website that is used by another person to deal with child pornography and the person either intends that the website be used or is aware that the website is being used to deal with child pornography. This is crucial in the fight against child pornography because it makes website administrators responsible for the content they deliver and places an onus on them to act when they discover that their website is being used for purveying child pornography.

Another new offence of encouraging the use of a website to deal with child pornography is also introduced. Under this section an offence will be committed if a person is aged 18 years or more and encourages another person to use a website, intending that the other person use the website to deal with child pornography. This offence may apply, for example, where a person posts advertisements for child pornography online. It should be noted, however, that unlike the other two new offences in the bill, this offence will only apply to adults. This will ensure that sexual exploration by teenagers, such as where a teenager asks a classmate to look at naked photos of other teenagers online, is not inappropriately criminalised.

The third new offence introduced by the bill applies to an individual who assists a person to avoid apprehension for a child pornography offence. This offence may apply where one person provides information to another person on how to use a website to deal with child pornography anonymously, how to encrypt electronic files containing child pornography or how to delete electronic data that records information about the identity of the person accessing child pornography.

These new offences appropriately acknowledge the challenges of communications in the digital age and the proliferation and distribution by modern media sources of pornography in its many forms, including child pornography. This new package of offences will make it easier to prosecute online-related activities that facilitate the commission of child pornography offences and ensure that offenders can be prosecuted for their crimes.

These new offences also reflect community standards, which rightly view child pornography as repulsive and a blight on our society. They reflect our understanding that child pornography is damaging to both those portrayed and those who view such material. Each of the new offences carries a maximum penalty of 10 years imprisonment, which is the same penalty for those who produce child pornography.

This bill also recognises the harm caused by child pornography by providing greater sentences for the possession of such material. Currently the maximum sentence in Victoria for possession is five years, the lowest of any state in Australia. Through this bill, we double that sentence. Without those people who view child pornography, there would not be an industry. Those who view child pornography are complicit in creating the market for this vile industry and in helping it to flourish and grow. By doubling the sentences imposed, we send a strong message that will hopefully be a deterrent to those who may think about seeking out and viewing this disgusting material. If you take away the audience, you are effectively reducing demand and reduced demand should result in less material being produced.

A further important aspect of this bill is the amendment to the Crimes Act to allow for the use of random sample evidence in proceedings for a child pornography offence. This is an extremely important part of this bill. Researchers into the effects of child pornography suggest that being the subject of child pornography can have devastating physical, social and psychological effects on children. They argue that children portrayed in child pornography are first

violated when their abuse is perpetrated and recorded. They further argue that victims are further violated each time the record is accessed. By allowing for the use of random sample evidence in proceedings, this further violation of victims is reduced.

This particular reform will also reduce the potential for significant occupational health and safety risks associated with viewing large numbers of disturbing images. I understand that some prosecutions rely on many thousands of images and I can only imagine the potential harm and distress to a jury member, or indeed a member of the legal profession, if they are required to view such volumes of images. I cannot imagine being empanelled as a jury member and being faced with having to view thousands and thousands of images of young, innocent children being abused. I am sure those circumstances would have an effect on me and on any reasonable person.

A further reform made by this bill relates to the restriction of access by the accused to evidentiary material. An amendment to the Criminal Procedure Act 2009 restricts when an accused may personally inspect evidence that is child pornography. Importantly, this reform recognises both the interest of the children depicted in child pornography and the community interest in limiting access to child pornography, so that the accused's personal inspection of such material will occur only where it is clearly necessary. Further, this new process will also minimise the risk of an accused obtaining sexual gratification by looking at the child pornography evidence. The bill preserves the rights of the accused's lawyer to inspect the evidence in accordance with existing practices and allows the court to make an order granting personal inspection by the accused subject to certain conditions.

In a liberal democracy such as ours there are many and disparate views as to the rights to produce, distribute and view pornography in general. Indeed, different jurisdictions across Australia and globally approach these matters quite differently. For example, there are materials, including DVDs and magazines, that can be accessed in the Australian Capital Territory yet it is illegal to sell them in Victoria and other states. Those matters are for the individual states and territories to decide, but there can be only one view in relation to child pornography and that is that it is and should remain a crime that attracts severe penalties.

Any reasonable person would agree that there are many deviants within our communities and around the world who would exploit children in this way. In one US study, 100 victims of child pornography were interviewed about the effects of their exploitation, at the

time it occurred and in later years. That study showed that often the children were manipulated into taking part by subtle means and that they felt a pressure to cooperate with the offender. This included not disclosing the offence, both out of loyalty to the offender and a sense of shame about their own behaviour. The study found that in addition to the physical pain which may have been inflicted at the time of the abuse, victims often have accompanying somatic symptoms such as headaches, loss of appetite and sleeplessness. I am sure that this is no surprise to any one of us.

I guess that those of us who sit in this place will never understand what actually goes on in the minds of those who produce, distribute and view child pornography. However, as legislators we have a responsibility across the divide to do all we can to deter people from committing such horrible acts and to provide for those who transgress levels of punishment commensurate with the crime. Harming children is a crime. I am very pleased to hear that the opposition is not opposing this bill. To that end, I commend the bill to the house.

Debate interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! I wish to welcome to the house High Priest Mr Baba Avtar Singh Sur Singh Wale and his delegation from India. Your visit to the Parliament is an honour for us, sir. I understand that you have been invited to this Parliament by the member for Kororoit, but on behalf of all members, government and opposition, we welcome you.

Honourable members applauded.

CRIMES AMENDMENT (CHILD PORNOGRAPHY AND OTHER MATTERS) BILL 2015

Second reading

Debate resumed.

Ms RYALL (Ringwood) — I rise to make a contribution in support of the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. The bill doubles the maximum penalty for possession of child pornography to 10 years, and it is important to say that the very foundation of child pornography is not the pictures but the children who are abused in order to create such vile and abhorrent pictures and media.

The bill creates three new offences: administering a child pornographic website; encouraging others to use a

website in order to deal with child pornography; and assisting a person to avoid being apprehended as a result of a child pornography offence. It also introduces random sample evidence, which is important for police who have to view child pornography in the course of detection of the crime as well as for jurors in the court system. I take my hat off to members of our police force for the work they do in order to apprehend criminals who commit these vile offences. They have to sort through this horrendous information, and I cannot comprehend how difficult and traumatic that must be. The need to compartmentalise the information they take in must be great in order to ensure that their lives are not affected or that it has a minimal effect on them. Make no mistake: the work they do is absolutely critical in stamping out this vile offence, and I commend any measures designed to apprehend such criminals and stamp out this abhorrent behaviour.

The bill amends the Criminal Procedure Act 2009 by limiting the accused's ability to view pornography evidence, which is important. Why should they ever be able to see that stuff once they have been apprehended? One of the concerns is that increasing maximum sentences does not necessarily mean the sentence overall will be maximised. What we want to do is send the strongest possible message to those who produce this vile material and those who distribute it that this will not be tolerated, and the maximum penalties should apply. The introduction of the internet some time ago now and the ability to access data and information is fantastic and can be used for the benefit of all society, but unfortunately it can also be used for evil. In this case it is used for evil; there is no other way to describe the use of the internet to distribute such material.

It is unfortunate that, as a society, we have to deal with this. It is unfortunate that we as legislators have to legislate because this evil practice exists, but technology has made it easier for these people to distribute their evil material and to gain a wider audience for that material. As legislators it is incumbent on us to ensure that we introduce the appropriate laws to stamp out and to aggressively identify such crimes and to ensure the proper prosecution of people who are found to perpetrate such evil acts and such abuse of our innocent children. It is incumbent on us to ensure that they are not only apprehended but subjected to the full force of the law.

The ability these days for people to easily create websites, to exploit and abuse a child, to distribute the exploitative material they have created and then to hide what they do through various aspects of technology makes it very difficult to identify and apprehend these people, so it is certainly important that police are able to

direct that a person who knows of a computer or a network containing this material be required under the legislation to assist police. It is not enough to know about something and not do anything, and this bill ensures that that is dealt with, which is vitally important.

Someone's appearance does not necessarily give them away, and we know from news articles that we have read over the years that sometimes the perpetrators of pornographic production and distribution are not the sort of people that anyone would expect to be the proponents of such material. Whilst we would like to think that everybody does the right thing and adheres to what we know is proper behaviour and does not abuse children or anyone else for that matter, it does occur. As a mother I am absolutely repulsed and revolted by the abuse of any innocent child by someone who knows it is contrary to what is right and proper. Taking that innocence and trust that children put in adults and abusing that trust is abhorrent.

I commend the bill — and certainly the opposition supports it — as a way of ensuring that we move further towards the goal of less production and distribution of such material and, ultimately, less abuse of children. The demand creates the supply. When you reduce the demand, you can reduce the supply. It is important that we use all available technology to ensure we destroy the means of distribution and prevent access to internet networks, and that those who create them are identified quickly and experience the full force of the law.

We must protect innocent children, who trust adults to care for them and rely on us to do the right thing. It is our duty to help them to grow into full, functional adults who can achieve the things every child should expect to achieve. We cannot always be sure that those we know and trust do not commit these crimes, but this bill goes some way toward dealing with this issue. I commend the bill to the house and wish it a speedy passage.

Mr PEARSON (Essendon) — I rise to make a contribution on the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. I have welcomed the contributions of all members to the debate on this bill. There has been a lot of feeling, compassion, thought and consideration in their words. This bill is important because it recognises the fact that the world is changing, society is changing, and we as legislators must change as well.

In preparing to make this contribution I spoke with a friend of mine, Ben Willee, who works for a small firm

in Melbourne called Spinach Advertising. I was talking with him about social media and where things are likely to go in the future. There is a thesis that ultimately people will favour Facebook over Google. Google is seen as somewhat like a person yelling out information on the street; some of it is interesting, some of it is not, and it is not necessarily relevant. Facebook, however, provides an opportunity for individuals to coalesce, collaborate and find like-minded communities. For example, he mentioned that a friend of his wife's wrote a cookbook on fructose intolerance. It had a print run of 400. They advertised on Facebook and managed to sell 200 copies.

What we are seeing in terms of the online world and social media is distinct communities coalescing, collaborating and contributing. In some ways that is a very good and positive thing. In others — for example, in relation to child pornography — it is quite the opposite. This bill seeks to target the coalescence of that latter kind of community with a systematic approach to weeding them out and subjecting those involved to the full force of the law.

Some of the provisions of the bill compel people to provide passwords to enable law enforcement agencies to access digital content. The reality is that most law enforcement agencies, although they work very hard and try their very best, are not IT providers. They do not write code or spend time looking at innovation in the IT space. They are at a decided disadvantage in dealing with people who foster, encourage, develop and nurture these sorts of communities in the online world. This bill will provide law enforcement agencies with the ability to crack the code and work out what people have been up to so that, from a prosecution point of view, these offences can be tackled more easily.

The bill before us contains sensible provisions designed to disrupt the operations of child pornography websites. It is a systematic attack on communities that behave in this appalling way. It will also create a degree of harmony in legislation between the states, and that is also a very positive and welcome initiative. The random sample evidence is also a really important step. We have to try to protect the protectors, to provide as much wraparound support as we can to those who have to wade through this disgusting material so that their mental health is not compromised as a result of their work.

I have listened with interest to this debate. I want to acknowledge the opposition for its support of the bill. That is welcome thing. I also recognise the very heartfelt, compassionate and decent contributions of all members who have spoken. This is good legislation; it

is a sign that we are moving with the times to enable us to do our best to tackle this insidious crime. I commend the bill to the house.

Mr GIDLEY (Mount Waverley) — I rise this morning to make a contribution to the debate on the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. There are many bills that come into this place on which it is a pleasure to make a contribution, but this is not one of them. The reason the Parliament needs to introduce this legislation to reduce child pornography and the exposure of children to child pornography is not something that I, as a parliamentarian, celebrate having the opportunity to do. Nevertheless, we are where we are with this issue and there is a need for action to reduce child pornography and reduce the insidious scourge of it in Victoria. This bill goes some way to achieving that aim based on the measures it introduces and it sends another important signal to the people of Victoria that child pornography has absolutely no place whatsoever in any context in the state of Victoria or any other place. There are no ifs, no buts, no maybes and no exceptions — it has no place; end of story.

On the bill, I note it introduces three new offences relating to the use of child pornography websites and assisting others to avoid apprehension for a child pornography offence. Often there is no question that such conduct is instrumental in facilitating the commissioning of child pornography offences by others, and that is something I welcome in the bill. Clause 6 inserts several new sections into the principal act, the Crimes Act 1958, which relate to the use of child pornography websites. Under new section 70AAAB(1), a person commits an offence if they administer or assist in the administration of a website used by another person to deal with child pornography and they either intend to use it for that purpose or are aware that the website is being so used.

New section 70AAAC makes it an offence to encourage the use of a website to deal with child pornography. Under that section a person will commit an offence if they are 18 years or more and encourage another person to use a website and intend that the other person use the website to deal with child pornography. That particular offence may apply, for example, when a person posts an advertisement for a child pornography website online. Unlike the other two new offences being introduced in the bill, that offence will only apply to adults. That is important because there are times when we may see people under the age of 18 who could otherwise have the capacity to be caught up in an offence. That provision will ensure that sexual exploitation by teenagers is not inappropriately

criminalised because there are times when people under the age of 18 may be caught up in an offence. That provision in no way, shape or form diminishes the message we must send to those people that that sort of behaviour is inappropriate and is not consistent with good, proper practice, but at the same time it acknowledges the reality that we do not want people under the age of 18 to be caught up by legislation which is intended for other purposes.

I note new section 70 AAAD(1) provides for the new offence of assisting a person to avoid apprehension for a child pornography offence and it provides that a person has committed such an offence if they intentionally provide information to another person and intend that that other person use that information to avoid or reduce the likelihood of apprehension for a child pornography offence. Those are some of the areas where our laws have been lacking and under this bill there will be an improvement.

I focus the remaining time for my contribution on the provision which will increase the maximum penalty for the offence of possession of child pornography from 5 to 10 years imprisonment, and I welcome that increase. I do not see that as the end, but I welcome the improvement from 5 to 10 years because these sorts of offences are very serious offences. They should be treated as such and a maximum penalty of 5 years, in my view, did not come anywhere near recognising the heinous crime that is child pornography. It did not come anywhere near recognising the lifelong damage that causes to children when they are abused through child pornography. It did not come anywhere near recognising the role of the Parliament to protect vulnerable children who are reliant upon us as regulators to protect the sanctity and dignity of a child's life and safeguard them against the impacts of child pornography that may last for their entire lives.

I welcome the increase in the maximum penalty from 5 to 10 years, but I also note that it is important when the judiciary is imposing a sentence that, while there is a maximum sentence of 10 years, they also take into account the community's views, through its representatives here in this place, that these sorts of behaviours and the making available of information on child pornography as simply unacceptable. With that in mind, while I welcome the increase in the maximum sentence to 10 years, I note the importance for the judiciary to take into account the seriousness of this crime.

Business interrupted under sessional orders.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Prison security

Mr GUY (Leader of the Opposition) — My question is to the Minister for Corrections. I refer the minister to his press release of today announcing that he has given new powers to prison officers to prevent serious incidents, which was implemented on Tuesday, and to the question asked of him in this place yesterday regarding any new powers having been given to prison officers, in response to which he made no mention of that initiative. I ask the minister: is today's press release backdating these new prison officer powers an admission of failure or is it proof that he had no idea what was going on in his portfolio just 24 hours ago?

Mr NOONAN (Minister for Corrections) — I thank the Leader of the Opposition for his question and for his interest in law and order today. The Leader of the Opposition talked about failures. The only failures in this chamber are sitting opposite me. Let me tell you — —

Honourable members interjecting.

The SPEAKER — Order! I warn the members for Gembrook and Warrandyte. The member for Ringwood is entitled to make a point of order. She will be heard in silence.

Ms Ryall — On a point of order, Speaker, in relation to relevance, it is very clear to the house, and I expect that it is clear to you as well, that this is a very specific question and a very serious question being posed to the minister. I ask you to bring him back to answering the question lest the name of Cesar Melhem be raised in this house.

Honourable members interjecting.

The SPEAKER — Order! The minister had hardly begun. There is no point of order. The minister to continue.

Mr NOONAN — The failures are sitting over here, and I will tell members why. In 2012 — —

Honourable members interjecting.

Mr Watt — On a point of order, Speaker, in relation to relevance, I ask you to refer to *Rulings from the Chair* dated 15 June at page 167 under the heading 'Attacks on opposition inappropriate'. I ask you to call the minister back to answering the question and direct him not to refer to the opposition and not to refer to

those people on this side of the house. *Rulings from the Chair* is very clear. It states:

Question time is an opportunity for ministers to be questioned and provide information on government administration — —

An honourable member interjected.

Mr Watt — I know government members want us to be in government.

The SPEAKER — Order! The member will resume his seat.

Ms Allan — On the point of order, Speaker, the minister had been speaking for I think a grand total of 4 seconds after you had ruled on the member for Ringwood's point of order. I suggest you counsel the member for Burwood to not undertake premature points of order and to allow the minister to come back to answering the question.

The SPEAKER — Order! I do not uphold the point of order, but I ask the minister to come back to answering the question.

Mr NOONAN — In 2012 it was recommended to the previous government that it pick up beanbag rounds.

Honourable members interjecting.

Mr R. Smith — On a point of order, Speaker, the minister has completely ignored what you said, which was to come back to answering the question. Yesterday the minister clearly demonstrated he had no idea — —

The SPEAKER — Order! The member will resume his seat.

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBERS

Attorney-General and member for Warrandyte

The SPEAKER — Order! Under standing order 124, the member for Warrandyte will withdraw from the house for the period of half an hour. I have made it absolutely clear that the Chair will not be interrupted when he is on his feet. The Attorney-General will also withdraw for a period of half an hour.

Attorney-General and honourable member for Warrandyte withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Prison security

Questions and statements resumed.

Honourable members interjecting.

The SPEAKER — Order! The member for Eltham! The member for Malvern! The minister will come back to answering the question.

Mr NOONAN (Minister for Corrections) — That must have been a testy meeting in the Liberal Party party room this morning. I tell you — they are all fired up.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition is warned. I have asked the minister to come back to answering the question. I repeat that request.

Mr NOONAN — The beanbag rounds that have been adopted by this government were recommended to the previous government in 2012 following three major disturbances at Victorian prisons. We only discovered that by seeking the reviews of those 2012 disturbances. Once we discovered that it was recommended to the previous government we wasted no time in giving our corrections system this additional tactical equipment to keep our prison staff safe.

Supplementary question

Mr GUY (Leader of the Opposition) — Noting reports of threatened riots at Marngoneet and Port Phillip prisons, can the minister advise the house when officers at these prisons were actually issued with beanbag rounds, or is the minister's press release of this morning nothing more than government spin?

Mr Battin interjected.

The SPEAKER — Order! The member for Gembrook! The opposition asked its question and should allow the minister to respond and be heard in silence.

Mr NOONAN (Minister for Corrections) — The only spin here is from those opposite, and I will tell you why: because the beanbag rounds have been held by Corrections Victoria since 2012, when that mob was in office.

Honourable members interjecting.

The SPEAKER — Order! The minister has concluded his answer.

Mr Guy — On a point of order, Speaker, I refer to sessional orders seeking a written response when the minister has clearly not answered the question that was asked. The question I asked was when the prison officers at those prisons were actually issued with the beanbag rounds. It was nothing to do with when they were held by Corrections Victoria. The minister made no attempt to answer that question, which is typical; because the minister has not answered the last four questions in relation to this topic.

The SPEAKER — Order! The minister had concluded his answer. I call on the Treasurer to make a ministers statement.

Mr Watt — On a point of order, Speaker, I do not believe you ruled on the previous point of order.

Ms Allan — Yes, he did.

Mr Watt — I did not hear a ruling on the previous point of order, and as a member of the house I would appreciate a ruling on the point of order. If I have missed it, I apologise, but I do not believe I have. I would ask that you rule on the point of order.

The SPEAKER — Order! The Chair understood himself to have been very clear about the ruling. There was no point of order. The minister had concluded his answer. I call the Treasurer to make a ministers statement.

Mr Watt — On a further point of order, Speaker, I put it to you that the fact the minister had concluded his answer does not have any relevance in relation to whether or not he actually answered the question in light of the sessional orders. I would ask you, as was put by the Leader of the Opposition, to rule whether or not he answered the question and not whether he finished his answer.

The SPEAKER — Order! The member will resume his seat. I ruled on the subject. There was no point of order, and the Treasurer was to make a minister's statement. Before I call the Treasurer, I would appreciate if the member for Burwood did not repeat points of order once the Chair has ruled on them.

Ministers statements: federal funding

Mr PALLAS (Treasurer) — I rise to inform the house that I will be taking leave from this place to attend the Council on Federal Financial Relations, because the Andrews government will always fight to

get the best deal for Victorians. It does not take a forensic audit to figure out that this commonwealth government is robbing Victoria. I am white hot with anger, as I know many Liberals are, because Victoria has been robbed of \$17.7 billion over 10 years for hospitals and \$8.9 billion for schools.

Mr Watt — On a point of order, Speaker, I have read the budget papers. If you look at the budget papers brought down by the Treasurer himself, you will find that the Treasurer has either misled the house when he brought down the budget — —

The SPEAKER — Order! The member will resume his seat. The member is now a senior member of this house. He knows the rules of engagement and when to make a point of order. That was not a point of order.

Mr PALLAS — Victorians are being robbed of \$26 billion. That is not \$2 million in missing money; that is about \$4500 for every Victorian man, woman and child. That is Liberal accounting for you, Speaker — liberal with the truth and liberal with the accounts. They cannot be trusted to manage money. The Leader of the Opposition — —

Mr Clark — On a point of order, Speaker, I draw your attention to sessional order 7, relating to ministers statements. The Treasurer has had plenty of opportunity to set whatever context he feels necessary. I ask you to bring him back to compliance with sessional order 7 and to have him inform the house about new state government initiatives, projects and achievements.

Mr PALLAS — On the point of order, Speaker, it may not be of concern to those opposite that Victorians are being robbed by the federal conservative government, but this is a matter of immediate action and import.

Mr Hodgett interjected.

The SPEAKER — Order! I warn the Deputy Leader of the Opposition. The Treasurer is to continue making a point of order — succinctly.

Mr PALLAS — Those opposite have inflicted on this government and the people of Victoria not so much an accounting irregularity — —

Honourable members interjecting.

The SPEAKER — Order! The Treasurer will resume his seat. I understand it is Thursday. The Treasurer is making a ministers statement. There is no point of order. I ask the Treasurer to come back to making a ministers statement.

Mr PALLAS — Sorry, Speaker, I thought I had already won that one. Unfortunately robbing Victoria is not an irregularity for those opposite; it is part of their brand; it is what they do. We are getting just 8.9 per cent of federal infrastructure funding, yet we have 24.9 per cent of Australia's population.

Mr Watt — On a point of order, Speaker, I refer you to *Rulings from the Chair*, dated June 2015, at page 175. We are now 1 minute and 33 seconds into this supposed ministers statement. The second ruling on that page has the heading 'Setting the context', It reads:

The sessional order does not preclude ministers from setting the context.

If the Treasurer had started and then moved on, that would have been fine. However, there should be a balance between setting the context and using the statement for its proper purpose — that is, to advise of new government initiatives, projects and achievements. The Treasurer has not talked about any new government initiatives, projects or achievements. He has only 27 seconds to go, and I urge you to bring him back to actually doing what the sessional orders ask of him. Sessional order 7 refers to 'new government initiatives, projects and achievements' — or perhaps he could just talk about all the money that was robbed by the Labor Party.

The SPEAKER — Order! It would be fair to suggest that the member for Burwood has sufficiently made his point of order.

Mr PALLAS — On the point of order, Speaker, I want to make the point that this is new action. I am going to Canberra to look for the missing money, and those on board should take a stand against robbery. They should get on board.

Honourable members interjecting.

The SPEAKER — Order! The member for Morwell is warned, and I warn the Deputy Leader of the Opposition. I have every expectation that the Treasurer will conclude his ministers statement in the next 27 seconds.

Mr PALLAS — I am going to Canberra, I am going to meet with the federal government and I am going in search of our missing billions. While the police are called into the Liberal Party to hunt for its missing funds, the Andrews Labor government will be focused on what matters: hunting for the real money that is affecting Victorians.

The SPEAKER — Order! The Treasurer will resume his seat. The members for Ringwood and Essendon! I call the member for Burwood on a point of order.

Mr Battin interjected.

The SPEAKER — Order! I have warned the member for Gembrook before, and I will not warn him again. The member for Burwood will be heard in silence.

Mr Battin interjected.

The SPEAKER — Order! The member for Burwood will withdraw from the chamber for half an hour. I beg the member's his pardon; the Chair does want the member for Burwood in the house.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Gembrook

The SPEAKER — Order! Under standing order 124, I ask the member for Gembrook to withdraw from the chamber for half an hour.

Honourable member for Gembrook withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Ministers statements: federal funding

Questions and statements resumed.

Mr Watt — On a point of order, Speaker, I appreciate that the Treasurer is talking about a game of hide and seek. While he is at it, he might want to try to find a dictaphone that was stolen —

The SPEAKER — Order! The member will resume his seat. If I could help it, I would withdraw my previous remarks in relation to the member for Burwood. The Treasurer will conclude his ministers statement appropriately.

Mr PALLAS — I will be going to Canberra. I am committed to ensuring that Victorians get quality health care, better education and better infrastructure. The party of the forgotten people are the forgetful people — forgetting, failing and defrauding Victorians.

Prison capacity

Mr CLARK (Box Hill) — My question is to the Minister for Corrections. Can the minister confirm that, due to the minister's botched handling of the Metropolitan Remand Centre riot and the reduced prison system capacity that has followed, there has been a significant increase in the number of prisoners being held in police cells right across Victoria?

Mr NOONAN (Minister for Corrections) — Again I thank the opposition for its interest in law and order matters today. On the police cell issue, I welcome the question because I can tell those opposite that the number of people in police cells is nowhere near what it was in late 2013 when they were in government — nowhere near.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition and opposition members will allow the minister to continue in silence.

Mr NOONAN — Due to the criminal damage at the remand centre we have lost a number of front-end beds, and this has placed some pressure on our police cells. The number of prisoners in police cells is still lower than it was under the previous government. Corrections Victoria and Victoria Police will work very closely together, as they are now, to keep this situation at manageable levels, and this is a temporary issue not a long-term one. It could have been made a whole lot easier for us if the previous government had given us the beanbag rounds in 2012.

Supplementary question

Mr CLARK (Box Hill) — I refer the minister to the fact that the number of prisoners in police cells was well below 100 each day at the time he came to government. I also refer to the fact that Labor's custody officers policy has been delayed even before it has started and the number of police per capita in Victoria is going backwards every day, and I ask: can the minister now confirm that more frontline police resources have been diverted to what the government itself has described as 'babysitting people in the local lockup ... a waste of time, skills and resources'?

Mr NOONAN (Minister for Corrections) — No.

Questions and statements interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! I would like to acknowledge in the gallery the delegation from the Saudi Arabia Parliament: His Excellency Dr Abdulrahman bin Ahmed Hejjan, member of the Shura Council; His Excellency Dr Sultan Hasan Al-Sultan, member of the Shura Council; and Her Excellency Dr Elham Mahjoub Ahmed Hassanain, member of the Shura Council. On behalf of the Premier, the Leader of the Opposition and all members of this house, we welcome you.

Honourable members applauded.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Questions and statements resumed.

Ministers statements: fake invoice scam

Ms GARRETT (Minister for Consumer Affairs, Gaming and Liquor Regulation) — Today I rise with a warning about a new scam the public needs to know about as a matter of urgency. Recently in my role as consumer affairs minister I held a news conference about this rising form of rip-off. The scam is all about the creation of fake invoices. It is cruel, and it is heartless. Today I look across the chamber, and I see a new set of victims who are some \$1.5 million poorer.

Mrs Fyffe — On a point of order, Speaker, I refer to relevance. The minister is very aware that her opening comments are not relevant to government business. I ask you to bring her back — —

Honourable members interjecting.

Mrs Fyffe — Order!

Honourable members interjecting.

The SPEAKER — Order! The member for Evelyn is entitled to raise a point of order. The member will make the point of order succinctly.

Mrs Fyffe — I say to the member for Monbulk that habits do die hard! My point of order is on relevance. The minister is very aware that her opening comments had nothing to do with government business, and I ask you to bring her back to standing orders.

The SPEAKER — Order! There is no point of order.

Ms GARRETT — As I said, I look across the chamber and see a new set of victims, with \$1.5 million ripped from the piggybank, and it is a terrible blow. This is not money — —

Mr M. O'Brien — On a point of order, Speaker, the minister is referring to matters which are the subject of a Victoria Police investigation. Frankly it is against standing orders, not to mention juvenile, for the minister to make comment on matters which are the subject of a current Victoria Police investigation. I urge you to bring her back to being within standing orders.

Honourable members interjecting.

The SPEAKER — Order! The member for Mordialloc will come to order. There is no point of order according to the advice received in relation to matters that may be investigated by police. To the knowledge of the Parliament — to the Chair and the clerks — the matter is not before the courts. However, the minister will come back to making a ministers statement.

Ms GARRETT — So the important issue — —

Mr Watt — On a point of order, Speaker — —

An honourable member — Six: nil.

Mr Watt — Actually it is not six: nil; but nonetheless.

The SPEAKER — Order! The member will make his point of order or I will sit him down.

Mr Watt — My point of order relates to information that the minister seems to be giving. I think she is misinformed. The figure should be \$1.3 million — —

The SPEAKER — Order! The member will resume his seat.

Mr Watt interjected.

The SPEAKER — Order! The member will resume his seat.

Mr Watt interjected.

The SPEAKER — Order! I warn the member, and I will not warn the member again. The Chair had just ruled and had asked the minister to come back to the ministers statement. The point of order made by the member for Burwood is disruptive, and such a point of order will not be tolerated again.

Ms GARRETT — The key issue we try to raise awareness about in consumer affairs is victims of scams, and today in Melbourne the pain from this scandal is emanating across the blue ribbon suburbs. All those fundraising dinners in the mansions of Kew and Malvern and Hawthorn and Brighton have come to absolutely naught. The verve has gone out of the Veuve Clicquot. Dozens of string quartets and harpists are asking: why did they bother?

Honourable members interjecting.

The SPEAKER — Order! Stop the clock. The minister has 23 seconds remaining, and I urge her to focus on government administration matters. I expect that the minister will comply. The minister will come back and conclude her ministers statement on government matters.

Ms GARRETT — These are serious matters because when people are victims of scams, particularly if they are close to the organisation, it is painful, and we at consumer affairs are here to help. My door is always open, and if you need tips on how to avoid being scammed, just pop on in.

Honourable members interjecting.

Police resources

Mr CLARK (Box Hill) — My question is to the Minister for Police. Given that the police country digital radio project was costed by the minister in January at \$10 million but was revealed in the budget to have ballooned in just a few months to cost \$35.3 million, given that the Homesafe project was budgeted conservatively at \$50 million yet now looks set to cost at least \$84 million while not providing protective services officers at all stations and given that there has been a \$10 million to \$12 million damage bill to the Metropolitan Remand Centre under the minister's watch, I ask: will the minister confirm that this \$70 million cost blowout under his watch could have paid for an additional 600 new police officers?

Mr NOONAN (Minister for Police) — I welcome the interest of opposition members in financial accountability today. I do welcome their interest, and I also welcome their interest in a range of government initiatives in relation to our police and law and order. These are very important initiatives — initiatives such as the police country radio scheme. Let me tell members what happened after the budget in relation to that particular announcement. This may be of interest.

Here is a direct quote from Senior Sergeant Ron Iddles, the secretary of the Police Association. What did Ron

Iddles say about our investment in country radios for police? Here we go. This was published in the *Berwick Leader* of 19 May 2015:

For decades, we've been saying that police officers should be freed from babysitting prisoners in police cells in order to do the kind of ... work their communities expect of them, like providing proactive street patrols.

...

We're delighted that this chestnut issue will soon be fixed.

This is in relation to our custody officers — —

Mr Clark — On a point of order, Speaker, while the minister is entitled to set some context to his answer, he is not permitted to engage in reading verbatim a long passage which is not relevant to the question, which related to cost blowouts. I ask you to bring him back to answering the question.

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

Mr NOONAN — I was reading a direct quote from Ron Iddles following our announcement on custody officers in May, a very positive reflection of our commitment around custody officers. Let me go to the issue — —

Mr Clark — On a point of order, Speaker, the minister has indicated that he is reading from a document, and I ask that the minister make the document available to the house.

The SPEAKER — Order! Is the minister reading and is he willing to provide the document to the house?

Mr NOONAN — It is a direct quote from Ron Iddles from the *Berwick Leader* of 19 May, and I will provide a copy to the house at the end of question time.

The SPEAKER — Order! The minister has indicated his willingness to provide a copy of the document to the house. The minister, to continue.

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to come back to answering the question.

Mr NOONAN — The member asked a question in relation to a range of commitments and investments we are making in law and order — custody officers, police radios, Homesafe — and let me tell the member very clearly that this Labor government is investing a record budget in Victoria Police. It is more than \$2.5 billion that we are investing in Victoria Police.

Let me tell members about the police radios. Police radios were drawn to the attention of previous government numerous times, and it ignored our police. The previous government did nothing. That is because it does not care about country police, but our side of politics, the Labor government, cares about country police. That is why we are investing \$11.5 million in the regional radio upgrade for our police, so that they can communicate — —

Mr Hodgett — On a point of order, Speaker, on relevance, the minister was asked a question about a \$70 million cost blowout. If he does not know the answer, he should simply sit down.

The SPEAKER — Order! There is no point of order.

Mr NOONAN — I know those opposite are feeling robbed today, but all I can deal with are the facts about regional radio for country police. These are very important investments that we are making. Let me remind those opposite that when they were in government they did not fund one new police officer to hit the street. Those additional police were funded in 2010 in the Labor government's last budget — —

Honourable members interjecting.

The SPEAKER — Order! I welcome both the Attorney-General and the member for Warrandyte to the chamber. I urge the member for Warrandyte to come to order and to allow the Deputy Leader of the Opposition to make a point of order.

Mr Hodgett — On a point of order, Speaker, the minister is debating the question. He was asked a very simple question. I ask you to draw him back to at least trying to answer the question in his remaining 16 seconds.

The SPEAKER — Order! I ask the minister to come back to the question and to respond.

Mr NOONAN — Speaker, whether it be the record budget for police, whether it be custody officers, whether it be regional radios, whether it be our investment in Homesafe, the government will continue to invest heavily in police.

Questions and statements interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! I now welcome His Excellency Mr Nabil Mohammed Al Saleh,

Ambassador of the Royal Embassy of Saudi Arabia.
We welcome you, sir.

Honourable members applauded.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Police resources

Questions and statements resumed.

Supplementary question

Mr CLARK (Box Hill) — My supplementary question to the Minister for Police is as follows: will the minister confirm that the latest police numbers released yesterday show that, despite wasting \$70 million on a cost blowout in his portfolio, the government has not employed a single additional police officer?

Mr NOONAN (Minister for Police) — I again welcome the member's question, and I can assure the member that the fraud squad is very well resourced. But let me speak more specifically — —

Honourable members interjecting.

The SPEAKER — Order! The minister will continue, and the minister will be heard in silence.

Mr NOONAN — In Labor's first year of office we have 400 custody officers, 109 additional protective services officers, 62 additional transit police, 8 additional forensic staff — staff that were cut by the previous government — all funded in Labor's first year of government.

Honourable members interjecting.

The SPEAKER — Order! I again warn the member for Warrandyte. I will not warn him again.

Ministers statements: federal funding

Mr DONNELLAN (Minister for Roads and Road Safety) — I want to provide the house with new information —

Honourable members interjecting.

The SPEAKER — Order! Government members will allow the minister to make a ministers statement.

Mr DONNELLAN — and about the Abbott government's failure to invest in infrastructure projects in this state. In the roads space, the Abbott government's policy of an 80 to 20 funding split has

been applied inconsistently to Victoria and is simply financial theft. For example, in New South Wales and Queensland, the commonwealth is providing 80 per cent of funding for the duplication of the Pacific Highway and the Bruce Highway, while in Victoria, the commonwealth is providing only 50 per cent of the duplication of the Princes Highway between Winchelsea and Colac.

In a broader context, Victoria received only 8.9 per cent of commonwealth infrastructure funding, while New South Wales received 33 per cent and Queensland — —

Mr R. Smith — On a point of order, Speaker, in order to set some context, it might be worth pointing out that this government cut infrastructure spending — —

The SPEAKER — Order! The member for Warrandyte will resume his seat. I warn the member for Warrandyte that that is not a point of order, and points of order should not be used to disrupt the flow of proceedings.

Mr DONNELLAN — I noted this morning in various press reports that the Deputy Leader of the Opposition said that we had been robbed, and the Leader of the Opposition said that we want our money back. That is very much what Victorian taxpayers are saying to us: that they have been robbed and they have been cheated of their fair infrastructure spend. Really what we have got here is an exercise in — —

Mr Watt — On a point of order, Speaker, I refer you to *Rulings from the Chair* dated June 2015. I specifically refer you to page 172 and a ruling on 'Setting the context'. It was a ruling by a very good Speaker, Speaker Languiller, on 16 April 2015, when he said:

The sessional order does not preclude ministers from setting the context.

I appreciate the fact that the minister was probably trying to set the context, but he is 1 minute and 20 seconds in. The ruling further states:

However, there should be a balance between setting the context and using the statement for its proper purpose, to advise of new government initiatives, projects and achievements.

The minister has been speaking for 1 minute 19 seconds. I do not believe in that time he has once touched on a new government initiative, project or achievement, and I ask you to call him back to adhering to the sessional orders, particularly sessional order 7.

The SPEAKER — Order! I ask the minister to come back to his statement. The minister will continue making a ministers statement, as he was in the earlier part of his contribution.

Mr DONNELLAN — As I was saying, it is very much about the search for the missing money — the missing money in Victorian infrastructure spending. I suggest while the Liberal Party is seeking that missing money, it may want to see if some of that money came from the Bruce fundraiser down at the Docklands that the opposition leader attended. That has associations with organised crime. You might want to actually look for the missing money and see if any of that \$2 million has associations with that.

The SPEAKER — Order! I have ruled and asked the minister to come back to making his ministers statement. The Chair feels that the minister was defying the ruling, therefore the minister has now concluded his ministers statement.

Mr Clark — On a point of order, Speaker, I refer to my earlier request that the Minister for Police make available to the house the document from which he was quoting at the time he was quoting from that document to the house. I do not believe he has done so to date. I ask you to ask him to make that particular document available to the house in accordance with the forms of the house.

The SPEAKER — Order! I understood the minister had agreed to provide the document to the house, to the Clerk. Yes, the minister will do that. Has the minister provided — —

Honourable members interjecting.

The SPEAKER — Order! I call on the member for Melbourne to allow the Chair to ask a direct question.

Has the minister provided the document he had agreed to provide to the house? If not — —

Honourable members interjecting.

The SPEAKER — Order! I do not require opposition members to help the Chair at this point. Has the minister provided the document?

Mr Noonan — Yes. I am happy to give it to the Clerk. It is a direct quote.

The SPEAKER — Order! The minister will provide the document he was using to the Clerk. I have no way of determining anything about that document one way or the other, but I believe that the minister will

act according to the practices of the house and will provide that document to the Clerk.

Mr Crisp — On a further point of order, Speaker — —

The SPEAKER — Order! Before I call the member for Mildura, I advise the house that the Chair has asked the minister to provide the document to the Clerk. I understand from the Clerk that that document has not yet been provided. I ask the minister to provide it.

Honourable members interjecting.

Mr Crisp — On a further point of order, Speaker, to assist you and the clerks to determine the authenticity of that document, I recall noticing that the document the minister was reading from had highlighter on it and some dot points in larger writing above that. Others may have seen that, and I urge you to undertake investigations into the authenticity of the document that has been presented.

Ms Allan — On the point of order, Speaker, you asked the Minister for Police to conform with the practices of the house and what he has done is a common practice that I am sure people who have been — —

Honourable members interjecting.

Ms Allan — Before you get your knickers in a twist, let's finish this — —

The SPEAKER — Order! The Leader of the House!

Ms Allan — The requirements under *Rulings from the Chair* state — and I apologise to the member for Burwood; I have the December 2014 version here — that when identifying and making available a document, a member must identify the document from which they quote and if requested make it available. The minister quoted from a document — I think he mentioned 19 May. He quoted from that. He has the source document from which that quote was made, in this case a newspaper article. He was asked to provide — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of House will be heard in silence.

Ms Allan — People put together their material in different ways but it is common practice for the quote to be in the material and then the source document

attached to that material. That is exactly what is happening — —

Honourable members interjecting.

Ms Allan — I know some of you have not been on the government benches — —

The SPEAKER — Order! The Leader of the House will conclude her point of order or she will resume her seat.

An honourable member interjected.

Ms Allan — Goodness me, you are having a bad day. I suggest to you, Speaker, that as you requested to the minister, you asked him to conform to the practices of the house — —

Honourable members interjecting.

Ms Allan — Yes, it is.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House will not engage with the Leader of the Opposition. She will conclude her point of order.

Ms Allan — That is exactly what the minister has done. It is common practice for quotes to be read and the original source to be on a separate piece of paper and provided to the house. The opposition is spending far too much time trying to cover up their embarrassing day and — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House will resume her seat.

Mr Clark — On the same point of order, Speaker, the ruling you gave earlier was manifestly correct. The longstanding practice of this house is that it is the particular document that the member concerned is referring to and quoting from at the time that needs to be available to the house.

Members of this house who have been here for some time will recall a similar issue involving a previous minister, Minister Mary Delahunty. Those members will recall that in that instance there was some suggestion that there may have been a substitution of documents, and it was established very clearly then in accordance with longstanding practice that it is the document that the member is holding and referring to at the time, indeed the whole clip of documents the

member is holding and referring to at the time, that needs to be made available to the house.

The SPEAKER — Order! The Chair has sought advice in relation to the matter. The Chair stands by the ruling made, which was that the minister needed to provide to the house the document that he was quoting from. The Chair understands that that document has been provided to the house, therefore the Chair has no way of determining anything about it one way or the other. The Chair sought advice in relation to this matter, and the ruling is, according to advice: if the minister has, as I understand he has, provided a document to the Clerk, the Chair can only accept that the minister has acted accordingly. I have determined this matter and ruled on this matter. Is the member for Hastings raising a new point of order?

Mr Burgess — No. This is on the existing point of order.

Honourable members interjecting.

Mr Burgess — I have every right to be heard on this. On a further point of order, Speaker, it is very clear to everyone, particularly on this side of the house, what has gone on here today. Attempting to mislead this house is a very serious matter. On this particular occasion we suggest that you and perhaps somebody else from this side of the house view the footage to see what has actually gone on here, because — and I am sure that everybody in this house is in agreement on this — an attempt to mislead this house, to mislead you, Speaker, is a heinous act in this house. I call on you to do the right thing here and to view that footage in the company of members from both sides of the house so that we can be absolutely certain that what this house has been told is fact.

Mr Noonan — On the point of order, Speaker, in the body of my answer I referred very specifically to a quote from Ron Iddles in the *Berwick Leader*, and that is what I was reading from. If it assists the house, I am happy to hand over my source document on top of the quoted — —

Mr Guy — On the point of order, Speaker, this matter concerns the police minister's conduct in the house. On relevance, this man has perpetuated a cover-up of the Parliament right in front of us, and I want to review the footage with you and with him.

Honourable members interjecting.

Mr Guy — What a disgrace!

The SPEAKER — Order! I warn the Leader of the Opposition. Has the minister concluded? Yes.

Mrs Fyffe — On a point of order, Speaker, just prior to when you got to your feet there was a comment made by the manager of government business which was offensive. It was made to the Leader of the Opposition. The manager of government business, as I have read and I have made notes of, has continuously been making comments about members on this side — about their appearance, their dress and other things — —

Ms Allan interjected.

Mrs Fyffe — No.

The SPEAKER — Order! The Leader of the House! The member for Evelyn is entitled to make a point of order. The member will be heard in silence.

Mrs Fyffe — The manager of government business, who has frequently made comments about members on this side of the house — and I have made notes of many of those comments — has today crossed the line. She has just called the Leader of the Opposition a name that should not be used in this house. If she wishes, I will repeat it. It is a word that should not be used against another person. The bullying must stop. I ask you to call the minister back.

Honourable members interjecting.

The SPEAKER — Order! There is no point of order. The member for Evelyn understands that it is up to the member to have taken up the matter. The matter was not taken up. I call the member for Melbourne.

Environmental approval powers

Ms SANDELL (Melbourne) — I welcome the opportunity to get onto a substantive matter. My question is to the Minister for Environment, Climate Change and Water. The federal government is aggressively pursuing an agenda to hand back environmental approval powers to the states and territories. Does the Victorian Labor government support the handing back of environmental approval powers to the states?

Ms NEVILLE (Minister for Environment, Climate Change and Water) — I thank the member for Melbourne for her question. There are a number of issues there. Firstly, I express very severe concerns about some of the changes that the commonwealth government is currently proposing in terms of environmental oversight of major projects. That is a significant piece of legislation. The commonwealth

legislation is around our most significant assets and protection of those, so I will continue to express severe concern about those changes.

Secondly, we have indicated to the current federal environment minister that we are not pursuing moving forward with the previous proposal of handing back those powers. Given that those powers are only related to very significant assets, it is appropriate to continue, in our view, both a state and a federal oversight when it comes to some of our most significant environmental challenges and proposals.

Supplementary question

Ms SANDELL (Melbourne) — I thank the minister for that answer. I note that a notice of intention to sign an approval bilateral agreement was signed by the Napthine government. Is the minister indicating that now the Andrews government will rip that up and inform the Abbott government that it has done so?

Ms NEVILLE (Minister for Environment, Climate Change and Water) — Just to make it clear, we have already said to the commonwealth government and to the federal minister that we will not be continuing with that process.

The SPEAKER — Order! The Chair has reflected on the matter associated with the providing of a document to the house by the Minister for Police. It is the Chair's carefully considered view, in consultation with the Clerk, that it would serve good purpose if the Chair and the Clerk were to review the tape and come back to the house.

Ministers statements: Better Care Victoria

Ms HENNESSY (Minister for Health) — It gives me great pleasure to inform the house of a new government initiative designed to improve our health and hospital system. This week I announced the government's intention to establish Better Care Victoria, a key recommendation of the *Travis Review*. Better Care Victoria is about growing the capacity of our hospital system, delivering care differently and more efficiently, and freeing up hospital beds for the people who need them most.

There is a lot of work that needs to be done to fix the mess that the opposition left behind. Not only did those opposite neglect our health system but they also robbed it of \$1 billion, leaving Victorians waiting too long for surgery and in emergency departments. But that was not all — —

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Burwood

The SPEAKER — Order! The member for Burwood will withdraw from the house for a period of half an hour. The minister will be heard in silence, and I ask all members to remain silent. I remind members who have been warned and who have withdrawn from the house previously during the course of question time to continue to behave themselves. I do not wish to use standing order 124 again. The minister will continue, in silence.

Honourable member for Burwood withdrew from chamber.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS**

Ministers statements: Better Care Victoria

Questions and statements resumed.

Ms HENNESSY (Minister for Health) — It was not just a billion dollars they fleeced from the Victorian hospital system; they robbed the Monash Children’s hospital of funding for a helipad, they robbed the Department of Health of 200 staff, they robbed hardworking paramedics of their well-deserved pay rise and they even robbed expectant parents of free whooping cough vaccines. Let us not forget the 800 beds they robbed from the Victorian health system. They promised 800 beds, and no forensic accounting, no *Travis Review*, no Australian Institute of Health and Welfare studies could find them — —

The SPEAKER — Order! The minister will come back to making a minister’s statement.

Ms HENNESSY — The great challenge for the Victorian hospital system is the Prime Minister, Tony Abbott, coming down with his \$17.7 billion — —

Mr R. Smith — On a point of order, Speaker, the minister is clearly ignoring what you just said to her. I ask you to bring her back to making a ministers statement, as you have already told her to do.

The SPEAKER — Order! The minister will conclude her statement according to the requirements of the sessional orders.

Ms HENNESSY — While \$17.7 billion is taken out of the health system, the silence of the Liberal Party here is tantamount to them driving the getaway car.

The SPEAKER — Order! The minister has concluded her statement.

Custody officers

Mr CLARK (Box Hill) — My question is to the Minister for Police. I refer the minister to the claim in his previous answer that the government was providing 400 custody officers, and I refer him to his press release of 5 May in which he stated that Labor’s rollout of custody officers will begin this year so that Labor would return hundreds of police officers to the beat and to the fact that yet so far there has been no legislation, no recruitment and no training, and I ask: is it the fact that the minister remains committed to a 2015 start? Will the minister keep to his own timetable, yes or no?

Ms Allan — On a point of order, Speaker, the member was quoting directly from the document that he was reading, and I ask that he make that document available to the house.

Mr Clark — I was not quoting from a document.

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Warrandyte

The SPEAKER — Order! The member for Warrandyte will withdraw from the house under standing order 124 again, for a period of an hour. The member will resume his seat. The member and other members must understand that when the Chair is on his feet, the Chair will be heard in silence. The member for Warrandyte continued to be disruptive while the Chair was on his feet. The member will withdraw for a period of an hour under standing order 124.

Mr R. Smith — Now?

The SPEAKER — Now.

Honourable member for Warrandyte withdrew from chamber.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS**

Custody officers

Questions and statements resumed.

Mr Clark — On the point of order, Speaker, the purpose of the rule relating to making documents available to the house is to enable the house to verify the veracity of quotes that were made to the house and the context in which those quotes were made. To refer to notes is not to quote from a document, and, Speaker, you are welcome to review the record.

I was not quoting from a document; I was referring to notes. I have no objection, if the rule applied, to making the document available, but I simply make the point that it does not. If the rule were to be applied in the case of my referring to notes in asking a question, the consequence would be that any member or minister who at any time referred to notes in the course of either asking or answering a question could be required to make their speaking notes available to the house. I suspect there are many ministers along the front bench of the house who would not want that rule to apply, nor should it.

Mr Pakula — On the point of order, Speaker, we are simply asking the member for Box Hill to apply to himself the same rule that he sought to apply to the Minister for Police. If you ask him to re-read his question, you will hear that he said quite clearly, ‘in quoting from a media release of the minister’. He said, ‘I quote’, and read it out — read out a quote. So in asking him to table that, we are asking him to do no more than he has sought the Minister for Police to do.

The SPEAKER — Order! The Chair seeks clarification, if I may, from the manager of opposition business. Was the manager of opposition business quoting from a document?

Mr Clark — I do not believe that I was quoting from a document. I do not believe that I — —

Honourable members interjecting.

The SPEAKER — Order! The manager of opposition business is to be heard in silence. The Chair must be able to adjudicate on the basis of being able to hear the member.

Mr Clark — I do not believe that I used the word ‘quote’, as the Attorney-General alleges. If a review of the tape confirms that I used the word ‘quote’, then I have no objection to making the document available,

but I do make the point that the rule should be applied in accordance with the principles to which it relates.

The SPEAKER — Order! It is the Chair’s view that it may help, if I may say to the member for Box Hill, for the Chair to review that also on the basis that the Chair has not received, to my understanding, an unequivocal response in relation to whether the member for Box Hill was quoting or not. Had the Chair received an unequivocal response from the manager of opposition business in relation to whether he was or was not quoting, the Chair would have ruled that in the absence of quoting a document there is no requirement for the member to provide the document to the house. I believe that, given today, it is in the good spirit of the house for the Chair to do so.

Mr NOONAN (Minister for Police) — The question relates to custody officers. I can inform the house that not only have we funded custody officers in our first budget, committing \$148.6 million to recruit those 400 custody officers, but I have recently visited the Victoria Police Academy to check on the training progress. Training development is going well out at the academy. We will shortly start the recruitment process. The recruits will then enter into the training and be deployed in early 2016.

Supplementary question

Mr CLARK (Box Hill) — I refer the minister to the answer he has just given and to the fact that he has broken yet another government promise to the community. I ask the minister: in the context of his answer, will he now provide further, specific information to the house regarding the timing in which the relevant legislation will be introduced, when recruitment and training will begin, when Victorians will finally see the first of these custody officers at work and when Victorians will see police returned to the beat?

The SPEAKER — Order! The minister will respond to one question.

Mr NOONAN (Minister for Police) — There were about four or five questions there, Speaker, but I will repeat my answer: training will commence this year, recruitment will commence this year and the rollout of custody officers will be in the early months of 2016.

Ministers statements: vocational education and training

Mr MERLINO (Minister for Education) — The Andrews Labor government is determined to stamp out dodgy practices that undermine confidence — —

Honourable members interjecting.

Mr MERLINO — There they go, the member for Ringwood, the member for Kew — —

The SPEAKER — Order! The Deputy Premier will continue making a ministers statement, and the minister will be heard in silence.

Mr MERLINO — We are determined to stamp out practices that undermine confidence and fleece the community of millions of dollars. We launched an external review of quality assurance in vocational training in February, and I will update the house on its progress. The review was required after the previous government lost control of the sector and failed to maintain quality, leaving students exposed to shifty behaviour. It has to be said that those opposite simply could not manage money, and it was our students who suffered.

Since November last year over 10 000 government-funded students have had to have their eligibility for training restored because audits found their courses to be substandard. We launched a \$9 million blitz in June this year. We have uncovered that those opposite turned a blind eye to practices like fraudulent invoicing for training that simply did not occur, racking up millions of dollars — —

Mr Clark — On a point of order, Speaker, contrary to your previous rulings, the minister is now departing from providing information to the house about government initiatives in accordance with sessional order 7. I ask you to bring him back to compliance with that sessional order.

The SPEAKER — Order! I ask the Minister for Education to come back to making a statement.

Mr MERLINO — We targeted the high-risk areas. We uncovered fraudulent invoicing, we uncovered unauthorised subcontracting and we uncovered unscrupulous behaviour. Make no mistake, these are serious issues. In some cases the issues identified were so serious that they will be referred to Victoria Police. Those opposite should do likewise.

CONSTITUENCY QUESTIONS

Gembrook electorate

Mr BATTIN (Gembrook) — (Question 436) My question is to the Minister for Police. Hooning has been an issue in the Pakenham area along Ahern Road, particularly in the last six months, which have seen a rapid increase in complaints going through to Cardinia

Shire Council. Cardinia council has put measures in place to try to prevent or reduce hooning in that area. It has been trying to work with the local police station to get further police resources and further police action down there.

My question to the minister today is: can he commit to the Cardinia region that he will be supplying extra police, on top of the current numbers and on top of natural resignations, to ensure that we have more police in the area available to combat hooning, as he has done by directing police resources to Bellarine? An answer that says this is an operational decision would be an absolute fraud and an error on his part. Since he has already directed resources to Geelong, why will he not direct them to Cardinia to ensure that our residents are protected from hoon driving?

Wendouree electorate

Ms KNIGHT (Wendouree) — (Question 437) My question is to the Minister for Aboriginal Affairs. I have a number of Aboriginal groups and organisations in my electorate that are a proud and active part of the community, including registered Aboriginal parties (RAPs). The Wathaurung Aboriginal Cooperative undertakes a significant volume of work on cultural heritage management plans with the development industry. It has provided expert cultural heritage management advice and evaluated over 58 cultural heritage management plans in the last 12 months, as well as having undertaken important work such as welcomes to country.

Dja Dja Wurrung Clans Aboriginal Corporation performs significant cultural heritage management work and entered into a recognition and settlement agreement with the Victorian government in October 2013. It is active in capacity building, community development and employment for the local Aboriginal community and provides natural resource management and cultural services. Can the minister inform the house of any interactions she has had with these RAPs and say what the government is doing to strengthen existing RAPs and promote new ones?

Gippsland East electorate

Mr T. BULL (Gippsland East) — (Question 438) My constituency question is to the Minister for Sport. The information I seek is in regard to safety at motorcycle ride parks in Victoria and whether the minister has considered the establishment of a regulatory framework for all motorcycle ride parks in the state. Earlier this year I made representations to the minister on behalf of a constituent of mine, Katie

Edlington, with regard to safety at motorcycle ride parks in Victoria. Katie is the widow of Danny Edlington, a young man who recently lost his life at the Frankston City Motorcycle Park. The correspondence on her behalf suggested the minister should establish some regulatory framework.

Katie approached my office in the hope that safety standards could be improved at motorcycle ride parks to the benefit of all participants after her husband's death. In the minister's initial response he agreed that the management of motorcycle ride parks is an important issue but was rather non-committal. Having been contacted again by Katie, I ask: is the minister progressing the suggestion further?

Sunbury electorate

Mr J. BULL (Sunbury) — (Question 439) My question is to the Minister for Ambulance Services. A number of months ago the minister joined the members for Yuroke and Macedon and me for a local ambulance forum in Sunbury. The forum was extremely well attended. On behalf of all those who attended and those in the Sunbury, Macedon and Yuroke electorates, can the minister provide an update on how the work of the Ambulance Performance and Policy Consultative Committee is progressing and how it will improve ambulance services across the state?

Brighton electorate

Ms ASHER (Brighton) — (Question 440) My question is to the Minister for Roads and Road Safety. There are some significant concerns about road safety at the Dendy Village shopping centre, which is located in Hampton Street, Brighton. Can the minister implement the requests of traders and the community in relation to safety concerns in the shopping centre? In particular, people are asking for 40 kilometre-per-hour flashing signals, installation of a pedestrian crossing and the removal of a pedestrian refuge. It is a very hazardous, narrow section of road. People who open their car doors often do so in the face of oncoming traffic. Most of the shops are located on the opposite side to the location of the car parking, making this a dangerous shopping strip. The community has come up with those three suggestions. I ask: can the minister implement the community's solutions?

Oakleigh electorate

Mr DIMOPOULOS (Oakleigh) — (Question 441) My constituency question is for the attention of the Minister for Agriculture. Like others, I am sure, many constituents in my electorate have much-loved family

pets, and for some expectant or new parents a great apprehension is whether their family pets will get along with the new addition to their family. Unfortunately research shows that children in the newborn to four-year-old age bracket are at greatest risk of hospitalisation for dog attack injuries. It also identifies that 80 per cent of those dog attacks happen in the family home or the home of a family member or friend. Children are most often bitten by their own dog or a dog known to them.

Sadly, many pets are being surrendered to welfare shelters with owners citing the arrival of a new baby as the reason. The RSPCA advises that while precautions should be taken to ensure that the introduction goes as smoothly as possible, most dogs happily welcome newborn babies. There is a lot of information, and misinformation, available to expectant parents. For example, some websites suggest carrying a doll around the house during the last few months of the pregnancy so that the dog can get used to the idea of shared attention. Can the minister inform me as to any Victorian government programs that might assist expectant parents in my electorate and prevent people feeling as though they must give away their loved pets?

Eildon electorate

Ms McLEISH (Eildon) — (Question 442) My question is to the Minister for Planning on behalf of the farmers in my electorate who are concerned about their rights to farm. I know the minister is acutely aware of the right-to-farm issues that have surfaced recently, including Blackmore Wagyu beef farm, Alexandra, which operates in a farming zone. After months of dithering, I note that the minister has now intervened in the matter, and I welcome the intervention. However, the intervention includes yet another review, which is due on 1 December. Farmers impacted by similar decisions still have no certainty, especially as we have no idea how long after the report it will take the minister to decide what to do and how to do it. Given the minister recently intervened to approve a development by a multinational developer in Burwood, I believe, why has it taken the minister so long to provide certainty to the farmers in my electorate and other parts of rural Victoria and how many more months will farmers have to wait until they have assurances as to their futures?

Eltham electorate

Ms WARD (Eltham) — (Question 443) My question is to the Minister for Families and Children. Knowing that the commonwealth government has released a regulation impact statement for the childcare

package on 26 June and that the changes announced in that package are complex, a number of concerns have been raised about the effect of the package on families and children, including by constituents in my electorate. Can the minister inform the house what is the expected impact of those proposals on families and children in the seat of Eltham?

Bass electorate

Mr PAYNTER (Bass) — (Question 444) My constituency question is to the Minister for Police. Today we have witnessed the most shameful day in my short period in Parliament. When the Minister for Police needs to be asked three times to hand documents to the Clerk and then the matter is to be further investigated by reviewing the videorecording, it clearly brings into question the honesty and integrity of the very person who is responsible for the police force and from whom we expect the highest standards of conduct. My question is: how can the constituents of Bass now trust the Minister for Police after his deceptive, dishonest and disgraceful conduct in Parliament today? I am happy to hand over this document.

Bentleigh electorate

Mr STAIKOS (Bentleigh) — (Question 445) My question is to the Deputy Premier and Minister for Education, and I ask: can the minister visit Tucker Road Bentleigh Primary School to tour the facilities and hear from staff and parents about the school's infrastructure needs? Tucker Road primary school is one of the larger primary schools in my electorate. Enrolments are increasing each year and are now approaching 600. A number of parents contacted me last year with regard to the need for a gymnasium at the school. Currently there is no space for whole-of-school assemblies and limited space for activities during inclement weather. I met with the principal recently and gave an undertaking to invite the minister to visit the school. I look forward to joining the minister on a tour of Tucker Road primary school and having a discussion about school's infrastructure needs.

CRIMES AMENDMENT (CHILD PORNOGRAPHY AND OTHER MATTERS) BILL 2015

Second reading

Debate resumed.

Mr GIDLEY (Mount Waverley) — One of the key roles for us as legislators in this place is to raise the views and priorities of our communities to ensure that

they are reflected in our laws, and in sentencing that is no different at all. The members of Parliament in representing their districts and their communities have an obligation to ensure that the views, thoughts and concerns of local residents in their districts, or in the other places in their regions, are reflected in relation to the setting of laws. That is something that I think is really important in creating sentencing law. There are others who believe that Parliament has no responsibility and it should be left to others, but I do not share that view. I do not share that view on behalf of my residents or my district. Therefore it was pleasing to see that there will be an increase, a doubling, of the maximum penalty to 10 years, and while I would not say that is the end of it, it is a welcome first step.

In addition to that, as we know, sometimes there is a consistent difference between a maximum sentence passed by Parliament and the sentencing that may be proposed by the judiciary. I make the point in this place that in relation to such a heinous crime as the one of child abuse, the overwhelming feedback from my district on this matter particularly is that the judiciary in looking at these matters should reflect the will of the Parliament with its judicial discretion, and I note the will of the Parliament has increased the maximum sentence to 10 years.

As I said, that is part of the rationale for the baseline sentencing approach that was put in by the last government, and certainly it stands up well as a way to reduce that gap between the sentences that were being given and the maximum sentences in the statute. I welcome that increase for these heinous crimes.

I repeat that whilst others may have other views, in my view there is simply no place for child pornography. It is an abuse of vulnerable children that the Parliament needs to prevent. The effects of abuse last for victims' entire lives. We have seen in a range of forums that when such personal hurt, personal trauma and personal injustice are inflicted upon victims of abuse, they live with it every day. The least we can do as a Parliament is ensure that there are improvements in the law wherever possible to reduce the number of these incidents and to ensure that our laws are reflective of the punishment that is required. To that extent, I welcome the measures in this bill. As I said, I do not think these measures are the end of the road, but they are an improvement, and on that front I commend the bill to the house.

Mr J. BULL (Sunbury) — It is a pleasure to see the member for Essendon in the chair. I rise to contribute to the debate on the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. Essentially this bill is about toughening up on those who deal in,

access, distribute and share child pornography images. It is not a pleasure to be speaking on this bill. As other members have noted, in an ideal world members would not like to be debating it. All members in this house realise that these evil, despicable acts have no place in society, and they are the ultimate betrayal of children. However, the reality is that there are some who commit these very serious acts. As a society, as a state and as a Parliament, we need to be able to deal with these matters as they arise.

As I have noted, the bill toughens up on the offences of administering, dealing or assisting in relation to child pornography. In Victoria, the Crimes Act 1958 defines child pornography as 'a film, photograph, publication or computer game that describes or depicts a person who is, or appears to be' a person aged under 18 years 'engaging in sexual activity or depicted in an indecent sexual manner or context'. Examples of child pornography include depictions of a naked child or a child in a sexual pose. These are very serious and very disturbing matters that we are dealing with.

In Victoria there are currently four child pornography offences, and these relate to the production of child pornography, the procurement of a minor for child pornography, possession of child pornography and the publication or transmission of child pornography. Essentially the purposes of this bill are to introduce three new child pornography offences that deal with administering a child pornography website, to increase the maximum penalty for possessing child pornography to 10 years imprisonment, to provide the use of random sample evidence in proceedings for a child pornography offence and lastly to give magistrates the power to issue a search warrant that allows police to direct a person to assist in accessing the data on a computer.

This is yet another example of the Parliament's role in responding to advances and leaps in technology, especially over the last 10 years. I remember that when I was in grade 6 at Sunbury Heights Primary School a class of 25 students shared one computer. It was set up at the back of the room and people would take turns going down to use it. It was not one of the original Apple Macintosh computers, but it was one of the early models. We would go down there in pairs, and we would have an hour's use of the computer. It would be fantastic. We would play some games and look at some educational material. It was very exciting. At that time it would have been hard to imagine that in 2015 we would have mobile devices, laptops, computers, satellite navigation technology and access to the internet — all of these things that are available at the touch of a button.

What we see through that is that this greater access to data and this greater access to the internet is a fantastic thing for the majority of people who do the right thing and who follow the law. We only need to look at the educational and health settings and look at all forms of public and private employment to see that great advances in technology have brought us a long way. To those who commit cybercrime, we know that the negative side to this greater access to information is that people can access these pornographic images wherever and whenever they like. As a result, we know that these images are being distributed, accessed and used in a number of very nasty ways. Obviously the Parliament has to deal with these things.

I am very proud to speak on this bill, but it is certainly not a bill that brings members any pleasure. It is one that in many respects we wish we did not have to have, but that is the reality. With those comments I commend the bill to the house.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. Once again I say that legislation like this brings us all together. We have heard good speeches from both sides of the house on this bill. There is no-one in this house who does not care passionately about this topic, and all members want to do all they can to protect the young people in Victoria who are entrusted to our generation.

I will start by praising Victoria Police, particularly the men and women who spend hours in front of computer screens watching, observing and trying to find details in these pornographic films to try to identify where they might have been filmed, to try to identify the children and of course to try to catch the perpetrators. These officers have to be counselled on a frequent basis. They work closely with the police in other states. There is a nationwide task force, and they work with international agencies too.

I get very upset when I read about what people do to small children, or when I think of the few images I have seen. When I think of police officers who may also be a father or a mother whose job it is to sit there and watch these images, I honestly do not know how they do it. They have my deepest admiration. They tell me that as they look at these images, they concentrate on the fact that each victim is a child and the finding of that child is paramount. They have had some successes. They have been instrumental in the identification of children and the identification of the places where those children were being held. They have been able to rescue those children, and they have been able to prosecute quite a large number of people. However, it is a very difficult

job they have, and I think they have the admiration of everyone in this house.

As to the perpetrators of crimes against children, I have read that some people say it might be part of a mental disorder. I cannot accept or understand how an adult can continue with these things. When you first become a parent you look at your child with a sense of wonder. They are blank slates, they are untarnished by life's knocks and they become the embodiment of all our hopes and dreams. They represent optimism about the future for people like us, for politicians. They give us a reason to want to try to drive things and to make the world a better place. That is why when depraved adults injure, intimidate, threaten or kill a child, we all become so incensed. I know that I feel like dusting off my pitchfork and torch and going out and producing some ancient mediaeval punishment, but we know we cannot do that.

Every child has the right to grow up healthy and safe, free from pain, suffering, torment and torture. In 1990 Australia ratified the UN Convention on the Rights of the Child; however, 25 years after its ratification we still have vulnerable children who lack adequate human rights protection. With the advent of the internet and the speed with which it is spreading around the world, these perpetrators now can order and pay online for acts to be committed with a child, some as young as a few months old. They can order whatever it is they want to be performed on screen and it is done. I am told that often the parents might be in the background — there is usually an adult somewhere in the background when it is a small child — and that there have been proven cases of people having children deliberately to earn an income from these sorts of depraved actions. With all these changes, these skills and the technology we have, there is this horrible black, dark downside. We must continue trying to do all we can to prevent it. Legislation like this is another step in the direction of providing some sort of protection.

While females can also be paedophiles, unfortunately statistics overwhelmingly point to males being more likely to be paedophiles. As I said, some people will say it is part of a mental illness. Some have linked it to obsessive compulsive disorder, and is classified as a paraphilia in the fifth edition of the *Diagnostic Statistical Manual of Mental Disorders*, used by psychologists. Paedophiles may also exhibit signs of antisocial or narcissistic personality disorder. They prey on that trusting nature. They can be professionals — teachers, religious leaders, athletics coaches and after-school carers just to name a few; but they can also be family members. That makes it harder for the children to speak up, because it is a family member

who the rest of the family loves and trusts, and this person tells the child they are doing this because they love them and it is what people do.

Research shows that a child can report abuse to as many as seven adults before something happens. It can be dismissed or the child cannot express exactly what is happening, and it is sad that people are not picking up on this more quickly. Of course the online social forums have become much more sophisticated, where perpetrators masquerade as teenagers and gain the children's trust, which makes it more important for parents to monitor their children online. The more sinister child sex offenders will often draw on the argument in defence that sex is a pleasurable and loving activity. Some will even argue that a child becomes aroused during the abuse to suggest they are enjoying the activity. I think a predator who was caught in the Philippines used that as his argument, but arousal is an involuntary response to stimulation. In that regard it is fairly mechanical in nature, and it is never okay to regard it as consent so as to lessen the significance of the crime. We know the bodies of children are smaller than those of adults. They cannot accommodate an adult body and do not have the mental maturity to understand what is happening. Children, of course, do not know about sexual diseases and they can be left untreated. They are perhaps not talking about what has been done to them and do not know about this, so there is this added thing.

There is a story about a young boy who was abducted by a paedophile. It is a distressing story. I had thought I would talk about it, but I do not think I will be able to detail it and stay away from tears myself. But it lists how one of the ringleader's kicks was from actually choking a child to the point of unconsciousness while committing indecent acts.

I will stay with the bill, because I am getting emotional. Clause 4 of the bill amends section 70 of the Crimes Act 1958 to increase the maximum penalty for the offence of possession of child pornography from 5 to 10 years imprisonment. Clause 6 inserts new sections and introduces three new offences relating to the use of child pornography websites and assisting others to avoid apprehension for a child pornography offence. I note that the government has included new section 70AAAB(4), to allow an individual involved in the management of a website a defence against this new offence if they take reasonable steps to either notify a police officer, notify an industry or regulatory authority, shut the website down or modify the website so it cannot be used to deal with child pornography. With this section it may be tricky to determine what is 'reasonable'. Perhaps the terminology that is more

appropriate is 'immediate', as 'reasonable' does not necessarily imply that action is taken swiftly, just that action is taken eventually. I guess time will tell whether that needs to be changed from 'reasonable' to 'immediate'.

As I mentioned earlier, paedophiles are becoming increasingly sophisticated and organised in their strategies to engage in inappropriate sexual activity. They seek out jobs that will bring them into contact with their target or relevant information. It is a difficult subject for all of us, but it is a subject we have to continue to tackle. As I say, we have to keep doing all we can, making these incremental, measured changes to legislation. We must support our police as they make progress and prosecute these people, and I commend the bill to the house.

Ms WARD (Eltham) — The Crimes Amendment (Child Pornography and Other Matters) Bill 2015 is a very challenging bill. Child pornography is an issue that is deeply disturbing, hurtful and damaging, and I am pleased to see that we have all approached this with the seriousness and sobriety that it deserves. I support this legislation and am very happy to see that the maximum sentence for possession of child pornography will be doubled to 10 years. Ten years is exactly what is deserved.

The Chief Commissioner of Police, Graham Ashton, has said that the increase in the incidence of the viewing of online abuse images in Victoria is alarming, particularly given the known strong links between viewing these images and contact offending. The assistant police commissioner, Stephen Fontana, has said of the internet that, while it provides benefits, it opens up a whole web of evil as well. You have peer-to-peer exchanges of child exploitation. You have groups who are paying to view, where they pay people to commit offences and watch it being streamed from overseas.

Under this legislation it will be a crime to run a child pornography website, it will be a crime to encourage others to use these sites, and it will be a crime to help another person avoid detection for creating or using such a site. Importantly, it will also give magistrates the power to order that computer passwords be passed on to police. Perpetrators will find it harder to hide behind their computer screens in a virtual world. The crimes they commit are real. The hurt and damage they cause is real, and the sentences they serve will be very, very real. We have to be very clear in this place — as we know the people who work within the sexual assault industry are, as the support services are, and as the police are — that this is a crime about power. This is a

crime about exerting power over a vulnerable person, and in this instance the vulnerable person is a child. This is a crime where we have to take that power away from perpetrators. We have to limit their liberties and their freedoms because what they have done is erode the freedom and liberties of the child that they have abused.

It is an online image, but one that will not necessarily go away. It is not something that is just stored in the recesses of a victim's mind; it is something that could crop up time and again. It is a recurring crime. It is a shocking, horrible, terrible crime. I am very glad the whole house has taken this legislation seriously and so much to heart. We are working hard together as one house to do what we can to protect our children from these terrible people who have no compassion, understanding or care for the damage they inflict. It is important to note too comments made by our very hardworking police force. Online pornography of children is a stepping stone that can lead to even worse offences. It is a stepping stone that can lead offenders to go out and contact children in order to be with and physically violate those children. Doing what we can whenever we can to limit these people's ability to have contact with children in order to exploit them is of immense importance.

Only two months ago a Melbourne man who is only 22 years old and who is from South Morang, which is not far from my electorate, faced 88 child pornography charges, including encouraging and advising an abduction, rape and killing of a five-year-old girl in Russia. These crimes are horrific. The damaging ripple effects such crimes inflict on a community are astronomical; they are almost beyond comprehension. They hurt the child, they hurt the child's family and they hurt the community and the broader society around that child. This is a deep, deep hurt.

We saw with the Royal Commission into Institutional Responses to Child Sexual Abuse that the hurt lingers; it does not go away. It becomes embedded in people and stays there. It is entirely appropriate that members of this house do what they can to protect vulnerable children who do not have control over their lives; that we stop these terrible people from trying to have control and power over these children's lives, over their sexuality and over their presence as a being and as a person. I commend the bill to the house.

Mr WATT (Burwood) — I rise to speak on the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. I appreciate the tone of the debate from every member who has spoken on the bill. The Liberal Party and The Nationals wholeheartedly

support the bill; we could not do anything but support it. The bill is important, and most members have said this. The bill will increase the maximum penalty for possession of child pornography to 10 years. I hope this sends a message to the judiciary that even the lowest sentences should be increased. I hope the judiciary will see this legislation as a sign that not only are we unhappy with the maximum penalty but we are unhappy with the sentences handed out across the board to people convicted of these crimes.

A gentleman who came to my office during the last Parliament talked about the fact that he had been found guilty of this particular crime. He felt he was hard done by. He said, 'But I haven't actually touched anybody'. I thought, 'You are really missing the point. No, you shouldn't be a teacher. No, you shouldn't be allowed to do your placement, because the fact that you may not have made it doesn't make it any less of a crime in my mind'. The fact that this man was a consumer of the goods means the goods will be produced. In no way do I condone the consumption or production of child pornography. People need to understand that this behaviour is unacceptable. We as a Parliament do not accept it, society does not accept it, and hopefully we will never accept it.

During the time I have been in this place I have talked about the abuse of children in a number of circumstances, and there are no circumstances where it is acceptable. We as a Parliament do not believe that consumption of this type of material should ever be condoned. I commend the government for bringing the bill before the house and for the work it has done on it. There are times in this place where we get a bit robust in our discussion around topics; it gets a bit atmospheric. The bill before the house is not a time for that, and I appreciate every member's contribution. They said, 'We do not accept it, and we will never accept it'.

The bill creates three new offences. The first is to do with administering a child pornography website. Just because you were not the person who actually videotaped the pornography does not mean it is any less of a crime if you are administering the site. If you are encouraging others to do this, it is a crime, and it should be treated as a crime — and that is the second new offence. The third offence is assisting a person to avoid apprehension for a child pornography offence. We need to make sure we continue to send a signal to every Victorian, and by way of example to any person willing to listen. Child pornography and child abuse are wrong, and you cannot excuse them just because you say, 'I only had some pictures'. I appreciate that the bill makes allowances for children who inadvertently or through

exploration might find themselves encouraging a friend to have a look at a photo of a girl, but this is not the case for adults. Adults need to understand that we will not accept this behaviour.

The bill amends the Criminal Procedure Act 2009 to limit the accused's ability to personally view child pornography evidence in prosecution, unless it is necessary to do so. The accused's legal practitioner may inspect such evidence. There are always circumstances where if you are a lawyer and you are involved in the criminal proceedings in defence or in prosecution, you would need to be able to look at the evidence. Obviously we accept that that is the case because how could you otherwise prosecute people for such a heinous crime?

Having had some experience through my family of child abuse, I once again make the point — and I have made it plenty of times — that if you perpetrate it, you should expect to be hunted down and you should expect to face the full force of the law. We are seeking to increase penalties for people involved in this type of activity. Once again I thank the government for bringing the bill into the Parliament. I thank all members who have spoken on the bill because generally this is a difficult topic for people to talk about. I am happy we on this side are supporting the bill; rest assured, we will always support bills that discourage this type of activity. I am happy to commend the bill to the house.

Ms BLANDTHORN (Pascoe Vale) — I rise to add my voice to the protection of those who are amongst the most vulnerable in our society — our children. In so doing, I support the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. The bill makes amendments to the Crimes Act 1958 in areas of child pornography and other matters, and, as those who have spoken before me have said, it is of course an indictment of our society that this bill is necessary at all. Technology is constantly developing and holds many social and educational benefits for everyone in our community; indeed, perhaps most of all for our children and adolescents. However, advancements in the internet have unfortunately allowed for a greater prevalence of a range of cybercrimes, and irrefutably advancements in the internet have led to an increase in the abhorrent offence of child pornography.

It is true that children and adolescents are extremely vulnerable, and the tragic reality is that through the passage of time criminals have found varied ways and means to take advantage of them. Technological advancements and accessibility have made taking

advantage of vulnerable children that much easier to do and that much harder to track.

According to the Australian Bureau of Statistics (ABS), in the 12 months prior to April 2009 an estimated 2.2 million children aged 5–14 years — 79 per cent — reported accessing the internet. An ABS trend report also showed that in the 12 months prior to April 2009 the most popular use for the internet was educational activities. We should enable all children to feel safe in the internet domain so that their educational activity is not tarnished by the fear and danger of paedophiles online.

We also that know that young people are using the internet to access social media. In 2009 more than one in five children visited or used social networking websites. We know that young people are using the internet for education, for social networking, for games and for music. They are mostly using it for good, but they are being preyed upon by evil. It is estimated that 72 000 children in Australia who used the internet between April 2008 and April 2009 had experienced one or more personal safety or security problems online at some time in their life. We need to protect our children and adolescents in Victoria — no matter when, where and how they are accessing the internet.

As was reported in the *Herald Sun* recently:

Authorities have detected up to 7000 Victorians viewing the sick images online at any one time ...

According Geoff Archer, who wrote ‘Everything you (never) wanted to know about child pornography’:

It is estimated that more than 4.2 million pornographic website now exist, about 12 per cent of all total websites online.

A recent article published in the *Herald Sun* also made clear the endless capabilities that dangerous paedophiles have in committing child sex crimes online. This is something that has been backed up by Victoria Police and its task force.

This bill is extremely necessary and extremely important in making sure we are giving our law enforcement agencies every tool and every means to prosecute these evil criminals. This bill will improve criminal investigation and prosecution practices, introduce new child pornography offences and, importantly, double the maximum penalty for possession of child pornography.

Because of time, I will curb my remarks. The technologically globalised landscape of the world today has, along with all the opportunities it has brought,

enabled increased rates of online criminal activities, and the most abhorrent of these, as many in this chamber have already said, is the possession, administration, encouragement and proliferation of child pornography. All those involved should be brought to justice appropriately and efficiently. Our children should be able to feel safe and free from harm both offline and online. This bill is essential in keeping our children and young people safe. The amendments to the Crimes Act 1958 and to the Criminal Procedure Act 2009 represent the Labor government’s strong stance against abhorrent child pornography crimes in Victoria.

Mr WAKELING (Ferntree Gully) — In the very brief period before lunch I want to commend the bill before the house and stress my support for it. As a member of the committee that conducted the child abuse inquiry, I got to see firsthand the impact of child abuse on our most vulnerable, and I appreciate that this bill will go a long way towards providing greater protection for them. I am pleased to see that this is receiving bipartisan support. I know I have a very short period of time left, so I merely wish the bill a speedy passage.

Sitting suspended 1.01 p.m. until 2.02 p.m.

Mr CRISP (Mildura) — I move:

That the debate be now adjourned.

House divided on motion:

Ayes, 36

| | |
|---------------|----------------|
| Angus, Mr | Napthine, Dr |
| Asher, Ms | Northe, Mr |
| Battin, Mr | O’Brien, Mr D. |
| Blackwood, Mr | O’Brien, Mr M. |
| Bull, Mr T. | Paynter, Mr |
| Burgess, Mr | Pesutto, Mr |
| Clark, Mr | Ryall, Ms |
| Crisp, Mr | Smith, Mr R. |
| Dixon, Mr | Smith, Mr T. |
| Fyffe, Mrs | Southwick, Mr |
| Gidley, Mr | Staley, Ms |
| Guy, Mr | Thompson, Mr |
| Hodgett, Mr | Tilley, Mr |
| Katos, Mr | Victoria, Ms |
| Kealy, Ms | Wakeling, Mr |
| McCurdy, Mr | Walsh, Mr |
| McLeish, Ms | Watt, Mr |
| Mulder, Mr | Wells, Mr |

Noes, 44

| | |
|----------------|--------------|
| Allan, Ms | Kairouz, Ms |
| Andrews, Mr | Knight, Ms |
| Blandthorn, Ms | Lim, Mr |
| Brooks, Mr | McGuire, Mr |
| Bull, Mr J. | Merlino, Mr |
| Carbines, Mr | Nardella, Mr |
| Carroll, Mr | Neville, Ms |

| | |
|----------------|----------------|
| Couzens, Ms | Noonan, Mr |
| D'Ambrosio, Ms | Pakula, Mr |
| Dimopoulos, Mr | Pearson, Mr |
| Donnellan, Mr | Richardson, Mr |
| Edbrooke, Mr | Sandell, Ms |
| Edwards, Ms | Scott, Mr |
| Eren, Mr | Sheed, Ms |
| Foley, Mr | Spence, Ms |
| Garrett, Ms | Staikos, Mr |
| Graley, Ms | Suleyman, Ms |
| Green, Ms | Thomas, Ms |
| Halfpenny, Ms | Thomson, Ms |
| Hennessy, Ms | Ward, Ms |
| Howard, Mr | Williams, Ms |
| Hutchins, Ms | Wynne, Mr |

Motion defeated.

Ms SULEYMAN (St Albans) — I rise to speak in support of the very important matter before the house, which is the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. I am extremely saddened to raise these matters here today. We are forced into the unfortunate circumstance of knowing that our children continue to be hunted by predators online and that in this day and age child pornography is still in our society.

There is no doubt that we live in a digital world and that we have very easy access to the internet and online technology. More and more we see that this is the way we are going for business, for learning, for socialising, for promotion and for advertising. The online sphere is very much in our lives. For all the fun side of the digital economy, we see there is also another side, which is a very dark side of the digital economy. Unfortunately children and young people are being used in despicable and disgusting ways.

Let me give an example of the good side of social media: I use Facebook and enjoy the opportunity to access in one post over 125 viewers. That is the type of audience my postings reach within a couple of seconds. Whilst the global digital world is all around us, there are clearly greater opportunities for children to have access and to connect online. Unfortunately, as we have heard today from my colleagues in this place, the negative side is there. As much as possible, parents and the police are trying to make sure that we have a safe environment for children and families. However, it is difficult to monitor online activity.

Most importantly the distribution of online pornography has been highlighted, as has the fact that we need to make sure that we are protecting and strengthening our laws around this issue. We need to provide tougher penalties for these offences in order to protect our most vulnerable — our children. There has been a lot of comment in relation to this bill. The most

important thing about it is that we are increasing the maximum penalties for these offences. We are making changes that we must make to protect our children.

The figures that have been highlighted are distressing, such as the fact that 7000 Victorians are viewing child pornography. This is very disturbing. Clearly there are some pretty sick, despicable individuals out there, and they deserve to feel the full force of the law.

The Crimes Act 1958 will be amended by this legislation to make it an offence to administer child pornography on a website, which means creating a website, promoting a website or using a website. The penalty will double and will include 10 years of jail time. The bill also discourages the use of websites for child pornography and makes it a crime to provide assistance to any other person and avoid apprehension for child pornography offences, which means assisting someone to delete images or avoid detection by authorities. It is very important that this will now carry a 10-year jail term. That is the maximum sentence we can have at this point.

The bill also gives magistrates the power to issue search warrants and allows police to direct a person to provide access to evidence that is held on a computer. That is extremely important. This will allow police greater flexibility to investigate these serious crimes and will empower them to compel a suspect or offender to provide investigators with their computer password and access to their network.

The bill also amends the Criminal Procedure Act 2009 to restrict an accused from personally inspecting evidence. This is also a very important part of the bill because it will allow victims — the families and the child — who have already gone through a very traumatic period in their lives the opportunity of not having to go through those images and relive that traumatic experience.

A lot has been said in relation to this bill and I commend — —

Mr Katos — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Ms SULEYMAN — The amendments proposed by this bill are essential. We need to ensure that children in our communities and in wider society are protected and can use the internet in a safe manner. We must make sure that the bill sends a very strong message to offenders that as a community we will punish these vile and despicable individuals. The internet needs to be a

safe and fun place not only for children and families but also for businesses, government and agencies. Children need to be safe from those who seek to steal their innocence and be able to use the technology that is available to them in a safe manner. Most importantly, because of the level of this crime we are dealing with we need to continue to revisit this issue. In commending the bill to the house I echo the sentiments of my colleagues in the house and wish it a safe passage.

Debate adjourned on motion of Ms SPENCE (Yuroke).

Debate adjourned until later this day.

RESOURCES LEGISLATION AMENDMENT BILL 2015

Second reading

Debate resumed from 5 August; motion of Ms D'AMBROSIO (Minister for Energy and Resources).

Mr SOUTHWICK (Caulfield) — It is my pleasure to rise and speak on the Resources Legislation Amendment Bill 2015. I say at the outset that Victoria has a proud history as a successful mining state. While it remains active in many areas, including mineral sand mining, gold mining, and brown coal exploration and mining, it is now perceived to be far from dynamic compared to many other states in Australia.

One of the things this bill does is to look at the legislative framework around mining in Victoria to ensure that safety continues to be paramount in that industry. Members on this side of the house agree that is absolutely paramount to mining and I am sure that not only members of this house but also those in the industry believe the same. If you talk to the Victorian division of the Minerals Council of Australia and to many who work in the industry, it is apparent that it is fundamental to the mining industry itself to ensure safety. That is what the discussion today is based on.

This bill seeks to facilitate the implementation of recommendation 4 of the 2014 *Hazelwood Mine Fire Inquiry Report* and bring forward commencement of the requirement that work plans for mines be risk based and specifically address fire prevention, mitigation and suppression requirements for coalmines. The bill also requires public reporting of activities on mines and quarries, including rehabilitation works, by providing the minister with the power to impose this requirement

on licensees on a case-by-case basis, and I will have a little bit more to say on that issue.

The third part of this bill looks at increasing the number of penalty units for carrying out extractive operations without authority and specifically requires compliance with the work plan. Under this bill those penalty units are increased to 1000 penalty units.

To go into more detail, the bill amends the objectives of the Mineral Resources (Sustainable Development) Act 1990 to make them consistent with the risk-based approach; broaden the range of risks that must be addressed in work plans to include risks to infrastructure in addition to the environment, to the public and to land and property; and give the Minister for Energy and Resources the power to set, vary or add conditions on licences and extractive industry work authorities in order to eliminate or minimise risk. I will point out the part of the bill that specifically talks about eliminating risk when I discuss the mining industry later in my contribution. As I said in my opening comments, we seek to minimise risk at every possible point. But as with everything in life it is very difficult to eliminate risk in most industries, especially the mining industry.

The bill also provides that authority providers can be directed to make sure their existing approved work plans comply with the risk-based work plan provisions. It also amends schedule 9 of the Mineral Resources Act to ensure that authority holders can be directed to bring their work plans into compliance with risk-based work plan provisions on a case-by-case basis. Particularly when the operation poses unacceptable risk, transitional provisions will apply to the extractive industries work authorities as well as to the licensees. On unacceptable risk, the minister has the power to determine what they perceive to be an unacceptable risk and therefore call in the matter.

The bill also makes amendments to ensure that public reporting powers are in legislation rather than relying on the cooperation of the mine owners. In a bid to improve compliance with extractive works, the bill increases the penalty units for non-compliance, as I said before.

At the outset, I indicate that we on this side of the house will not be opposing the bill. We do not oppose it because the crux of the legislation comes from the Hazelwood mine fire inquiry, which was first established as a result of the 2014 Hazelwood mine fire. At that time Victoria experienced one of the hottest periods in the state's history. In mid-January 2014 Melbourne endured one of its longest heatwaves since

1908, with four days in a row of temperatures over 40 degrees. From 7 to 9 February emergency services were very busy responding to multiple significant fires across the state, including those in the Latrobe Valley. On 9 February the Hazelwood mine fire began. It was caused by embers spotting into the Hazelwood mine and it burnt for 45 days. On 11 March, the day after the fire was declared under control, the then Premier, the member for South-West Coast, announced an independent inquiry into the fire to be headed by the Honourable Bernard Teague, AO.

What members have in front of them is fundamentally the work that was done after the fire. Of the 18 recommendations, 12 were directed to the government and all of those 12 recommendations were supported by the coalition government of the day. The inquiry was undertaken predominately for us to learn from what had happened in the past and to make sure that we can have the best possible compliance mechanisms and safety mechanisms for mining into the future.

I will make just a couple of other points before going to some of the detail of the bill, because we on this side have some questions about the legislation. The report of the inquiry headed by the Honourable Bernard Teague commended all firefighters, emergency staff and GDF Suez employees, who worked under very difficult circumstances to prevent the fire from spreading and who also kept the power on for Victoria during that time. Anybody who has been to the Latrobe Valley and seen where the fire took place will have seen that it was a massive amount of work for the company and our firefighters and emergency services personnel to contain the fire as they did. The inquiry report indicates that the mine fire cost the Victorian community, the government and the mine operator in excess of \$100 million.

In referring to the bill and the inquiry, I point out that when it comes to safety and the operations of what has been the backbone of Victoria's success over many years — that is, the mining industry and the cheap power it has produced and that Victoria has been able to benefit from for so many years — I suggest the last thing people would want is for the government of the day to be bashing up the opposition or playing politics with this sort of stuff. This particular bill is about people's lives, people's careers and people's jobs and about industry — and most importantly it is about safety. The last thing people would like to see is the government of the day trying to point-score over this stuff.

Ms Thomas interjected.

Mr SOUTHWICK — We have interjections from newbies opposite. Where is she from, again?

Mr Battin — Macedon.

Mr SOUTHWICK — That is right. We will learn that, because so far she has not said much in representing her constituency of Macedon. The member for Macedon should know better and should know that when we are talking about safety we are talking about the people of Macedon as we are about all the people of Victoria and they do not expect political point-scoring here.

The then Premier acted as quickly as he possibly could to establish an inquiry into what was effectively a fire in a private industry. In government we worked with that industry to ensure that we could learn from that inquiry and make sure that our properties, our facilities and our state could be safe. At the end of that extensive inquiry there were, as I said, 18 recommendations, with 12 of them directed to government and the other 6 directed to the mine operator. The then government acted very quickly to accept those recommendations.

When the new government came to office, it put out a press release suggesting that it wanted to have another inquiry. Although we on this side want to get on and implement things, we certainly respect the fact that Labor is the government of the day, and if it wants to have another inquiry into this fire we are happy for it to have one. On 26 May the government issued a press release suggesting that the Hazelwood mine fire inquiry would be reopened. In the press release the Minister for Energy and Resources could not help herself from having a dig at the coalition. Rather than being above that and being bipartisan on the issue, she had to try to point-score.

We on this side put out a press release on the same day. We were not about to try to point-score. My comments were:

This needs to be a genuine inquiry but the last thing people want to see is Daniel Andrews playing politics with such an important issue.

The safety and wellbeing of the Latrobe Valley residents and workers remains a top priority.

Ms Thomas interjected.

Mr SOUTHWICK — The member for Macedon can interject all she likes, but at the end of the day we are talking about the safety of people. If she does not care about the safety of people, she can keep interjecting. The member for Macedon keeps interjecting, but I suggest she listen up because what we

are talking about here is the safety of people in Victoria, including the safety of people in Macedon, her constituency. I am sure they will be very interested in her interjecting and not taking safety seriously. The member for Macedon should listen up instead of interjecting.

The member for Morwell, about whom the member for Macedon keeps interjecting, said in this press release, I am glad to mention:

The Hazelwood mine fire was a difficult time for Morwell residents and that's why the coalition worked hard to ensure the community was strongly supported during and following the fire, including initiating a long-term health study.

We welcome the fact that Daniel Andrews has seen fit to continue the coalition's work to ensure the Morwell community does not experience an event like this again.

End of story, given the bipartisan support of this. It is all about safety and all about the people of Victoria, including the people of Morwell.

Mr Edbrooke interjected.

Mr SOUTHWICK — The members for Frankston and Macedon want to interject — because they do not care about people; they just care about politics and political point-scoring. That is not what we are doing here. We on this side are above that and we are focused on safety.

I refer to the regulation of Victorian coalmines, and I will educate the members for Frankston and Macedon about two particular issues. I refer first to the inquiry report. Let us look at the section headed 'Regulation of Victorian coalmines' so we can educate the members for Frankston and Macedon about these two issues:

From 1 January 2008 —

which was under the previous government —

responsibility for oversight of OHS matters in Victorian mines transferred from the mining regulator to VWA.

That is, the Victorian WorkCover Authority. It continues:

From this date, the mining regulator no longer considered itself to have any role in regulating fire risk at the Hazelwood mine.

This is part of the Hazelwood mine fire inquiry, and obviously the government believed that that particular report, which was submitted by Justice Teague, who headed the inquiry, was good enough, because it reappointed him to do the following inquiry. If it had not believed that the first inquiry had been good

enough, it probably would have replaced him with somebody else.

The current inquiry is also headed by Justice Teague, the same former judicial officer who presided over the initial inquiry, the report of which I am quoting from. The inquiry report also states — and the member for Broadmeadows will be interested in this:

The board was also concerned by aspects of VWA's oversight of fire prevention and mitigation practices at the Hazelwood mine. In carrying out ... audits of the Hazelwood mine's fire ... policies, VWA appears to have placed undue focus on administrative or procedural compliance with OHS regulations, rather than ensuring ... compliance. The board considers that effective regulation must focus on substance rather than form.

I think that is really important. While the opposition supports the intent of the bill in terms of safety, it wants to ensure that there is substance around this and not just a whole lot of additional bureaucracy and red tape that will ultimately prevent the mining industry from doing business and providing jobs. We do not want it getting bogged down filling in forms and not doing what is needed on the ground.

The report says much about things that were needed on the ground, and again the mining operator has now implemented a lot of those things — and that is what we need. In consultation with a number of operators, including AGL, EnergyAustralia and GDF Suez, and with the Minerals Council of Australia, a number of issues have been raised. The first is the idea about increasing penalty units from 200 to 1000. Stakeholders question what evidence exists to suggest that compliance with extraction industry work authorities and work plans will be improved by increasing the penalties under the last paragraph of clause 6.

Also in terms of the risk-based assessments and risk management, the directions and requirements of agencies such as the Department of Economic Development, Jobs, Transport and Resources, WorkSafe and the CFA do not align. This can have cost resource impacts on business. Risk-based assessments can create more potential for this to occur, as different agencies consider risks in different ways. A lot of the feedback we have had from industry is about the definition of risk. As I said earlier, in part the bill talks about eliminating risk, and that is one thing, but what does minimising risk mean? It is apparent that the bill gives full consideration to existing risk management requirements relating to prescribed mines. Specifically, prescribed mines must implement a safety management system which they are required to do by the primary means of ensuring a safe operation of the mine. They are required to do that now anyway.

The resource legislation amendment that we have in front of us seeks to address certain risks associated with mining operations, seemingly without regard to existing occupational health and safety regimes; and while that regime must be in line with community expectations, if the bill creates overlapping regulatory requirements, this will give rise to the onerous and duplicate process requirements and complexities relating to the documentation. That is what I am largely suggesting in relation to what the Hazelwood mine fire inquiry found, with heavy reliance on the Victorian WorkCover Authority, and the fact that if we have a whole range of systems and processes in place already and we overlap them, we do not want to end up with a duplicative process of red tape. In terms of the definition of risk, as I said before, the objectives set out in clause 5 of the bill refer to the objective of eliminating or minimising risk so far as is reasonably practicable. This is an important qualification that is a well-accepted risk management standard. Unfortunately the standard is not reflected in the substantive elements of the bill and thus gives rise to concerns that were the bill to proceed as it is currently drafted, it could produce a disproportionate outcome.

The bill risks an ever-present and proper approach to the assessment of the cost regardless of the means to minimise, reduce or isolate the specific risks of the cost. The industry is telling us that when we talk about minimising risk, the definition of that risk and looking at minimising it means 'where practicable', which is not in the bill at the moment. It is a matter of looking at how you can practically do that, because if you spend all your time trying to eliminate the risk of something, you will do absolutely nothing, you will not even turn on the lights and open for business in the first place.

The definition of 'vicinity', which is in clause 7, states that the minister may impose conditions about the elimination and minimisation of the risks that the work may pose to the environment, to a member of the public or to infrastructure in the vicinity of the work. That is in the bill under clause 7 — the risk within the vicinity of the work, but the term 'vicinity' is problematic because it is subjective and does not define what the actual vicinity may be. Does it mean the vicinity of Victoria, does it mean where the particular mine operates or does it mean the town or the city?

The minister has the power to require various operators to offer up additional reporting information where the minister sees that that is not currently present and where there might be a risk, and where the minister would like more information about that. The issue with that is in dealing with sensitive information. It is appropriate that the minister be provided with a new power pursuant to

clause 7(2), to require by notice in writing that a licensee produce a report on the work undertaken by the licensee and that the report be published. That is fine, but the issue here is that the bill should acknowledge that the licensee may be required to divulge commercially sensitive information in order to fully inform the minister. Again, that is fine, but the question the opposition and a number of the industries have is: what will happen with that information, and should it be shared publicly?

Ms Thomas — Welcome, member for Morwell. We were just talking about you.

Mr SOUTHWICK — The member for Macedon just continues interjecting in this debate on a very important and sensitive bill. She just cannot help herself. I suggest she listen up because this is about people's lives. She should not be making silly interjections when we are trying to cover off on a really important and detailed bill. It is absolutely pathetic that government members try to politically point-score when we have a very sensitive topic in front of us. The member for Frankston also wants to laugh about this. We are talking about what happened in Hazelwood and about trying to fix some of these issues and deliver on them. We are trying to do this in a bipartisan way, and I do not need the nodding member for Frankston interjecting and laughing at something that is quite frankly not funny. The members for Macedon and Frankston can listen up on this sensitive information.

Coming back to the particular issue of sensitivity of information, again opposition members have no problem with the minister asking industry to provide it with this sensitive information, but what should happen is that the information should then not be shared publicly. That is the concern we have, and if this government is anything to go by, in terms of sharing information and transparency, then we should be worried. We have only just seen that demonstrated by the member for Bentleigh, who has gone on a huge database find, collecting a whole lot of information on a level crossing removal and accumulating personal details such as the email addresses of people — and who knows where that might end up?

Therefore we are very careful about offering up the sorts of powers whereby a minister might take information and use it to their political advantage. We would hope that, as in the past, the Labor Party does not use this particular change in the bill by taking up this sensitive information and effectively shutting down industry because, as I said at the outset, there is a proud history of mining in this state, and we should be

thankful for the years of growth that mining has provided.

I will look at the Latrobe Valley. I note that the member for Macedon is laughing and carrying on again. I do not think it is appropriate.

Ms Spence — Get on with the bill.

Mr SOUTHWICK — I am getting on with the bill.

Ms Spence — No, you're not. You're talking to the member for Macedon.

Mr SOUTHWICK — I cannot believe we have a government that would take something as serious as this — people's lives, people's livelihoods, industry — and carry on and be silly about it. But I will press on.

The Latrobe Valley's brown coal and mining industry accounts for a significant proportion of the economic activity and employment in the area. The industry has directly and indirectly provided employment to about 3000 people, which is close to 11 per cent of the workforce in the Latrobe Valley. Tellingly, one-third of the higher paid jobs in the region are in the coal and energy industry. It is a huge employer. Obviously the lives of those in the Latrobe Valley were hugely impacted by the Hazelwood fire, and we need to make sure there is sensitivity around this. We need to make sure safety is absolutely paramount in the mining industry broadly speaking, but we also need to make sure we are not adding a whole lot of red tape and bureaucracy, which does nothing for safety in the long run. It is a matter of safety first but also balancing that with measures that work and improve the industry.

Following the mine fire, on 2 September 2014 a report was tabled in the Parliament. The coalition government supported 12 recommendations to fix and improve the industry. The people of Morwell and the Latrobe Valley suffered hardships as a result of the mine fire, and it is important that we have improved legislation. We are always going to have emergencies; it is ultimately about minimising those. We have some concerns around the minister having the power to set, vary or add conditions to a licence or extractive industry work authority for the purpose of the elimination or minimisation of risk. The bill does not define a reasonable use of the minister's power on a case-by-case basis.

Debate interrupted.

DISTINGUISHED VISITORS

The ACTING SPEAKER (Mr Dixon) — Order! I welcome to the Victorian Parliament a delegation from Cambodia led by His Excellency Sam Rainsy, MP, the Minority Leader of the National Assembly of Cambodia, and His Excellency Kem Sokha, the First Vice-President of the National Assembly of Cambodia.

Honourable members applauded.

RESOURCES LEGISLATION AMENDMENT BILL 2015

Second reading

Debate resumed.

Ms THOMAS (Macedon) — It is my pleasure to rise and speak on this very important piece of legislation, the Resources Legislation Amendment Bill 2015. What happened in Morwell in 2014 must never be allowed to happen again. The Andrews Labor government will always take very seriously its responsibility to stand up for working people and disadvantaged communities. What we have just heard from the member on other side of the house was a failed attempt to rewrite history. Despite what the member for Caulfield said, this is cheap political pointscoring at the expense of the people of Morwell.

I am glad the member for Morwell has made it into the house. It is good to see him here. The marginal seat member for Morwell has made his appearance — and so he should, because we are talking about members of his community who were treated appallingly by the former government in their time of greatest need. I remind members of what the member for Morwell had to say back on 13 March 2014, as quoted in the *Latrobe Valley Express* — —

Ms Spence interjected.

Ms THOMAS — I will tell the member for Yuroke what he said and in doing so make a point of — —

Mr Battin — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Ms THOMAS — What the member for Morwell was quoted as saying in the *Latrobe Valley Express* on 13 March 2014, in an article headlined 'Northe in the line of fire', was:

Sure, the government's response could have been handled better — I've been on the public record numerous times stating our response could have been quicker ...

We know the member for Morwell is a laconic kind of guy, but that is an understatement if ever we have heard one. The way the people of Morwell were treated by the previous government was nothing short of a disgrace. Where was the Minister for Community Services when the people of Morwell needed her?

I will tell you where the former minister was. She was trying to win the votes of dead people to win preselection for the seat of Kew — that is what she was doing. She was so busy trying to save her own political skin that she had no time to go to visit the people of Morwell, despite having the ministerial responsibility to respond during the time of a state emergency. But she was nowhere to be seen. It was an absolute disgrace.

The bill is a very important piece of legislation. I commend the Minister for Energy and Resources and the Premier for the speed with which they have moved to introduce this bill. I will take members to some of the key elements of the bill. The bill amends the objectives of the Mineral Resources (Sustainable Development) Act 1990 (MRSDA) to make the objectives consistent with a risk-based approach. The bill broadens the range of risks that must be addressed in work plans to include risks to infrastructure, as well as risks to the environment, public land and property. The bill gives the Minister for Energy and Resources the power to set, vary or add conditions on licensees and extractive industry work authorities to address the elimination or minimisation of such risks. The bill amends schedule 9 headed 'Savings and transitional provisions arising from the Mineral Resources (Sustainable Development) Amendment Act 2014', to ensure that authority holders can be directed to bring their work plans into compliance with the risk-based work plan provisions on a case-by-case basis. The bill amends the MRSDA to enshrine public reporting powers in legislation, rather than rely on the cooperation of mine owners.

Those are some of the things that the bill does. It is a very important bill, and it is part of this government's commitment to the people of Morwell. This government has demonstrated it will stand up for the people of Morwell and I take this opportunity to commend our fabulous young, energetic candidate in Morwell, Jadon Mintern, who made sure that the member for Morwell is now a member in a marginal seat. He will need to do a much better job than he has done to date if he is going to hold that seat in 2018. I commend the bill to the house.

Mr NORTHE (Morwell) — It gives me great pleasure to rise this afternoon to speak on the Resources Legislation Amendment Bill 2015. This bill does a number of things and in part it copies a number of initiatives that the coalition were to have put in place. I hope the former member for Morwell, Brendan Jenkins, who is sitting in the gallery, does not mind me noting his attendance here today. I welcome the attendance of the former member for Morwell this afternoon. I focus my comments on the implementation of recommendation 4 of the *Hazelwood Mine Fire Inquiry Report*. I do so with a focus on the fire itself and the subsequent inquiry.

By way of background and history, on Friday, 7 February 2014, a fire was deliberately lit and a person has now been charged in relation to that offence. The fire commenced on the afternoon of 7 February and probably some of the most horrific conditions that have occurred since Black Saturday were experienced over that weekend. Unfortunately on 9 February, two days later, a series of other deliberately lit fires occurred across the Strzelecki Highway and, heading east, entered the mine as well as a number of different parts of Morwell.

I recognise, firstly, the efforts of all those involved in the response to this fire. It is absolutely remarkable and incredible that our career firefighters and our volunteers ensured that not even one dwelling was lost during that fire. If members had been there on that day, they would understand that it is hard to fathom how they managed to do that. I acknowledge the efforts of the Country Fire Authority and the Metropolitan Fire Brigade, Hancock Victoria Plantations with its firefighting team, departmental personnel, Ambulance Victoria, State Emergency Service and all those who were part of that response. I acknowledge the member for Frankston here today. He knows very well what that particular fire was like because he was at the forefront of it. The conditions were terrible, not only for those who were fighting the fire, but over the ensuing 45 days for those people in the community who had to endure them. It was terrible and there is absolutely no doubt about that.

I noted during the course of the week that the member for Frankston, in his comments in relation to the Emergency Management (Control of Response Activities and Other Matters) Bill 2015, talked about the emergency services and said in this house that emergency services are beyond politics. That is as it should be. I agree with that comment, but I disagree with the comment made by the member for Frankston — and he may repeat it during the debate on this bill — that there was no government support. That is an assertion that I do not agree with. There is no

doubt that things could have been done better and should have been done better, and that is absolutely right. I am on the record as saying that on many occasions. Indeed if the member for Macedon had grabbed the transcript of what I said on ABC radio about 10 days after the event she would know that I made it very clear that what was happening in terms of the response to that incident needed to be enhanced substantially, not only for emergency services personnel, but for the community more generally.

I take umbrage, not with the member for Frankston, but with the now Premier, who was Leader of the Opposition at the time, who played politics with that particular incident, in my view. Some of the commentary by the then opposition leader that appeared in our local newspapers and was made to our local media was absolutely disgusting and despicable. There are many people in our community to this day who are very concerned about many of those comments.

It is interesting how things change. At the time, the then opposition leader was very quick to criticise all and sundry when things were not going so well in terms of the fire itself, but he has not done so since becoming Premier. For example, earlier this year we had Environment Protection Authority Victoria monitoring equipment fail and give false readings to the community. What did the Premier say? Nothing. We could not find him. Then when ultimately we did find him all he did was defer back to the department, saying it was the department's responsibility, not his. His hypocrisy knows no bounds.

I alert members to a couple of comments the board of inquiry made with respect to this. In the *Hazelwood Mine Fire Inquiry Report* there was some criticism around the monitoring of the mines in the Latrobe Valley and some discussion of who was responsible for what. Page 18 of the report states:

From 1 January 2008 — —

And the government of the day at that time was?

An honourable member — The Labor Party.

Mr NORTHE — Yes. The report continues:

... responsibility for oversight of OHS matters in Victorian mines transferred from the mining regulator to VWA. From this date, the mining regulator no longer considered itself to have any role in regulating fire risk at the Hazelwood mine.

The mining regulator and VWA each adopted a narrow reading of the statutory regime underlying their respective areas of responsibility. Contrary to arrangements between the mining regulator and VWA, which contemplated

collaboration and consultation on areas of overlapping responsibility —

and so on.

The response to the fire itself was operating under changes the Labor government made in 2008. In addition to that, in 2009 the Labor government reviewed the rehabilitation plans of the Hazelwood mine itself. What did it do? What changes did it make? Zero. Nothing.

I make the point that it was very hypocritical of the then opposition leader to criticise the coalition government at the time and play politics in what was an awful time not only for the emergency services personnel who were working in those conditions but also for members of the community who had to endure so much. It was a horrible, terrible time, and there is no way around that at all.

I get disappointed when people want to rewrite history in relation to things like this. I appreciate that people can say, 'The government, its agencies and its departments did nothing'. That is not right. Could the government, its agencies and its departments have done more? Absolutely — you bet. Of course they could have. That was reflected in the board of inquiry's report. It made 12 recommendations to the state government and 6 recommendations to GDF Suez Australian Energy along with a number of affirmations at the time. Could things have been done better? Absolutely.

I agree with one point made by the member for Macedon: she said we want to ensure that this never happens again. I absolutely agree with that particular point. However, at the same time, the government did a heap of things at the time. Relief centres were established. We had a health assessment centre which over 2000 people attended. Again, well done to Ambulance Victoria for that. There were over 5500 respite and relocation packages, and there was a \$2 million clean-up package. There were 844 professional cleans conducted for local residents, and around 700 self-help clean-up kits. There were around 850 laundry vouchers, 1500 car wash vouchers, 13 500 free V/Line vouchers and trips to Melbourne tourist destinations. We set up a \$2 million business fund. A whole range of initiatives were put in place to support our business community.

As I noted, the terms of reference for the board of inquiry were established on 21 March 2014. We thank Bernard Teague, John Catford and Sonia Petering for the work they did on that inquiry. On top of the recommendations that were made at the time, the

coalition government also decided it would do a number of things further to those recommendations, including the establishment of a new Country Fire Authority district 27, which is probably of some interest to the former member for Morwell, who is still in the gallery. We set up a coalmine emergency management task force, headed by Craig Lapsley, to work with all brown coalmines to mitigate the fire risk over the last fire season and this season. We also initiated a long-term health study.

Recommendation 1 of the report talks about the implementation of all of the recommendations made by the inquiry. Neil Comrie was appointed to oversee the implementation of the recommendations.

Recommendation 4 talks about bringing forward legislative changes, which is what the legislation we are debating today will do. It is a sensible provision, it is the right provision and it is something the coalition agreed to. It was noted in the implementation report of October last year that that legislative change would be brought forward in 12 months. That is what this legislation does, so it is a step in the right direction.

I return to where I started: we cannot afford to allow this type of situation to eventuate again. What we can do as legislators is put measures in place to ensure that it does not eventuate again, and that is what this legislation does.

Mr PEARSON (Essendon) — I am delighted to join the debate on the Resources Legislation Amendment Bill 2015. As has been indicated, the purpose of the bill is to facilitate the implementation of recommendation 4 of the *Hazelwood Mine Fire Inquiry Report*. The bill aims to transition the industry to ensure that its practices are consistent with a risk-based approach and to broaden the range of risks that need to be addressed in work plans so that we can manage these matters more effectively than has been the case. The bill provides the minister with the power to set, vary or add conditions on licences and extractive industry work authorities in order to eliminate or minimise risks.

Traditionally I have been in favour of a light-handed approach to regulation. Really what you should try to do where you can is broadly let industry and businesses get on with it and run their businesses as best they can, but you must always reserve the right to intervene where there is market failure. The reality is that when you look at what transpired at Hazelwood last year, it was absolutely disastrous. It was terrible for the region. I have no doubt there will be longstanding health impacts and effects on the residents down there as a consequence of what transpired. A piece of legislation like this is timely and it is important that it come before

the house, because this is a case where we have to intervene. We have to ensure that these things do not occur again.

In a broader sense, we have been very lucky in Melbourne with the quality of the resources we have and the quality of extractive industries that reside around the perimeter of greater Melbourne. It is quite interesting that successive Victorian governments over decades have been very smart when it comes to preserving those resources close to market. That includes quarries for rock and aggregate to build roads, our rail lines and tunnels, as well as those quarries established to extract brown coal. The reality is that we now know that climate change is real. We now know that climate change is something we must seek to address not through blunt action but through a smooth transition.

As a state we have been very fortunate because historically much of the great wealth that Victoria acquired in the 1940s, 1950s, 1960s and 1970s was off the back of the fact that we had cheap and affordable power. That was the competitive advantage we had, compared to other states. Similarly, if we look at extractive industries around the perimeter of Melbourne, we are fortunate because the cost of cartage to get this rock and aggregate from its source site to its destination is significantly lower than it is in Sydney or other parts of the country.

The cost of cartage in Melbourne is significantly lower compared to Sydney. Most of the resources in Sydney have been built over and have been blocked out by residential development. A lot of Sydney's big quarries are actually 100 kilometres away from the sites to which the resources being extracted are being carted. Why is that important? It means you are going to have more trucks on the road for longer periods of time, and that produces more greenhouse gas emissions, increases the costs of production and increases the costs to the state of major projects. In Melbourne, however, we have been really lucky.

We have been very fortunate with the sort of industry we have fostered and encouraged. In this instance we have to ensure that we act where we have to act, and clearly in relation to Hazelwood we do not have a choice in light of what has happened. It is also important that the bill give effect to another of Labor's election commitments, which was made in the campaign last year, in relation to requiring the public reporting of activities of mines and quarries, including rehabilitation works. The bill gives the Minister for Energy and Resources the power to impose these requirements on licensees and extractive industry work

authorities. Rehabilitation is important because when a quarry or a pit gets to the end of its life it is about trying to find ways in which you can modify, amend or rehabilitate that site so that it can be used for the highest purpose.

This is a really important piece of legislation. As a government, we are very fortunate to have people like the member for Frankston in our ranks. We are a diverse caucus. People from many different backgrounds have now joined the ranks of the state parliamentary Labor Party, and I am proud to call the member for Frankston — a former firefighter and former schoolteacher — my colleague and my friend. It is because we have got people like him in this chamber and in our caucus room that we produce the sort of legislation we have before the house. It is fantastic. We are a great team, and this legislation is a reflection of that fact. We are a good government and will continue to be a good government. I commend the bill to the house.

Ms SANDELL (Melbourne) — I rise to affirm that the Greens will support what is essentially a good bill, but I will make some comments because, yet again, it is a bill that is really tinkering around the edges when what we need is bold action on something that is so serious. As we have heard, the purpose of the bill is to tighten regulation of work plans related to mining licences and the extractive industry work authorities to make sure that we include threats to infrastructure in risks to be assessed in those work plans, to allow the minister and head of department to make changes to licenses and work plans so that risks are better managed, to increase penalties for corporations that do not comply with these regulations, and to increase transparency in reporting that can be required under these licences. Frankly, it is disappointing that it took a huge disaster like the Hazelwood mine fire for this to be done and that something like this has not been done before.

I have been down to the Latrobe Valley three times in the past six months. That is probably more than most people in this chamber, and I have heard from many people who were directly affected and who were there that the Hazelwood mine fire had devastating impacts on those communities, and on Country Fire Authority (CFA) and Metropolitan Fire Brigade firefighters, including CFA volunteers. As has been said before in this chamber, the people of Morwell and Traralgon were let down terribly by the previous government. They were left to suffer and some people were left to die by the previous government's inadequate response to the mine fire inquiry.

However, this is not the first time these people have been let down. They have been let down through the privatisation of our energy system and continue to be let down. There are current reports that GDF Suez, the owner of the Hazelwood mine, is still refusing to pay its \$18 million bill to the CFA.

Mr Edbrooke — Shame!

Ms SANDELL — It is shameful, and the fire was a really terrible manifestation of the ongoing failure of successive governments to appropriately regulate the coal industry. I note that soon after the Labor government was elected the Minister for Emergency Services went down to Morwell and said that the government would change things and that it would now mandate and require that coal companies put out fires when they happen on their property. Frankly, it beggars belief that before this legislation was introduced they were not required to put out their own fires.

It is ridiculous that these huge coal companies are allowed to reap profits from what are our resources — that is, resources that belong to the Victorian people — but that when a mine catches fire and has a devastating impact on the locals and CFA volunteers, such companies are not required to respond to that. They are not required to take responsibility for that or even put out the fires in their own mines. I find it absolutely ridiculous that the Minister for Emergency Services had to go down there and say that now they are required to put out their own fires. Frankly, it was a pretty small step. Surely having them manage their risks, put out fires and avoid disasters is the very minimum that we should require. I hope that following the new mine fire inquiry government action will be much stronger to protect the local community and our climate.

I am a little bit worried because, while the Greens support this bill, it does not even do what the government claims it does and is much weaker than what is needed. The stated rationale for this bill is the implementation of recommendation 4 of the *Hazelwood Mine Fire Inquiry Report 2014*. Let us look at what the recommendation proposes. It proposes two things. Firstly, it is to 'bring forward the commencement date of section 16 of the Mineral Resources (Sustainable Development) Amendment Act 2014', which introduces more substance to the requirements of a work plan. Secondly, the recommendation encourages the government to 'acquire the expertise necessary to monitor and enforce compliance with fire risk measures'.

In fact, if you look at the bill that is on the table today, you will see that it does neither of those two things.

Section 16 of the Mineral Resources (Sustainable Development) Amendment Act has not yet commenced, and I take this opportunity to ask the minister whether she is working to have that commencement date gazetted immediately? Otherwise we will remain with the date we have always had with regard to these work plans — that is, not until December 2016 — which is more than a year away. It is a simple step to bring forward the commencement date, and there is no reason why the government should not do that immediately, which would implement the recommendation from the mine fire inquiry report.

The second part of the recommendation asks the government to ‘acquire the expertise necessary to monitor and enforce compliance’ for coal companies. This bill does not address this issue directly. It does provide greater opportunity for government intervention in risk management, which has generally been left to private companies. I welcome that: that is a good thing. However, at the same time let us not ignore what the recommendation says — that is, that the government needs to acquire more expertise to monitor and enforce safety and risk compliance in relation to these coal companies.

I would like to know from this government whether it has decided to just ignore the recommendation or whether it is working to ensure that the government has this expertise. This expertise is necessary because from both sides of politics we have had years of a lax and very hands-off approach — as was supported by the member for Essendon — to regulating coal companies. It is really not surprising that the government does not have the expertise to implement these risk management processes now. But that is not good enough. It is not acceptable. It is what leads to things like the Hazelwood mine fire, and it needs to change.

At this point, I foreshadow that the Greens are looking to potentially introduce amendments to this bill in the upper house to require rehabilitation plans within these work plans to be made public. During the last sitting week Labor failed to give the opportunity to the Anglesea community to have rehabilitation plans and other documents made public through FOI. The Greens are again seeking a way to empower coal-affected communities to have information about rehabilitation plans and coal companies that they deserve to have. I hope that Labor will not resort to cheap politicking again and will support the local communities in their need for these amendments.

The amendments will improve the bill. It is what the local communities are calling for, and I hope that Labor heeds their call. As we look to the future of these mines,

there is one thing that we need to make sure we never forget: even though plants like Hazelwood give rise to devastating consequences, like the mine fire, they also give rise to ordinary, everyday pollution that is also taking its toll on the community, the climate, the environment and the health of local people. While bills such as this one are good, essentially they just tinker around the edges. We know there is a much bigger problem here. If we want to avoid situations like this ever happening again, as the member for Morwell said he does, the only solution is to replace the Hazelwood mine and plant.

The mine fire was the manifestation of some of the worst possible consequences of our continued reliance on coal, but we need to recognise that this industry has a toxic impact on people every single day through its normal operations. We know it is toxic for our health. We know it is toxic for our environment and climate. We know it is toxic for the community. Post-privatisation we saw Morwell, Traralgon and the areas around them absolutely devastated by the loss of jobs, and we saw the coal company’s absolute disregard for the community through its failure to provide benefits.

As a society we need to work out — and this is important, so I hope The Nationals members who are interjecting listen to this — how to move to a clean energy economy that is powered by renewable energy. Both sides of the chamber should heed that call. We are hearing it from scientists and we are hearing it from the local community.

We can ignore that advice all we like, but we do so at our peril. When we make the transition to a world that is much healthier, with its clean renewable energy, we will save money. It will also save us the trouble of regulating and monitoring a dangerous industry and cleaning up the mess when disaster strikes — it really is a no-brainer. I want to know how long members from both sides of the house — the Labor government and the Liberal-Nationals opposition — will continue to kid themselves that coal will clean up its act and become safe. Coal is simply not safe; if they think otherwise, they are dreaming. Coal is not safe for health or our climate.

At the moment we are seeing the end of coal globally. The economics of coal just do not stack up. Origin Energy even came out this week and publicly said that we need to be transitioning away from dirty power plants like Hazelwood. We have an oversupply of energy in the grid, something many members of this chamber seem to not understand; they seem to not understand the energy market.

Ms Thomas interjected.

Ms SANDELL — I will tell the member for Macedon that there is an oversupply of energy in the market at the moment.

The ACTING SPEAKER (Ms McLeish) — Order! I ask the member to speak through the Chair; she should not respond to interjections.

Ms SANDELL — I hope many members will do some research on the energy market, because they will learn that at the moment there is an oversupply in the grid, which means that renewable energy is being locked out. We could turn off plants like Hazelwood five times over, with no energy supply issues. Oversupply in the grid is a very real problem we are facing, but it presents an opportunity for transitioning away from dirty coal-fired power plants. We are also seeing communities around the world who are resisting the toxic impacts of coal and the exploitation of multinational corporations at the expense of their health and the health of our climate. The Labor Party, the Liberal Party and The Nationals cannot continue to defend coal companies and say they are doing good things by giving them slightly stronger regulations while letting the planet burn. It is a fundamentally irresponsible position to hold.

We also know that inaction on coal and climate change here in Victoria is bad for workers and community members. If the government sits around and does nothing, which it seems to be content doing, when we face a disaster like another mine fire — which will happen — or when the market decides to abruptly close Hazelwood or other plants, workers will be left stranded. We have a lived experience of this, and it happened this year when the Anglesea coalmine and power plant shut down. The coal plants at Port August recently announced their closures. Those coal plants pretty much left their workers and the communities high and dry, and they did that because there was no government transition plan for those workers. There was no government transition plan away from coal, even though it was clear the writing was on the wall that the market was going to shut down those plants.

The only responsible position is to have a just transition now for workers. We should get out of plants like Hazelwood, and get out of them in a way that gives workers some dignity and some jobs for the future. Otherwise, what is going to happen? This concern is not just coming from me; it is coming from many experts. The reality is that coal plants are going to shut down; it is a simple economic reality. We can either let it happen, not intervene and let workers and

communities be stranded or we can have a plan to do it in a way that not only reduces pollution but gives workers and communities something to transition to, and that is what I am advocating for. Instead, we see governments introducing bills like this, which continue to tinker around the edges and may slightly improve risk management outcomes, but they blind themselves to the big issue that we simply cannot continue to rely on coal, especially brown coal.

I hope the government will take this opportunity to use regulation to replace Hazelwood and other brown coal power plants with what we know is possible, which is 100 per cent renewable energy. Frankly I do not want to risk another disaster like the Hazelwood mine fire. I do not want to risk the devastating impacts that we are going to see from climate change. I do not want to see people, including my friends in the Latrobe Valley, coming to me with stories of lung cancer and other devastating health impacts of not only old and new mine fires but also the general everyday operations of plants like Hazelwood. I do not want to continue to hear those stories. People come into my office all the time with stories about what happened to them in the Hazelwood mine fire — —

An honourable member interjected.

Ms SANDELL — From the Latrobe Valley, absolutely, because there is nobody else standing up for them and for their right to have clean air and clean energy. Members opposite can disregard the stories of the people from the Latrobe Valley. They can disregard the health impacts and their calls for something better, but I will never do that. I am standing up for these people because they have a member who will not, and they have a government which refuses to replace Hazelwood with something better to give them sustainable jobs for the future. Hazelwood has proven itself to be an absolutely toxic liability to Victoria on a daily basis, as well as following the impact of the mine fire, and it is absolutely time to replace it.

Mr RICHARDSON (Mordialloc) — It is a pleasure to make a brief contribution to the debate on this important bill, the Resources Legislation Amendment Bill 2015. I take this opportunity to reflect on one recommendation from the Hazelwood mine fire inquiry, which is addressed in the bill, the overarching impact of the Hazelwood mine fire, and the failures of the regulatory environment and of GDF Suez. The Hazelwood mine fire inquiry received over 160 submissions, and heard from witnesses over a three-week period. Firstly, I commend the previous government's decision to commission the Hazelwood mine fire inquiry. It was an important inquiry, and it

undertook a significant amount of work. However, concerns were raised in the community that the former government took too long to respond to the impacts of the fire.

Given the findings by the inquiry about the significant health and wellbeing impacts resulting from the fire and ongoing concerns about health impacts, the establishment of the health assessment centre two weeks after the fire started was just not quick enough. An information centre was established some three weeks after the fire started. Again the response was not quick enough. People were afraid. They were concerned for their safety, the safety of their community, the safety of their children and the impact on their future. I note that a 20-year health study has been commissioned to monitor the health and safety of that community.

I want to briefly touch on the fire itself, which had a substantial impact on our state. Temperatures at the time had not been seen in that range since Black Saturday in 2009 and there was a significant heatwave — we had a perfect storm down in the Latrobe Valley. The Hazelwood mine fire started on 9 February 2014 and took hold for 45 days. It was the easily the longest burning fire in the history of the Latrobe Valley.

The fire generated thick, unpleasant smoke and damaging ash that spread over the towns and crippled the region for many months. It took 7000 fighters a total of 45 days to put it out. That is significant resourcing, and when I read that figure I reflected on and thought about the inquiry into Fiskville that I am involved in. I hope in relation to the health study and all the monitoring that is going on at the moment that consideration is being given to the long-term health and safety of people who were serving on the front line near these toxic fires. That obviously leads to another discussion about presumptive legislation and its importance for firefighters.

This was widely considered a complex fire emergency and also a public health emergency, and there are ongoing fears that that air pollution has contributed to loss of life. That led to the reopening of the inquiry, which represents important work by Bernard Teague, who all members of this Parliament know from the 2009 Victorian Bushfires Royal Commission. The incredible work he undertook with the recommendations of that royal commission has driven subsequent governments and continues to drive us to try to improve our fire safety and management. After the Hazelwood inquiry report was first tabled it was reported that there could have been as many as

11 premature deaths in the Latrobe Valley during that time, so that reopening of that inquiry represents important work.

I will also briefly touch on the regulations in place at the time. Unfortunately it seems that WorkSafe and the mine regulator — and this can unfortunately sometimes be an attribute of government departments — were operating in silos. The regulations were not there. That is a systemic issue, and we need to see how we respond to this challenge, because this is a hallmark we have seen through the public hearings of the Fiskville inquiry — departments are not linking up despite coming under the same umbrella. We have to do better, and we have to find a way for these big bureaucracies to be able to interrelate better for the betterment and safety of the community.

Finally I will touch on GDF Suez, and I note the comments of the member for Melbourne in this regard. It is the case that GDF Suez is backing away from a contribution it should make due to the findings of very poor management and very poor fire risk and safety. The Hazelwood mine fire was considered a foreseeable risk that slipped through the cracks: that is what the inquiry found. It slipped through the cracks between regulatory agencies. The report addresses the fire risk management at the mine, finding many failures and deficiencies on the part of GDF Suez in terms of fire risk management. Even worse, GDF Suez did not address the deficiencies that were exposed during the fire in September 2008. The report states:

The failure to conduct a proper risk assessment meant that an opportunity to substantially improve fire protection measures in the worked out areas of the mine and potentially avoid or reduce the severity of the 2014 Hazelwood mine fire was lost.

That was a lost opportunity.

I commend the bill to the house. I pay tribute to the 7000 Victorian firefighters, and I hope the bill has a speedy passage through the house.

Mr T. BULL (Gippsland East) — It is a pleasure to rise to make a contribution on the Resources Legislation Amendment Bill 2015. As we have heard, this bill seeks primarily to facilitate implementation of recommendation 4 of the 2014 *Hazelwood Mine Fire Inquiry Report*. As we know, and as we have heard from speakers on both side of the house and as has been very well documented in the media, the people of Morwell suffered through an extremely tough period when that fire raged in the Latrobe Valley. Indeed at that time a number of residents of the Latrobe Valley relocated east into my great electorate to take advantage of the great hospitality of the East Gippslanders, who

offered up their homes and residences. Some even had holiday homes in the best electorate in Victoria to be able to come down to.

It is very important that this legislation be passed so this government can continue the work of the previous government to ensure that an incident similar to the one that was experienced never occurs again. That is clearly why we are not opposing this bill. This legislation deals with the work plans for mines being risk based and specifically addressing certain areas including fire prevention. Fire mitigation and suppression requirements for coalmines are also integral to this.

We have heard a couple of interesting contributions from members, including a very frank and honest contribution from the member for Morwell, who outlined some of the interesting history, including the lack of action that goes back to 2008, well before the term of the previous government. I thought those comments were quite pertinent. Despite what some are saying, whilst the member for Morwell, who is here in the chamber, did indicate that things could have been done slightly differently at the time — and the value of hindsight is that it always allows 20-20 vision — he outlined the very strong course of action taken by the previous government.

His contribution was in slight contrast to the contribution of the member for Melbourne, who purported to be representing the people of Morwell. I think she has visited there three times. The people who have been going into her electorate office may be among the 2 per cent of people who voted for the Greens in Morwell in the state election, so I think it is a long bow to draw to suggest that there is representation there for the member for Morwell coming from the member for Melbourne.

Mr McGuire interjected.

Mr T. BULL — Thanks, Frank. This bill requires public reporting of activities at mines and quarries, including rehabilitation works, and empowers the minister to impose this requirement on licensees, which I think is very important. There are some unknowns, however, around this that require further clarification. They relate to the minister having the power to impose, set, vary or add conditions on licenses and extractive industry work authorities. This has been done with the purpose of elimination or minimisation of risk. The bill does not really go into an enormous amount of detail on what quantifies the level of risk deemed reasonable. Whilst the minister is able to use this power on a case-by-case basis, some more clarity around this level of risk would be appreciated not only by the

communities but also by the extractive industries so that they know what they are dealing with under this criteria.

Given that there is always some degree of risk with mines and quarries, the elimination of absolutely all risk in the sorts of ventures is not possible. This bill clearly relates to minimisation of risk, and clearly some stronger guidelines are required. The bill broadens the range of risks that must be addressed in a work plan, and this is very important. We had the unfortunate situation, as the member for Morwell pointed out, where a fire was deliberately lit on a horrific day and we saw the consequences of that. Broadening the range of risks in this legislation is something that all members of the house would support. The range of risks relate to the infrastructure of the plant, to environmental matters and to public land and property. The minister can direct authorities to bring their existing approved work plans into compliance with the risk-based work plan provisions.

The bill also makes provision to enshrine public reporting powers in legislation rather than simply relying on the cooperation of the mine owners, as has been the case in the past. This makes that reporting aspect more open, more transparent and more publicly acceptable.

Following the tabling in Parliament in September 2014 of the *Hazelwood Mine Fire Inquiry Report*, the former coalition government supported the report's 12 recommendations, 11 of them in full, and of course that included recommendation 4, which is pertinent to today's bill. The people of Morwell and the Latrobe Valley suffered through what was a terribly tragic ordeal. As I said, risk can never be totally mitigated, but it is important that this legislation is passed to try to ensure that an event such as that never occurs again.

In finishing up, it would be remiss of me to talk about the situation in the Latrobe Valley without mentioning those who fought that blaze in what were very trying conditions. I know it has been touched on before — and the member for Frankston is in the chamber — but I give full credit to the members of the Country Fire Authority as well as to the members of all the other authorities, who were literally at the coalface for weeks on end battling that blaze in the interests of the Victorian community.

In saying that, Morwell was not the only area that was in the spotlight at that time. There were also fires raging across many other areas of Victoria. There were fires in my patch in Gippsland East, and I think, Acting Speaker, your area was also impacted by fires as was

the electorate of the member for Warrandyte. There was enormous stress on our state's firefighting resources to meet that extraordinary need because of the explosion of hot weather and shocking conditions right across the state. Those are the reasons why we are not opposing the bill, and with those comments, I wish it a speedy passage.

Mr EDBROOKE (Frankston) — I rise to speak on the Resources Legislation Amendment Bill 2015. I acknowledge the member for Morwell's frank and honest contribution, and I make it clear from the outset that I will not be playing the blame game, and I will not reflect personally on the member for Morwell. That being said, the community of Morwell was failed in a major way.

I grew up in Churchill, which is next to Morwell.

Mr R. Smith interjected.

Mr EDBROOKE — I will get to that in a second.

I grew up in Churchill. My family worked in the mines for decades, and one of my relatives died during that time. He is part of that investigation. We have heard a lot about what the bill actually does, but I will give an example of why this is such an important bill.

I went down to the mine fire fairly early. As other members have said, resources were stretched around the state and that informed quite a few decisions down there. The thing that gets to me is that people can forgive a wrong decision, but when you make no decision at all, it is fairly indicative of incompetence. The government of the time did not own this incident as a level 3 statewide incident early enough. This bill is a great example of the government adhering to the mantra that prevention is better than a cure and taking some positive action.

On a personal note, I was on the first truck during the 2008 fires and was almost killed in a burnover. During the Hazelwood mine fire I spent two weeks there on night shifts and narrowly missed being killed by two boulders the size of small cars. The gravity of the situation is apparent to me. When I first arrived at the mine I was shocked at how few resources there were to cope with the fire. There was very little logistical infrastructure in place, and there was no incident control centre to speak of. Local mine fire plumbing had been taken out and sold for scrap metal years ago.

The south-eastern side of the mine where the fire was active had not been mined for years, and there was no clay capping. That is relevant to the part of the bill that talks about rehabilitation. There was no health

monitoring in place, even though one crew had already been taken to hospital with suspected carbon monoxide poisoning, and we sat outside between shifts and ate lasagne under the falling ash.

After about two weeks I witnessed the former Premier arrive and walk past the tent city. I think he first had a helicopter ride over the top of the mine to get an idea of what was going on and to see how big the fire was.

An honourable member interjected.

Mr EDBROOKE — No, he was not with Bronwyn.

There seemed to be no leadership, and I would put that down to the number of silos in the bureaucracy at the time.

These environments are inherently dangerous to emergency workers and also to local communities. I acknowledge the efforts of everyone who helped out — the firefighters, both staff and volunteer, the State Emergency Service, the Salvos and everyone else. They did a fantastic job in what were very difficult circumstances for the community.

We dealt with the heat, the low visibility, the smoke and the waterborne bacteria that we found later — we were told at the time that the water we were using was fine, although we suspected it was full of bacteria. The United Firefighters Union did independent tests and decided that the initial tests were wrong, and indeed they were. We were then told to wear goggles and gloves because the water was stagnant.

We were working around heavy machinery, unstable ground, carbon monoxide fatigue, aerial water drops falling within metres of us, falling debris and falling infrastructure, and we had no specific training in coal mine firefighting. I am glad to hear that the Andrews Labor government has put forward a commitment to provide specialised training and equipment. A colleague of mine was almost killed by a flying hose coupling on a 125-millimetre hose, which would have killed him for sure. I am glad my wife does not read *Hansard*, because I have not told her any of this!

While it is fine for members of the former government to say they are firefighters' friends, I would like to make the point that we have heard some divisive politics among volunteers and career firefighters. This was one of those instances where I believe the integrated system worked very well. I have worked as a staff member and I now work as a volunteer, and I would like to say how well that system actually works. We need that buffer when we have large incidents like

this because we just do not have enough human resources to deal with them without volunteers and staff working together.

During that fire, the staff at Frankston were told they were to be stationed down at Morwell. Now I love Morwell; I was brought up there. But for the blokes like me who live in Frankston, spending long shifts down there was very disruptive to our families. People were given no choice.

This bill is important as it holds private owners to their responsibilities. I was disgusted to hear that GDF Suez was not volunteering the money to the Country Fire Authority, because fighting that fire was like taking one bite of the elephant at a time — it was massive. It shows how little responsibility private operators take. One incident I remember down at that fire was when our exposure standard determined that we were to complete two-hour shifts in the mine. We were not given any transport for the 15-minute ride down to the base of the mine. A colleague decided he would take a car from the parking lot and go and get the crew that had been down there for 3 hours. He was bailed up by GDF Suez staff, who said he had stolen a vehicle and they were going to call the police. That was the amount of responsibility they took. They were more interested in getting someone hooked for stealing a car than actually looking after the crews that were cleaning up their mess — and it was their mess.

At another stage we had remote monitoring equipment in and around Morwell, and we had been told down in the base of the mine fire that if we came across 70 parts per million of carbon monoxide on our monitors, we were to evacuate. Upon evacuation one day I was told that the monitors in the centre of Morwell were picking up over 110 parts per million, and the population was still there. My parents live in Morwell. I gave them a call and said, 'Maybe cruise over to Sale or Bairnsdale and have a picnic for the day'. It was a terrible time, and we need to hold private operators accountable to make sure they actually fulfil their responsibilities to keep the community safe and keep mines safe.

The bill assumes a risk-based approach, and it broadens the range of risks that must be addressed in work plans to include risk to infrastructure. It gives the Minister for Energy and Resources the power to set, vary or add conditions on licences and extractive industry work authorities in order to address the elimination or minimisation of risks. I think this is very important. When I arrived at the mine incident, I believe there were around 40 GDF Suez staff working in the mine. In the days when I grew up down there, I think we had probably 200 to 300 workers on that mine, so it was a

bit of a shock to realise that we had no local firefighting happening at all. These fires burn 5 metres into a coalface, so we knew there was not much chance we were going to pull it up within a month or so. I was very surprised to hear that Morwell was not evacuated further and that stringent exclusionary zones were not put in place.

The commitment to ensure that non-compliance with any reporting requirement will be in breach of a mine's licence conditions and may incur up to 200 penalty points is a great commitment. We need to hold these people accountable. There need to be reasons for them to be accountable, however, and as we see in industry often a monetary value is the only reason they can see. This election commitment shows that the Andrews Labor government is getting on with it, and I am very glad to be part of a government getting on with the job. I wish the bill a speedy passage.

Mr R. SMITH (Warrandyte) — I rise to join the debate on the Resources Legislation Amendment Bill 2015. I have been quite impressed with the considered and measured contributions that have been made. I am not often compelled to commend those opposite, but I think the member for Frankston and the member for Mordialloc have made very considered contributions to the debate. I say also that they were in contrast to the contribution of their colleague the member for Macedon, who had a bit of a rant.

It is telling that there are those in this house who, by dint of being new, certainly have every right to get up and talk, to speak and to make a contribution but who are often not across what actually happened at the time. As the member for Gippsland East said, the beauty of 20/20 hindsight is that it is perfect. Having said that, again I say that the contributions of most of the members of this house have been very considered and very measured on a very important issue.

I take this opportunity to commend the member for Morwell not only for his contribution, which was very frank, but, having been the Minister for Environment and Climate Change and having been very involved at the time, along with many of my colleagues, I can say to the people of Morwell that the member was absolutely 100 per cent committed to making sure that the issue was dealt with and that it had the least possible effect on residents. This incident was without precedent, and the calls that he made and the urgency with which he pushed certain issues were amazing. He worked very hard for his electorate during the entire time.

The fire went on for 45 days, and I think the member for Morwell made 45 calls a day for those 45 days. He was in touch with ministers on all occasions, and he was in touch with agency heads. The member for Morwell should be absolutely commended for his commitment to his community. It was outstanding. For those who were not around, it is easy to throw rocks, but for those who were and for those who were intimately involved with the member for Morwell's actions, it is certainly the case that he should be commended.

Today I commend those who were involved in the fire, and the member for Frankston has made some very good comments about those who were on the ground. My involvement as the then Minister for the Environment and Climate Change was with the staff of the Environment Protection Authority (EPA) which was, I believe, the first agency to be out at the site. They were very ably led by the CEO at the time, John Merritt, and chair, Cheryl Batagol, who did an outstanding job with an outstanding team.

When I went down to Morwell to talk to EPA staff it was clear they had put their all into the work they were doing. They should be commended for the 45 days they spent down there, many with hardly any breaks, away from family, friends and children for a long period of time. They were out there doing work which was, may I say, beyond their remit. They were putting out releases, talking to the community, and making sure they got the equipment they needed from Tasmania, which had equipment that was more appropriate to the circumstances.

I can only say that the privilege of working with the EPA during this period was something I saw as being really outstanding and as minister I was very proud to have people on board who were doing such an important and selfless job. They were just outstanding, and it was not only a privilege to work with them during that time but it was also an honour to present them with certificates of recognition some months later, which were arranged by Ms Batagol, to recognise that they had done that work and spent that time away from their friends and families.

I want to also say that they bore the brunt of the community's concerns at the time because they were the first agency on the ground. They dealt with that in an amazing way, and it is very important to note that the people at the EPA are an outstanding bunch of people who went above and beyond the call of duty.

When we hear from some quarters that there was a level of incompetence during this period, that is doing

an incredible disservice to members of the public service, the firefighters on the ground, the EPA people, the health department people — the people who really put in 100 per cent. I know that those opposite will say 'No, we do not blame the public service, we blame the government for its inaction, blah, blah, blah'. The fact is that the work the public servants, the agencies and the departmental staff did was coordinated through government, and rather than doing them a disservice by blaming them for what was an unprecedented situation caused by deliberately lit fires in the main, we need to take a step back and understand that the different areas of government — the executive, the agencies and the departments — all pulled together to make sure that what was needed to be put in place was put in place.

I also think it is worth making reference to the fact that when this fire began to get out of hand, although it had started two days earlier, on 9 February there were over 900 fires around the state. I was in the state control centre at the time; my own community in Warrandyte was under significant threat. There were other ministers at the state control centre at the time. Nick Kotsiras, the Minister for Energy and Resources at that time, was also there because, as he understood it, the mine was under threat from fire.

In support of those who worked under these circumstances, those who were at the state control centre at the time were under the very able leadership of emergency management commissioner Craig Lapsley and a number of other very competent fire officers who were doing their utmost to deal with the looming threat in Morwell as well as directing resources to the other 900 fires going on around the state. Therefore it is disappointing to hear some of those opposite — not all, but some — say that people were not committed. I reiterate that this was a coordinated response in the middle of a very significant fire event. That day, 9 February, was significant in so many ways and the fire was probably the worst fire we had seen since Black Saturday.

My contribution today is mainly to commend those government agencies and departments that pulled together in an absolutely fantastic way on that day and in the days following. As I said, they spent extended time away from friends, families and children and did an outstanding job and I am very proud to have worked with them, particularly the EPA staff. I am very proud to have been associated with them and to have been in a position to recognise their contribution in the awards ceremony we held.

Full credit goes to everyone who was involved in making the very best they could out of a very bad and

unprecedented situation. The gratitude of this house should go to those people and I again highlight the work that the member for Morwell did for his community. He did his best to get as much relief down there as possible and to address his community's concerns. I commend him and I commend the agency and departmental workers who did so much during that period.

Debate adjourned on motion of Ms SPENCE (Yuroke).

Debate adjourned until later this day.

EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2015

Second reading

Debate resumed from 5 August; motion of Mr MERLINO (Minister for Education).

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to contribute to the debate on the Education and Training Reform Amendment (Miscellaneous) Bill 2015, and from the outset I state that the Liberal-Nationals coalition will not be opposing the bill.

The genesis of this bill is the Education and Training Reform Amendment (Miscellaneous) Bill 2014, which was introduced by the then Minister for Education, the member for Nepean. That bill dealt with a range of matters, some of which are picked up in the bill before us today. However, that bill lapsed in the last Parliament and expired in November 2014. The provisions in this bill largely reflect the provisions of the previous bill, although there are some minor changes. It should also be noted that a number of provisions in the 2014 bill were picked up in the Education and Training Reform Amendment (Child Safe Schools) Act 2015 which received royal assent earlier this year.

The main thrust of this bill which, as I said, picks up on issues in the previous bill, relates to the empowerment of the Victorian Registration and Qualifications Authority (VRQA) with respect to identifying financial concerns about the operation of independent schools in Victoria. This was largely driven by a financial crisis that beset some independent schools back in 2012. Many Victorians will recall the concerns that were raised by not only parents and students but also members of the broader community about the capacity

for some independent schools in Victoria to continue to operate.

Three main schools were focused on at the time. The first of those was Mowbray College, which operated in Melton and Caroline Springs. Members will recall the concerns that arose at that time with the collapse of that school. Mowbray College closed in June 2012 with debts estimated at around \$18 million. As members will appreciate, that was a significant impost which would have caused significant concern for the students. At the time there were more than 1200 students at Mowbray and 276 of those students were in the process of completing their Victorian certificate of education or International Baccalaureate. Those students were suddenly required to find an alternative school. In addition, there were more than 200 staff at the college. Whilst we were particularly concerned about the students and parents, those staff members were faced with the prospect of losing their employment.

In March 2012 the VRQA conducted an investigation of Mowbray. At the time, the director of the VRQA, Lyn Glover, stated that this assessment revealed to VRQA the immediate financial pressures Mowbray College was facing. An administrator, Mr Jim Downey, was brought in after the school's closure. He described the Mowbray College school board as 'well-meaning amateurs' and said, 'I think they were completely out of their depth'. This matter was later dealt with through an investigation by the Supreme Court, which revealed that the school had around \$28 million in debt, and media reports in 2014 suggested court proceedings were continuing.

That was not only a significant concern for the staff, students and parents of that school but it also sent shockwaves around the Victorian community. I remember that when that situation arose there were calls from the community, with some people saying that the Victorian government should step in and take over the obligations of that school. As was rightly pointed out, it was an independent school for which the state government did not have responsibility, but it was still recognised that a situation such as that should be averted if possible.

The second school that faced financial collapse in 2012 was Acacia College in Mernda. It was a Uniting Church school that had about 540 students from prep to year 9, and 50 staff. In October of that year, the Uniting Church announced that it would close Acacia College at the end of that year. This followed shocking advice that the school was not sustainable due to being saddled with debt. Media reports at that time suggested that the debt was estimated at around \$40 million.

Acacia College was opened in February 2010. The Uniting Church had not intended to fund the building of the school but had entered into an arrangement with a developer. The developer was to build the school and the church would ultimately lease the school from the developer. Problems occurred, with the developer getting into financial difficulty and thus the Uniting Church being saddled with debts. As members know, like Mowbray College, Acacia College faced closure. The Uniting Church moderator, Isabel Thomas Dobson, stated:

We did conduct due diligence on the process to build the school, but in hindsight ... perhaps we weren't diligent enough.

The lesson from that was that organisations, be they churches of various faiths or nondenominational, seek in good faith an opportunity to create an independent school on the assumption that they will have the capacity to construct it and finance it and to ensure that there will be enough students to attend that school without it facing any financial hurdle. As we know, that certainly was not the case with that particular school.

The third school that was also identified in 2012 was St Anthony's Coptic Orthodox College in Frankston North. An administrator was appointed in November 2012 and the school closed that year. That school had been established in 1995, and when it closed in 2012 it had around 300 students from prep to year 12. Obviously it was a significant school, particularly for the Coptic community, many members of which live in the eastern suburbs, including my own suburb of Rowville. In 2011, the school had 29 students in year 12 and employed 13 secondary teachers and 8 primary teachers. Obviously there was an impact when the school closed.

The chief executive of Independent Schools Victoria, Michelle Green, said that a similarity between those three non-government school collapses was a difficulty in balancing the aspirations of parents with the amount that the parents were able to pay and were prepared to pay. She also said that a contributing factor in the failure of all three non-government schools was that new schools starting out in developing areas can also face high costs from local councils to develop infrastructure, which can add further financial pressure.

From that, members can see that there was great concern in the Victorian community about an appropriate investigation being undertaken to ensure that other schools in similar situations did not collapse. The matter was addressed by the then education minister, the member for Nepean. He said that he had asked VRQA to advise him on appropriate action. It

was pointed out that VRQA had more financial oversight powers in regard to vocational education and training providers than schools. That clearly demonstrated the need for legislative change.

It was acknowledged that most non-government schools operated under sound financial governance. The then minister stated at the time that we do not want to over-regulate non-government schools but we need to have a compromise whereby the financial health of non-government schools is easily assessed. As a result we had the implementation of the 2014 reform bill, and now we have the bill that is before the house. As I indicated earlier, the coalition will not be opposing the bill.

With respect to the significance of this sector, 31 per cent of schools in Victoria are non-government schools — that is, 700 of the 2228 schools are non-government schools. Of those, 207 are independent schools and 493 are Catholic schools, as defined. Those 31 per cent of non-government schools educate 37 per cent of full-time-equivalent students in the state. Members can see that we are talking about a significant sector of the Victorian community.

Non-government schools are required to meet a number of financial reporting obligations to state and federal authorities in order to fulfil their registration requirements and to receive government funding. At the state level, the VRQA works with the Department of Education and Training and the Catholic Education Commission of Victoria, which are the review bodies for government and Catholic schools respectively.

All schools are required to submit an annual report to the VRQA, which conducts reviews of non-government schools on a five-year cycle. However, concerns have been identified — for example, in the 2014 cycle VRQA began a review of 39 schools across the state. Five of the schools were identified as requiring a site visit by a review team, and 34 schools required a desk audit. VRQA identified two schools as requiring a financial health assessment. Despite what happened in 2012, there are still potential concerns for some schools in the state, and all parents need to be appropriately and adequately protected so that if their children have been sent to a non-government school, there is an early detection point if there are issues of financial sustainability at that school.

One of the main provisions of the bill is clause 15, which will insert section 4.3.1A. It talks about the fact that the authority may assess the financial capability of registered non-government schools. Clause 15(3) states:

If a school is assessed by the Authority as being financially unviable or at risk of becoming financially unviable, the Authority may —

undertake a number of actions, one of which is:

report to parents of students at the school on the result of the assessment, including the areas in which the school is no longer financially viable ...

That is a variation of the bill that was introduced by the former government. Whilst people would understand and respect the changes that the government has made in the context of identifying an unviable school, it is also important that, if a school is identified as being potentially financially unviable, VRQA can also act.

I raised this issue with Independent Schools Victoria (ISV), and it has noted that this provision obviously places significant power in the hands of VRQA. ISV highlighted the fact that there needs to be an agreed understanding between VRQA and the independent schools on how that provision will be applied. What they do not want to see — and I am sure most reasonable people would not want to see this either — is in the case of a school potentially becoming unviable, the first action being VRQA notifying a school of a financial problem. As ISV indicated, that could cause a run on the bank when parents start pulling students out of the school when the school still has the potential to be viable. Therefore I ask the government to ensure that with respect to the specific provision of this clause, VRQA will appropriately apply it in a way that is agreed with independent schools so that an issue of potential risk does not automatically cause a run on the bank.

The other provision of interest concerns the powers of school councils. School council provisions seek to allow the granting of a licence in relation to school land, but there has been an addition in this bill for the operation of licences relating to buildings. I thank the advisers from the minister's office for the briefing the opposition received. We were told that this provision will provide greater flexibility for the operation of school councils, particularly regarding requirements to utilise neighbouring land or buildings or the stabling of portables to accommodate temporary increases in enrolments. That is the understanding that has been provided to me in terms of the implementation of that amendment to the original bill. We do not oppose that provision. We trust that it has been made in the context of providing greater flexibility but will not be misused. That is certainly a concern, but I state from the outset that there has not been community concern raised about the variation of that particular clause.

I will touch only briefly on the next issue because my colleague the member for Euroa will cover it at greater length. The bill covers variations in the flexible governance arrangements of the Adult, Community and Further Education (ACFE) regional councils. It provides broader scope to determine the appropriate size of ACFE regional councils, broadening the skill mix of members of the regional councils and provides regional councils with the flexibility to determine how and when they will meet. The only commentary I make on that point is that in my former role as Minister for Higher Education and Skills I had the honour of working with the ACFE boards, and in fact many of the issues that have been identified in the bill were worked on with ACFE to try to provide greater scope and flexibility for their operation. Like many organisations, they rely on volunteers, and it was often difficult to ensure that they had the necessary number of members to operate in accordance with their requirements under the act.

I am pleased to see that those provisions, which were introduced in an earlier bill of the same name, have been carried over into this bill because members of ACFE boards will be pleased to see that continue. I also place on the record that whilst the bill has introduced many of the provisions of the 2014 bill, which was introduced into this house by the member for Nepean, there are still some outstanding provisions which the government has yet to introduce into the house. Clauses 11 to 14 of the 2014 bill related to TAFE institutes and part 3, relating to amendments to university acts, are yet to be introduced. They may well have been held back because of the current review that is taking place into the TAFE sector. I will allow the government to provide an explanation for that, but that is our understanding of why they may not have been introduced to date.

Clause 26 related to the terms of registration, clause 27 related to the accreditation of courses or part of a course, clause 32 related to authorised officers and clause 33 related to the transition provisions. Those clauses have yet to be introduced into the house, so it is unclear at this point as to whether those provisions will appear during the term of the current Parliament, whether they will be left in abeyance or whether the government has the intention of reintroducing those provisions of the outstanding 2014 bill. Again, I ask a member of the government and/or the minister in summing up to provide an explanation of those outstanding provisions.

I am mindful of the fact that other colleagues wish to speak on the bill. I reiterate that the coalition is not opposing the bill, but I make the point, particularly with

the operation of the VRQA, that it is imperative that the clause relating to the risk of becoming financially unviable is worked through with the independent schools to ensure there are no unintended consequences.

Ms GRALEY (Narre Warren South) — It is a pleasure this Thursday afternoon to speak on the Education and Training Reform Amendment (Miscellaneous) Bill 2015. The first thing I would like to say is that this is a really important bill because it helps secure educational opportunity for all children and young people in Victoria, irrespective of their postcode, background or education sector. Although the shadow Minister for Education said that he does not oppose the bill, he should lift his game and fully support the measure, because this is a very small but important part of rebuilding the education sector that was so badly damaged under the previous government's regime. As I said, it is a small but important part because it represents one of those rare moments when Parliament can move as one on a problem area that affects many people in our communities and impacts deeply on education settings when schools go belly up.

The government has brought this bill to the house in its current form. The previous government had the opportunity to do this but somehow did not sufficiently get its act together to do so. This is despite the fact — —

Mr Nardella — It only had four years.

Ms GRALEY — It was only four years, but it wasted them, and we all know that. Schools have been going belly up across the state — not an enormous number of them but a significant number. It does not matter how many. The pain and suffering that occurred when schools could no longer fulfil their financial obligations was deep and there for all to see.

Unlike the shadow Minister for Education, I do not have to resort to newspaper clippings to find out what happened in schools. One of them, ICA Casey College, was in Narre Warren South. I recall it vividly, because I went to a meeting and stood in front of the parents, students and staff. To describe them as pretty upset would be an understatement. It was the start of the 2010 election period, and they were distressed by what had happened at their school. The media was there; it was a big event. People were wondering what was going to happen to their child's education. A number of those parents had shopped around and chosen that school, thinking they were doing the best thing by their child. I remember Bernadette Hanna, a single mother, who had

looked at all the local schools and decided to send her child to ICA. She was quoted in an article in the *Berwick News* as follows:

'My son is a bright kid and I wanted to get him a good education', she said.

'I borrowed it against my house to pay for my son from year 7 to 12. He finishes year 7 this year, so I should be refunded about \$32 000.

'I have lost 5 kilos since hearing the news. To me, it's a hell of a lot of money'.

It is a hell of a lot of money for all of us. Another parent talked about the psychological toll on her son and other students if they were to change schools and leave their friends. This was not just about losing the money. Some of these parents had been absolutely conned by ICA into paying the money up front on the basis that they would get a slight reduction in their school fees. ICA was an arm of the Eddy Groves empire, and we all know what happened to that — it was busy buying basketball teams while kids were not being educated.

The parents and students were horrified. Having to tell those parents that the school was more than likely going to close and that they would more than likely lose all their money was one of the most distressing public experiences of my political life. The administrator had a lot of trouble convincing those parents that the school was probably not going to stay open. Thankfully the school was bought out, and another organisation is now running a very good school. However, the distress, harm and loss that the community, students, staff and parents were experiencing was visible on their faces, and it was very disturbing.

I know the shadow minister said it is not up to the government to bail these schools out, but on this occasion the Brumby government decided, because it was so close to the end of the school year and staff needed to be paid, to provide an injection of funds. In many respects that was a very good and sensible thing to do. The parents were under a lot of stress, and so was the community. By the same token, the principal at my local high school said, 'I wish I could get \$1 million as easily as that'. We took money out of the system to give it to an organisation that should have known how to manage an educational institution and balance its books.

I am mindful that there are other members who want to speak on this bill and I know that many of my colleagues have similar stories to tell, so I will not take my full allotted time. However, I would like to say that we have to keep a very close eye on what is happening in many of these small independent schools — not just

in terms of their finances. I visited a school in my electorate recently and found that the second part of the national anthem, which talks about welcoming refugees to our shores, had been replaced with the school's own version, which talks about a religious experience. I also read in the papers recently that some young girls are being excluded from sport. I am glad to see that the Victorian Registration and Qualifications Authority will have additional powers around school governance.

I say to those opposite that this legislation has been a long time in coming to the Parliament, and that should not have been so. These matters should have been dealt with; it may have stopped other schools getting into situations where parents and students are the ones who suffer — not to mention teachers, who often do not get paid out. Without further ado, I fully commend the bill to the house.

Ms RYAN (Euroa) — I am pleased to rise today to make a contribution to the debate on the Education and Training Reform Amendment (Miscellaneous) Bill 2015. The coalition is not opposing the bill, as the shadow Minister for Education made clear. However, I wish to express some disappointment that the government has left so little time for debate on this bill. On this side of the house there was a long list of people who had hoped to debate the bill because we believe education is important, but unfortunately the government has given us only around an hour.

The bill is largely the same as the bill the former Minister for Education, the member for Nepean, introduced last year, although, as we have already heard, some provisions of the 2014 bill are yet to be introduced. In addition to a number of minor and technical amendments, the bill has three main functions. It contains amendments to improve the ability of the Victorian Registration and Qualifications Authority (VRQA) to protect school students as consumers; to enhance the powers and functions of school councils; and to simplify the arrangements for the adult, community and further education (ACFE) regional councils.

The shadow Minister for Education has already outlined the coalition's position on the amendments, which enhance the powers of the VRQA and school councils, and he has highlighted some concerns about new section 4.3.1A, which could see the VRQA notify parents should an independent school be found to be at risk of becoming financially unviable. There is some risk that that clause could make the financial position of schools more perilous if parents panic and withdraw their children, but given that the shadow Minister for Education has dealt with those issues at some length, I

will focus my contribution on the proposed changes to the training system, in my role as shadow minister for training, skills and apprenticeships.

The bill changes the composition and governance arrangements of the ACFE councils. As I said before, these changes were first introduced under the previous government and were broadly welcomed by the ACFE sector in my consultation with its representatives. There are eight ACFE councils in Victoria that provide advice to the ACFE board, including five regional councils in Barwon South West, Gippsland, Grampians, Hume and Loddon Mallee; and there are three metropolitan councils in the Eastern Metropolitan, North Western Metropolitan and Southern Metropolitan regions. The bill adds the requirement that members of those councils should have knowledge and experience of issues affecting the local industry and the broader local community in each region. The ACFE providers with whom I have spoken believe this is a sensible move, particularly in light of the localised nature of delivery in the ACFE sector.

Secondly, the bill changes the current legislative framework, which provides for nine members on the regional council, and reduces it to five or more members. It repeals the requirement for regional councils to meet six times a year. Allowing regional councils to determine the timing of their meetings gives councils more flexibility and recognises the voluntary nature of council membership. However, in making these changes the government must ensure that the councils continue to meet so that the role of regional councils — particularly in the environment of uncertainty that we have seen created by the current minister — is not weakened. The ACFE sector is a very important one. It delivers education and training to Victorians who often have a very diverse range of needs, including people with special needs, people from diverse cultural backgrounds, people who have had limited access to education or people who have found some difficulty in gaining employment.

The role of ACFE regional councils in providing strategic advice to the ACFE board about adult and vocational learning needs and issues has never been more important than it is now. A number of ACFE providers have privately expressed to me that they are concerned about the vocational education and training review that the government is currently undertaking and the fact that Bruce Mackenzie, who is leading that review, does not understand the role of the sector. Given that Mr Mackenzie has come from the TAFE sector, it is a reasonable concern expressed by the adult and community education (ACE) sector that he is perhaps more focused on the TAFE sector than he is on

ACFE. Those concerns were recently reflected in an issues paper delivered by Mr Mackenzie and released by the government months overdue. I might add the sector has expressed concern at the suggestion that there should be a minimum student fee for all government training. In my discussions with sector representatives they have told me that more than 40 per cent of all students in accredited training at ACE providers last year were unemployed, which would put pressure on some of our most disadvantaged students.

I make some general observations about Labor's inconsistencies in the training sector. Before the election, the now minister repeatedly stated that the then government had cut \$1.2 billion from TAFE. Those opposite signed pledges to reverse that apparent cut. Pledges were signed by the members for Yan Yean, Brunswick, Footscray, Bellarine, Geelong —

Mr Nardella — Melton — I did.

Ms RYAN — The member for Melton says he did — and the members for Northcote, Carrum, Frankston, Bentleigh, Albert Park, Preston, Richmond and Macedon. They all signed the pledge saying that they would reverse a \$1.2 billion cut to TAFE. Why is that an issue? It is an issue because those members were all complicit in knowingly deceiving Victorians. I challenge those opposite to demonstrate where that \$1.2 billion cut is. Suddenly, after the election, those members were no longer talking about this mythical \$1.2 billion cut and Victorians are starting to ask why, because despite their rhetoric, despite their false promises, the budget papers demonstrate very clearly that Labor is not investing an additional cent or training one more student in Victoria. The minister admitted as much at the Public Accounts and Estimates Committee hearings when he stated very clearly that the Labor Party is investing \$1.2 billion in the Victorian training guarantee — exactly the same as the amount in the budget under the coalition government.

It has now been seven weeks since the start of the new financial year and the end of the last financial year and we have not seen hide nor hair of the half-yearly training market data, which is quite interesting. When those opposite were in opposition, the now minister railed quite often in Parliament about the delays in the release of training market data. But now that the minister is in charge, he is not releasing the data. Why? What is the government hiding? It is a reasonable question for Victorians to ask. If members were to ask the sector, its representatives would tell them that under this government enrolments are collapsing, and in fact the Minister for Training and Skills has admitted as much today in the other house. I remind those members

opposite of the promise they made last year. In response to an open letter from the Australian Council for Private Education and Training on 20 November last year — just before the election — the then shadow Minister for Higher Education said:

We will make sure that Victoria's training system survives and grows not just next year, but flourishes for decades to come.

Suddenly the rhetoric has moved away from being about growth in the training sector. When the minister releases that training data, we will discover that enrolments have collapsed under this government. Suddenly the rhetoric is all about job outcomes. It is interesting that the government, after trashing the reputation of our training sector for the past four years, is suddenly on the same page the coalition was on before the election. Now it is all about achieving jobs.

In the short time I have left, it would be remiss of me not to quickly mention the Benalla and Seymour colleges in my electorate when speaking on an education bill. The Minister for Education was in my electorate last week to visit those schools. I place on the record the disappointment of those schools that the minister visited but did not make a genuine commitment to provide funding. I dearly hope to see funding for those schools in next year's budget, and I urge this government to match the coalition's commitments to those two schools, which have incredible need. Those two communities have been fighting for funding from this government, and they have heard very little from those opposite.

Mr BROOKS (Bundoora) — It is a pleasure to join this debate on a very important piece of legislation. I will keep my comments as brief as possible, because I know there are many members on this side of the house who wish to join this debate. I would like to say to the last speaker, the Deputy Leader of The Nationals, that if she wants to debate TAFE education and the performance of the previous government versus the performance of this one, or if she wants to debate school education and the performance of this government compared to that of the previous one, I will debate her any day of the week in any place she chooses. My colleagues on this side of the house stand ready to travel to any part of the state to explain to the communities right around Victoria the damage the previous government did to both the TAFE sector and the school education sector.

This important bill does a number of things, but I want to focus my comments particularly on the part of the bill that gives the Victorian Registration and Qualifications Authority (VRQA) more power to

monitor and assess the financial health of independent schools and non-government schools, and I want to look at how the bill takes appropriate action to protect students as consumers. This is an important piece of legislation. It is important to remember how the government brought this legislation into this place. It is unlike the bill of the shadow Minister for Education, which was introduced prior to the election by the previous government. It is important to put this bill in context.

In 2012 we saw two large non-government schools collapse — Mowbray College out in the western suburbs of Melbourne and Acacia College up in the Yan Yean electorate. This drew a lot of attention, and it meant that roughly 1000 students were left without a school. This impacted on students' Victorian certificate of education (VCE) studies and their preparation for exams. Families had to rush around to find other schools, and obviously there was the financial burden and uncertainty that this created amongst those communities. At the time the then Minister for Education was quoted in the *Age* as saying:

The closure of a school is a devastating thing ... I'm concerned it's happening, and I'm also concerned that the incidences we've seen have been sudden announcements that no-one really saw coming. I think that's a key deficiency in the arrangements at the moment.

Back in 2012 the then government knew there was a deficiency in the arrangements and government members were shocked that these things had happened. To be fair, you would have to say that from that point you would have expected a government to take the appropriate action. Everybody was saying that the VRQA needed its powers extended so that it could better protect the families with children attending independent schools. I lodged a question on notice for the Minister for Education at the time. He responded on 20 August 2013. At that time a year had passed since the Mowbray College collapse, and the then minister indicated to me that he was aware of one further school that was at risk of closure.

That night I came into this place during the adjournment debate and asked the minister what action he was going to take to stop that school he had referred to from closing and what action he would take to give the VRQA the greater powers it needed to protect all families with students at independent schools. He fudged that adjournment response. Effectively he made no response, and he accused me of wanting him to step in and run those schools. Nothing could have been further from the truth. What he needed to do was ensure that the VRQA had the right powers to protect those students.

Eventually the minister brought a bill before the house. What we then saw was the result of the government's inaction. At the end of 2014, Macedon Grammar School, obviously the school that was being watched by the VRQA, closed its doors. Shame on the former government! It knew for two years there was a problem, and it did nothing. It was at the last moment, when the former Minister for Education knew that Macedon Grammar School was shutting down, that he rushed that piece of legislation into this place. It is dishonest to say that the previous government was doing the right thing in rushing that legislation in on the eve of the election. The then government members knew it was never going to pass through the Parliament in time. It was a face-saving exercise, and history shows that the then government's performance in this regard, in protecting families with students at private schools, was a complete failure. It is only the Andrews Labor government that has had the sense and the bravery to bring this piece of legislation into this place to protect those families. I commend the bill to the house.

Mr HIBBINS (Pahran) — I rise to speak on the Education and Training Reform Amendment (Miscellaneous) Bill 2015. The Greens will be supporting this bill, which will amend the Education and Training Reform Act 2006 to extend the powers of the Victorian Registration and Qualifications Authority (VRQA) in relation to the financial viability of non-government schools. The bill also makes changes in relation to the powers of school councils to enter into licensing agreements.

The Greens strongly support the principle that the same accountability and transparency measures that are required of government schools should be required of non-government schools. The collapse of Mowbray College and the closure of Acacia College show that non-government schools that receive substantial amounts of public money need these transparency and accountability measures. Government schools are accountable for the funds they receive, and we believe that non-government schools should be similarly accountable. The welfare of students and families and students' education should not be placed in jeopardy in the instance of a school closure. In some instances students and parents were not informed that their school was in financial difficulty until insolvency was imminent. In some cases families were unable to recover school fees that were paid in advance of these closures. Mowbray College had 1200 students and 200 staff members — it was a relatively large-sized school. It closed with debts of \$18 million. Acacia College had 540 students and 50 staff members, and it closed with debts reported to be around \$40 million.

If we go back to bills previously brought before this house, the Education and Training Reform Amendment (Funding of Non-Government Schools) Bill 2014 passed this year. That bill went against the principles of Gonski and against the principles of needs-based funding. The Greens opposed that bill, but unfortunately the government and opposition supported it.

Mr Nardella interjected.

Mr HIBBINS — Many do. The Greens moved amendments to introduce transparency and accountability measures in that bill, but unfortunately those amendments were opposed by the government and opposition. It is good to see that the government is getting on board with this principle of accountability and transparency for non-government schools in order to help protect the interests of students and parents.

This bill extends the powers that the Victorian Registration and Qualifications Authority has in relation to vocational education and training providers to non-government schools. According to the minister's second-reading speech:

The bill will enable the VRQA to assess the financial viability of registered non-government schools and take action if the VRQA assesses the school as being financially unviable or at risk of becoming financially unviable. The VRQA may report to parents about the school's financial position or impose a condition on the school's registration requiring the school to establish a protection scheme for school fees, such as a trust.

The VRQA will also be able to use its enhanced powers to suspend or cancel a non-government school's registration if it is in the best interests of students and the public. The bill allows the government to report the VRQA's findings to the parents of students at a school that has been assessed. Given the high level of public funding that non-government schools receive, we should expect a high level of accountability and transparency.

It is worth discussing the role of the Victorian Registration and Qualifications Authority, particularly with respect to its role in vocational education and training (VET). The VRQA is the statutory authority that ensures that quality standards are met by providers of education and training. In Victoria we have a situation where the VRQA, the state regulator, regulates registered training organisations — RTOs — that are based and registered in Victoria. Unfortunately, we also have a situation where some RTOs are registered interstate or with the Australian Skills Quality Authority (ASQA), which is the Australian regulator. We have a dual system of regulation, and unfortunately we have found that the Victorian government seems to

be somewhat unaware or powerless to deal with dodgy RTOs that are regulated by ASQA but not by the Victorian regulatory authority.

In the Prahran electorate we had a situation where, in an attempt to rot the system, one of these dodgy operators was trying to sign up public housing tenants to inappropriate courses with offers of iPads, laptops and whatnot. I looked up the address of the training provider, and it was registered not to an educational institute but to a residential house in suburban Sydney. When I wrote to the state Minister for Training and Skills about this matter, he said it was a federal issue because it was an ASQA-regulated RTO. We have also seen attempts to rot the visa system with the recent scam of fake training organisations set up to provide training for fake qualifications, but because these particular RTOs were not regulated by Victorian regulators we have to rely on the federal government to step in.

We found out today from Sue Pennicuik, a member for Southern Metropolitan Region in the Legislative Council, through a question to the Minister for Training and Skills, that there are no communication protocols between the Victorian government and the federal government and federal regulators. We have a situation where we might have ASQA-regulated RTOs operating in Victoria, dudding Victorian students and ripping off the taxpayer, and the Victorian government is none the wiser. I make the case that there must be a way in which Victorian authorities are able to regulate RTOs that are registered with ASQA — —

Mr Nardella — And that are regulated in New South Wales.

Mr HIBBINS — That is correct. We cannot have a situation where you have Victorian students being duded but the Victorian government either does not know or is powerless to do something about it.

Whilst we are on the issue of RTOs and the vocational education and training system, we know that these problems with dodgy RTOs have their genesis in the failed marketisation of the VET system introduced by the former Labor government and continued by the previous coalition government. I understand that this government wants to save TAFE. It is undertaking reviews into it, but the best way to save TAFE is to abandon this failed marketisation of the vocational education and training system.

Picking up on some of the remarks made previously by The Nationals spokesperson, it is one thing to have \$1.2 billion for vocational education and training, but it

becomes a problem when that money is going to for-profit private providers of questionable standard and being sucked away from our quality public TAFE system. The way to solve this problem is to send back to our quality TAFEs the large majority of that recurrent \$1.2 billion in funding for VET. We can trust these quality TAFEs to skill up and educate Victorians — that is the key. We must end this failed marketisation of vocational education and training.

The bill makes a number of changes in relation to school councils and licensing arrangements which will enable a school to enter into a licensing arrangement in relation to any other land in accordance with any ministerial order or any guidelines issued by the minister. The explanatory memorandum states that the amendment will allow greater flexibility in school operations by allowing a school council to grant a licence to enable the installation of closed-circuit television cameras on school premises to monitor adjacent land and so on.

We have concerns about this particular provision. We feel that this should be the responsibility of the principal and not the school council. The role of the principal is to manage the school, including its facilities, on a day-to-day basis; the role of the school council is to set broad policies for the school within departmental policies and guidelines and in accord with the views of the whole school community. If this is going to be put in place, then departmental checks should also be put in place and school council members should have appropriate skills in this area.

Overall the Greens will support this bill. Given the considerable amount of mandated public funds that are now going to independent schools, it is critical that there is public oversight of how this money is spent to ensure that parents, students and families, who often pay considerable fees, are protected.

Debate adjourned on motion of Mr WYNNE (Minister for Planning).

Debate adjourned until later this day.

**PLANNING AND ENVIRONMENT
AMENDMENT (INFRASTRUCTURE
CONTRIBUTIONS) BILL 2015**

Council's amendments

Returned from Council with message relating to following amendments:

1. Clause 4, page 4, after line 8 insert —

“development contribution levy means a development infrastructure levy or community infrastructure levy that is payable under Part 3B;”.

2. Clause 4, page 18, lines 20 and 21, omit “if required by the Minister, relating to any one or more of the following” and insert “at the times required by the Minister, relating to”.
3. Clause 4, page 18, line 23, after “Part;” insert “and”.
4. Clause 4, page 18, line 28, after “Part;” insert “and”.
5. Clause 4, page 18, line 31, after “Part;” insert “and”.
6. Clause 4, page 19, line 6, omit “Minister.” and insert “Minister.”.
7. Clause 4, page 19, after line 6 insert —

46GN Minister to report annually

The Minister must cause to be tabled in each House of Parliament at intervals not exceeding 12 months a report setting out —

- (a) the total amount of infrastructure levies and development contribution levies paid to a municipal council as a collecting agency or development agency during the period covered by the report; and
- (b) the total amount of infrastructure levies and development contribution levies paid to a collecting agency that is not a municipal council during the period covered by the report; and
- (c) the total amount of infrastructure levies and development contribution levies paid to the Consolidated Fund during the period covered by the report; and
- (d) the total amount of infrastructure levies and development contribution levies paid out of the Consolidated Fund during the period covered by the report; and
- (e) the total amount of infrastructure levies and development contribution levies paid during the period covered by the report.”.

NEW CLAUSE

8. Insert the following New Clause to follow clause 12 —

4A New section 46QD inserted

After section 46QC of the **Planning and Environment Act 1987** insert —

46QD Reporting requirements of collecting agencies and development agencies

- (1) A collecting agency or development agency must prepare and give a report to the Minister, at the times required by the Minister, relating to —

- (a) any amount of levy paid to it as a collecting agency under this Part; and
 - (b) any land, works, services or facilities accepted by it as a collecting agency in part or full satisfaction of an amount of levy payable under this Part; and
 - (c) the use of any amount of levy paid to it as a development agency under this Part; and
 - (d) the use made by it as a development agency of any land, works, services or facilities referred to in paragraph (b).
- (2) A report required under subsection (1) must be prepared in accordance with any requirements of the Minister.”.

Mr WYNNE (Minister for Planning) — I move:

That the amendments be agreed to.

In doing so, I will make a very brief contribution by way of background on where we have got to with a set of amendments negotiated in a fruitful way between the government, the opposition and the minor parties. An agreement was also reached on a compromise amendment that achieved the main objectives of both the government and the opposition. This was to require an annual report on the amount collected by each municipal council or other collecting agency, including agencies such as the Metropolitan Planning Authority, and reporting on other funds that pass through the Consolidated Fund. Essentially the argument was about ensuring a level of transparency in the process and the ins and outs of the way that money is, firstly, collected, and then the way that money is distributed and reported on.

I thank the shadow Minister for Planning, because it was his initiative to approach us in these discussions, which we conducted in a professional way. I might add, though, that while the government is happy to accept this requirement for annual reporting, it was not something that the coalition proposed when it was in government at the time it put forward a similar, but, can I say, less comprehensive piece of legislation.

The ministerial directions provided for under the bill are reviewable by the Scrutiny of Acts and Regulations Committee, which may recommend that an instrument be disallowed or amended. There is a mechanism and scrutiny measures are available through the SARC process. Ministerial directions provided for under this bill are reviewable, as I indicated, and the directions are required to satisfy the principles articulated in the bill of a nexus between fairness and equity. This serves as a check on the use of the minister’s direction-making power.

The opposition also raised the issue of a method of indexation, and again I indicate to the house that this was not a matter that could be agreed upon by the government. The opposition moved an amendment proposing the CPI as a flat cap on the increase of rates. This is not appropriate as these agreements carry over many years, and it is crucial that essentially the buying power of the developer contribution be retained in real terms. I want to indicate to the house our rationale for this. The Standard Development Contributions Advisory Committee carefully looked at indexation and it recommended against using CPI as the appropriate tool. Firstly, it found that the use of CPI to index construction and land is inappropriate because the basket of goods for CPI is obviously measuring a different set of matters.

Mr Katos interjected.

Mr WYNNE — Here is a great irony; I look forward to the contribution from the opposition lead speaker, who might be able to balance out some of the inherent conflicts in the opposition’s position. Secondly, the advisory committee found that it was critically important to maintain the real value of the proposed standard levies over time, as I indicated earlier. Thirdly, the failure of past development contribution plans (DCPs) to properly adjust for price and value changes has led to significant funding gaps and challenges for the councils involved. The advisory committee’s final recommendation was that using the CPI is manifestly inadequate and that industry indexes are a better measure.

Whilst I do understand the broad public policy position taken by the opposition, as represented by Mr Davis, a member for Southern Metropolitan Region in the other house, for the reasons that I have articulated, indexation, as a blunt instrument, does not achieve the outcome we would all hope it would. If a developer is responsible for funding a road or kindergarten in year 1, then when this is needed in year 5 the amount of money set aside should be enough to cover the cost. That is why an index based on building cost and land values is critical to ensuring that these contributions retain their purchasing power.

In conclusion, the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015 is important because it brings consistency to the approach for councils, developers and the community as to how developer contribution levies will be articulated going forward. We know that there has been an inconsistent application of DCPs over time. This bill will sort that out. We know, particularly in growth areas where we want to ensure that both the appropriate physical and

social infrastructure is in place, that the bill is going to ensure that we enrich the quality of life of the communities who are going to live in our growth corridors. I commend the bill, as amended, to the house.

Mr CLARK (Box Hill) — The opposition welcomes the fact that the government has accepted the thrust of the amendments we put forward in relation to greater accountability, and a sensible package of changes was agreed to there. The Minister for Planning asked: why did we insist on this change in this bill when there was not a corresponding provision in our similar bill? In response to the minister's jibe, the bill we brought to the Parliament when we were in government was an equally good bill in all regards. The short answer as to why we insisted on this change was because we do not trust the current government because it has opened up a huge funding black hole in its own election commitments. We are very concerned that unless there is some sort of restraint and accountability the government will use this legislation improperly to fill that black hole.

However, our main point of disagreement is in relation to the absence of any constraints on the rate of increase in these new development contributions. Again we believe that is important to put in this bill for exactly the same reason as the need for greater accountability — namely, that otherwise the government is at risk of highjacking this legislation to fill its funding black holes. We also believe it is important to hold the government to the commitments it gave, repeatedly, to the electorate prior to the election not to increase taxes and charges beyond indexation, indeed not to increase them beyond CPI indexation.

Despite the minister's sophistry, the upshot of where this legislation has ended up is there is no indexation provision whatsoever in the bill that is about to pass the Parliament. If the minister were fair dinkum about what he said he wanted to talk about — tweaking indexation factors et cetera — he should have broached those matters and come to some arrangement with the opposition. But the fact of the matter is he is pressing on with the legislation, which gives him carte blanche to breach the government's own election commitments about not increasing taxes and charges beyond indexation.

It is pretty clear that there is a straightforward choice for the community to make between high-taxing parties and parties that have a far more responsible attitude to taxation. In particular the Labor Party and the Greens party stand for higher taxes. The Labor Party has breached election promises in relation to the fire services levy, in relation to keeping council rates within

the CPI, in relation to the lack of any constraint on increases in these new infrastructure contributions and in relation to the introduction of two new property taxes by this government.

It is very clear that the community will have a choice between, on the one hand, the coalition parties, which seek to constrain taxes and ensure that they are kept as low as possible and that cost-of-living pressures on the community are minimised and, on the other hand, parties such as the Labor Party and the Greens party, which are happy to see taxes increased whenever they have the opportunity to do so. In particular the Labor Party has been prepared to do that, notwithstanding the clear and repeated promises its leader gave to the electorate prior to last year's state election.

The community has learned yet again that the word of Labor Party members cannot be trusted. They will go to an election saying that they will not increase taxes and will not increase charges above CPI and that they will retain the same budget profile as the previous government, yet all those promises will be comprehensively broken the minute they get into office. They stand condemned for the way they have handled this legislation, and we will continue to hold them to account for it.

Motion agreed to.

EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2015

Second reading

Debate resumed from earlier this day; motion of Mr MERLINO (Minister for Education).

Ms THOMAS (Macedon) — In speaking about this bill, I would like to say that if opposition members had moved more quickly when they were in government, they would have spared the people of my community, those families whose children were enrolled at Macedon Grammar School, a great deal of hardship when that school closed on Boxing Day, 2014.

This is a very important bill. It is important that the Victorian Registration and Qualifications Authority (VRQA) have increased powers to assess the financial viability of independent schools. In the community of my electorate, that would have had meaning for the families whose children were attending Macedon Grammar School, as I said. We have no doubt that the VRQA knew full well that Macedon Grammar School was in financial trouble but was unable to move. These

provisions would have ensured that the VRQA would have had those additional powers. Those powers would have enabled the VRQA to move and to ensure that those families would not have had their Christmases ruined in 2014 and that their children would have had some certainty. I therefore commend the bill to the house. It is a vital and important bill, and I commend the minister for speedily bringing it to the house.

I will again comment on my own electorate. I have only recently been elected, and this is one of the first issues that was brought to my attention. It was one where I was required to give a great deal of support to the affected families — —

The DEPUTY SPEAKER — Order! Under sessional orders I am required to interrupt the proceedings of the house. The time set down for consideration of items on the government business program has expired.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

BUDGET PAPERS 2015–16

Debate resumed from 25 June; motion of Ms ALLAN (Minister for Public Transport):

That this house takes note of the 2015–16 budget papers.

Motion agreed to.

EMERGENCY MANAGEMENT (CONTROL OF RESPONSE ACTIVITIES AND OTHER MATTERS) BILL 2015

Second reading

Debate resumed from 18 August; motion of Ms GARRETT (Minister for Emergency Services).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

CRIMES AMENDMENT (CHILD PORNOGRAPHY AND OTHER MATTERS) BILL 2015

Second reading

Debate resumed from earlier this day; motion of Mr PAKULA (Attorney-General).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

RESOURCES LEGISLATION AMENDMENT BILL 2015

Second reading

Debate resumed from earlier this day; motion of Ms D'AMBROSIO (Minister for Energy and Resources).

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.

Wantirna Heights Primary School site

Ms VICTORIA (Bayswater) — My adjournment request is to the Minister for Education, and it is that he immediately review the status of the old Wantirna Heights Primary School site and report back to me and my community on its proposed future use.

A constituent has been in contact with me to express concerns about the old Wantirna Heights Primary School site, which is located in the lovely residential area of Kingloch Parade, Wantirna. This campus was closed when the former government proudly

constructed the Eastern Ranges School, a P-9 school which now includes a much-needed senior school for children with special needs, particularly those with autism. At the time the new campus was proposed, I spoke with the principal in relation to the need to keep the Wantirna site as a P-2 school, which would allow for the expansion of services to greater numbers of students. She was adamant that the new campus would allow for sufficient growth and that the current site would not be needed on an ongoing basis.

After the move, the buildings and grounds were secured and generally well maintained. However, now the school grounds are on the verge of falling into disarray. I have been informed that the internal fencing is slowly being dismantled and removed, and the once-beautiful school grounds are now very sporadically mowed and weeds have overtaken the walkways and car parks. Of some concern is the increasing evidence of antisocial behaviour occurring on the school grounds. Beer bottles and food items litter the grounds, and the first signs of graffiti are present on the buildings and school property.

The constituent also raised concerns about safety. Recently they witnessed eight young schoolchildren climbing on the roof of the school buildings. The children were instructed to get off the roof, and police were informed of the incident. However, this situation is of considerable concern as the children gained access to the roof very easily by climbing a gate situated next to the building. This is clearly very dangerous and may lead to a child being severely injured. I have also been informed that whilst the main gates to the school are securely locked, one panel of external fencing has been removed and this allows easy access to the school grounds.

Some local groups have met with me to discuss options for the possible use of the buildings. They include everything from an expansion to the local U3A to the creation of open recreational space and everything in between. The fact is the buildings are sound and should be repurposed, not demolished.

Again I request that the minister investigate these concerns and the future use of this site. These issues should be addressed immediately to ensure the safety of the community and safeguard this once beautiful school and its grounds from becoming a haven for antisocial behaviour and activity. Let us avoid the uncertainty that recently surrounded the site of the former Boronia Heights College campus on Mount View Road. That led to the demolition of structurally sound state assets which was a horrendous and shameful waste. Let us not have that happen again.

Carrum electorate business forum

Ms KILKENNY (Carrum) — My adjournment matter is for the Treasurer. The action I seek is for the Treasurer to join me in hosting a round table with local businesses in my electorate of Carrum. There are some fantastic local businesses in my electorate providing quality products and services to the Carrum region and beyond. From tourism and hospitality to innovation and manufacturing, Carrum businesses are tremendous examples of the modern economy.

It would be great for the Treasurer to sit down with some of these local business owners to discuss issues and share ideas on how the government can best assist in providing services and support to small businesses to enable them to grow and create jobs. I know that local businesses owners would welcome the opportunity to hear what the Andrews Labor government is doing to support them and their staff. I look forward to hosting the Treasurer in Carrum in the near future.

Goulburn Broken Catchment Management Authority constraint management strategy

Mr WALSH (Murray Plains) — My adjournment matter is directed to the Minister for Environment, Climate Change and Water. It concerns the constraint management strategy that the Goulburn Broken Catchment Management Authority (CMA) is preparing for the upper Goulburn River as part of the Murray-Darling Basin plan. The action I seek is for the minister to intervene in this process to ensure that the Goulburn Broken CMA does the work it is supposed to do in preparing the strategy, in particular by providing factual information to the upper Goulburn landholders as it carries out its so-called community consultation.

The Goulburn Broken CMA is proposing environmental flowrates of 20 000 megalitres per day at Molesworth in the upper Goulburn River where the river channel capacity of the river is approximately 9500 megalitres per day. The proposed increase in flowrates will lead to the flooding of high-value agricultural land on the fertile river flats at Molesworth and will restrict access to many properties downstream. There has been no cost-benefit analysis or socio-economic impact study on this proposed flooding of private land. A property by property assessment was supposed to be undertaken with regard to landholder impacts and mitigation options, but this has not been done. The Goulburn Broken CMA is stating that there is insufficient time and insufficient money for this to take place, and I am afraid that is just not good enough. It is now proposing to do only two to three case studies

of farms and two to three specialist case studies — that is, trout farms and caravan parks.

As I said, the minister needs to intervene to make sure that what was originally planned is actually done. That the Goulburn Broken CMA has left it too late to start this process is not good enough and should not be an excuse. The landholders should not have to suffer the uncertainty of increased flood risk to their businesses in the future. They deserve better from the CMA and from the Victorian government, and I ask the minister to personally intervene to make sure these injustices are corrected.

Distinctive Options

Mr J. BULL (Sunbury) — My adjournment matter is for the Minister for Housing, Disability and Ageing, and the action I seek is for the minister to meet with representatives from Distinctive Options, a local disability provider in Sunbury, to discuss the national disability insurance scheme (NDIS) and other matters put forward by the provider.

Distinctive Options offers one-on-one support to local people with disabilities. This support can be personalised with a broad range of activities for the individual. With supportive guidance from the provider, individuals can access local community services whilst developing independence. Individuals can also share experiences. They can learn new skills together in small groups, gaining the benefits from group programs. Wherever possible Distinctive Options aims to access facilities within the community and forge partnerships with other organisations to meet the needs of people with disabilities.

With the rollout of the NDIS on the horizon and a number of changes coming into place that affect people with disabilities, I ask the minister to join me to meet representatives from Distinctive Options in Sunbury to discuss these matters further.

Mornington electorate bus services

Mr MORRIS (Mornington) — I raise a matter this evening for the Minister for Public Transport, and I am pleased she is in the chamber to hear the matter. The action I seek from the minister is that with the establishment of the Homesafe public transport initiative she ensures that the operation of bus routes 781, 784 and 785 from Frankston are extended to ensure that every train service arriving at Frankston is met by a bus serving those routes.

The 781 bus route runs from Frankston and serves the areas of Mount Eliza, Mornington and Mount Martha;

the 784 bus route similarly serves Mount Eliza, Mornington and the area of Osborne to the south of Mornington East; and the 785 bus route serves Mount Eliza, Mornington and Mornington East. Currently the final 781 bus leaves Frankston station at 10.02 p.m. from Monday to Friday and 10.04 p.m. on weekends. The final 784 bus leaves Frankston at 9.43 p.m. from Monday to Friday and 9.34 p.m. on weekends, and the 785 leaves a little bit later at 10.21 p.m. from Monday to Friday and 9.39 p.m. on weekends.

The last Frankston train on the timetable that will commence from the middle of September arrives at Frankston station at 2.07 a.m. from Monday to Saturday and 1.17 a.m. on Sunday, meaning the last bus will have ceased 3 hours or more prior to the arrival of the last train. The introduction of Homesafe will make no difference to the service available to those areas. The minister may well say that there is the NightRider bus service, but while it is an excellent service, the NightRider bus basically goes down the Nepean Highway to Mount Eliza, then to Mornington before heading off to Dromana, leaving the areas of Mornington East, Osborne, Mount Martha and Mornington South unserved by the NightRider bus network.

I noticed in the media release of 6 August that a revamped and improved bus network will include 20 routes, including night-time hubs in Dandenong and Frankston. I urge the minister to act to ensure that the people of Mornington South, Mornington East, Osborne and Mount Martha are able to enjoy the same benefit that will arise from the introduction of these services.

Brentwood Park Primary School

Ms GRALEY (Narre Warren South) — My adjournment matter is for the Minister for Education and concerns Brentwood Park Primary School in my electorate. The action I seek is that the minister ensure that funding is provided for the school to complete minor works on its performing arts centre.

This outstanding local school began a project to refurbish its old gymnasium and turn it into a performing arts centre in 2010. Over the past five years the school community has worked tirelessly to make this a reality, raising over \$300 000. Not a single cent was provided by the previous government. This extraordinary fundraising campaign allowed the school to get to work and construct a stage, to build two additional rooms, and to install seating, curtains and a sound system. It is a wonderful learning and performance space that is used by students to practise

and to put on some dazzling performances. You can regularly hear the wonderful choir singing, students learning to play keyboard or the band practising. The facility is also available for use by local community groups, and each Sunday a church service is held there. It has even been used as a voting centre on election day; it is a good booth! Unfortunately the space remains unfinished and needs a few minor works to complete it. The lighting system is in need of an upgrade, as it is quite old and very unreliable. The centre also needs additional seating, trolleys to store the seating, four microphones and air conditioning. The space gets extremely hot during summer, and a new air conditioning system is a must for staff and students. This is a very modest request from a school that has delivered a fantastic new facility for its students with little assistance.

Like so many other schools in my electorate, it was forced to go without under the Baillieu and Napthine governments. Yet the Brentwood Park school community refused to give up; it rallied together and delivered a good facility for its students and the community. The school community has done a wonderful job and should be very proud of all it has achieved. I especially want to thank the principal, Jim Bell, and his outstanding team, school councillors and staff. Brentwood Park Primary School really is a fun place to go and is a wonderful learning environment for our students. I hope that we can pitch in and provide this wonderful local school with the funding it needs to complete the final touches to its performing arts centre.

Dromana College

Mr DIXON (Nepean) — I wish to raise a matter for the Minister for Education regarding the provision of portable classrooms at Dromana College. The action I seek is that Dromana College be included in the \$25 million relocatable replacement program that was announced in this year's budget.

Dromana College has about 1325 students this year. The average long-term enrolment of the school is about 925, so it is well above capacity. It is a very popular school. Students come from a large area to attend the school, and it has expertise in the areas of sport, languages and science. That is why it is such an attractive school. It provides a broad education to a broad community. Due to its growth it has a number of portable classrooms, and some of those portable classrooms it has been using were used by the former Peninsula Special Developmental School, which was located on the current site of Dromana College.

The special developmental school now has its own building and facilities next door. Dromana College inherited these portable classrooms, and they are getting close now to their use-by date. There are a lot of new facilities at the school, but these classrooms need work; in fact they probably need replacement. They are leaking terribly. We have had a lot of rain events on the Mornington Peninsula this year. I notice the August rainfall to date is four times the Melbourne rainfall. There have been a lot of leakages in those classrooms, and they are also sinking. Obviously that causes problems in terms of exposing asbestos that is in the classrooms. It is important that something is done about that.

This issue has been raised previously. The department inspected the classrooms in January. Nothing has happened; the school has not heard anything since then. I wrote to the minister on 14 May asking him to follow up that inspection. It is now three months later, and I have not heard or had a response from the minister. The school advised me that the department was going to visit once again on 23 July, but there has been no follow-up or feedback on that visit. This is an important issue for the school community, a community that is doing a great job. I ask the minister to give the school the respect of acknowledging its concerns and informing it of what he is going to do about this situation.

Frankston railway station precinct

Mr EDBROOKE (Frankston) — I rise to request that the Minister for Public Transport visit Frankston so that I can present her with the recommendations of the Frankston transit precinct redevelopment task force. It has been my absolute pleasure to chair the task force. This project is not just aimed at providing immediate tangible benefits to Frankston but more to provide a catalyst to drive momentum for Frankston's future. This is a vision, and we all know that today's vision is tomorrow's legacy. I ask everyone in the house: what will your legacy be, and what will you be remembered for? That is what the question has been for us in Frankston. That question revolves around many issues and has manifested itself in around 26 independent studies and over 1000 hours put in by the task force and working groups.

I would like to take this opportunity to thank all the members of the redevelopment task force and working groups, our departmental heads and workers, and also the Frankston community. I would especially like to thank former Deputy Prime Minister Brian Howe for his inspiration and guidance on this project. I very

much value Brian's wisdom and input; he is a smart man.

I am led to believe that feedback from community consultation on projects such as this is considered positive when there is an approval rating of around 35 per cent. The community consultation feedback we received on this project relating to the initiatives, aspirations and bolder decisions that shape Frankston as a strategic hub came in at over 90 per cent. We certainly have the budget, we have the mandate and we have the approval to get on with this program. The vision that is embodied in the recommendations will change Frankston forever — culturally, socially and economically. Frankston City Council's submission is extremely positive, and I look forward to the council's continued support for the project.

Individually we cannot know where we will be in the next few years. However, I will know that while we were the custodians of Frankston we did our job and began to transform Frankston in a very positive way. For the first time in many years I sense a feeling of forward momentum and excitement in Frankston. Last Friday the team put together its recommendations, and I thank the minister in advance for providing us with an opportunity to have the minister come to Frankston to be presented with the document.

Norwood Secondary College

Ms RYALL (Ringwood) — My request is directed to the Minister for Education. The action I seek is for the minister to join me on a visit to Norwood Secondary College to hear from the principal, Andrew Sloane, school council members, parents and students. The minister, when in opposition, visited Norwood Secondary College in the middle of 2014 to look at the facilities. What he would have seen at the time was a school built in 1958, with run-down facilities, extraordinarily old portables, science and arts facilities that are in an appalling state, as well as no modern learning spaces. Indeed Norwood is a replica of my old high school, and the last significant work done on the school was on a commonwealth library back in Gough Whitlam's era.

Just recently the school was told it would receive \$200 000 — less than \$2 per student — towards a bit of tidying up and a bit of maintenance in an attempt to spruce it up to a level where it could be told that it was in an acceptable state. That is insulting to the 1100 students who attend Norwood Secondary College. The last time Labor was in power it left behind a \$420 million maintenance backlog on our state schools. The minister will also recall from when Labor was last

in government the \$100 million Maroondah education precinct plan. It is interesting that back then Labor considered that \$100 million needed to be invested in Maroondah, but this time around that is not the case. In a press release published by Labor on 15 July 2014 — one of its many press releases; and I notice members from the Labor side jeering, which is disrespectful to my community — the Premier says:

Only Labor will rebuild and develop the schools in the east that are under so much pressure — we're helping parents and teachers and we're putting our kids first.

Unfortunately the 1100 students at Norwood Secondary College are not being put first in this instance.

There are further press releases. One dated 5 November 2014 says, 'Under Labor, education will be more than just a word'. That is the not the case for the students at Norwood. Another press release published on the same day says, 'A Labor government will be there for every Victorian parent and every Victorian child ...'. That is not the case for Norwood students. Another press release of 27 October says 'Labor will fix our schools, because kids can't get a first-rate education in a second-rate classroom'.

I invite the Minister for Education to join me to look at the second-rate classrooms at Norwood Secondary College and to start to develop a plan forward for this school to transform its education spaces. I ask the minister to come into the chamber to accept this adjournment matter and to show some respect for my community and the students at Norwood.

Doveton Special Soccer School

Ms WILLIAMS (Dandenong) — My adjournment matter is for the Minister for Housing, Disability and Ageing. The matter I raise with the minister relates to Doveton Special Soccer School. I ask that the minister make time in his busy schedule to visit the school to see some of the fantastic work it does with dozens of Victorians who have intellectual disabilities.

Doveton Special Soccer School is a welcoming and nurturing group that provides an opportunity for people with an intellectual disability to participate in soccer and other physical activity in a fun and encouraging environment. More than this, it provides a place in which the school's students can experience friendship and fun with other athletes. It also provides valuable respite for families. As one parent explained to me, the school provides a positive, non-judgemental place for parents and siblings to relax and mingle while watching loved ones engage in an activity they adore.

Last week I visited the school and saw its winter indoor soccer program in action. It was great to see kids and adults alike enjoying this world game with families cheering them on. There were some very impressive skills on display, and I am told a couple of the players who were on the pitch that day have played for Australia in the Special Olympics.

This year the school celebrates its 22nd birthday. The school was founded in 1993 by Juan Carlos Loyola and its longevity is testament to his dedication. He is an incredible human being. The school is sustained by the donations it receives from the local community and the efforts of Carlos, his wife, Cristina, and other volunteers. Carlos is committed to the principle of inclusivity and does all he can to minimise the cost of activities to the families.

The school goes to great lengths to ensure that every player has the opportunity to participate on the field and be a part of something special off the field. Every player has the opportunity to experience the joys that sport can bring through teamwork and friendship — and it keeps them in good health too! The countless volunteer hours, personal funds and resources that Carlos has contributed to the school over all these years is a truly remarkable effort. This effort has been acknowledged by the community and has seen Carlos receive many awards, including an Order of Australia Medal in 2009.

Doveton Special Soccer School plays a hugely important role in my local community, but also contributes enormously to the broader Victorian community. I call on the Minister for Housing, Disability and Ageing to visit the Doveton Special Soccer School and join me to see firsthand the opportunities it creates for people with disability and the fantastic contribution it makes to our state.

Responses

Ms NEVILLE (Minister for Environment, Climate Change and Water) — I thank the member for Murray Plains for raising a matter relating to constraints management in the Goulburn area. I am very aware of the community concerns about the flooding risk, and it is important to understand that the constraints management strategy is not an implementation plan for lifting water delivery constraints in the Goulburn. It is an investigation to identify any issues and impacts that additional environmental water releases may have.

That is why following the first Murray-Darling Basin meeting I attended as a minister I asked the authority to do further consultations with communities, which it did.

Sometimes there is a difference between consultation and engagement, so there may have been some issues there. At the ministerial meeting last week we pushed for a number of changes to the recommendations, including agreeing that we would further assess the impact of lifting constraints on communities to see what benefits would be delivered if we were to do it. That work is still to be done, and the Murray-Darling Basin Authority will be doing it.

In addition, Victoria also specifically had included in the recommendation that there would be further technical work done specifically on the Goulburn. It is about understanding how much water would pass through if the constraints were lifted. Given the cost benefits, what would it mean for communities? What is the risk? Do the benefits outweigh the risks? I can assure the member that we are taking these issues very seriously. We want to do the further work — both the authority and the catchment management authority. I have asked them to engage specifically again with the communities on this issue, and we will continue to provide updates as we do these further investigations. I have also asked them to meet with local and commonwealth MPs in the area to ensure that everybody is across the ongoing work we are going to be doing. This will be further considered at our November meeting of ministers.

Ms ALLAN (Minister for Public Transport) — The member for Mornington raised a matter concerning the implementation of the Andrews Labor government's Homesafe trial commitment and how that will integrate with bus routes that connect to his electorate that meet the Frankston train.

I can advise the member that the exact timetables for the bus routes are in the process of being finalised, now that we have settled on the timetable for the train and tram system — which of course was announced recently, with hourly train services and 30-minute tram services — and the significant investment in additional protective services officers and transit police that we are putting on the system. I was pleased to hear the member speaking positively about this initiative. Unfortunately not all his colleagues do that. I can advise the member that I will direct his comments and matter tonight to Public Transport Victoria and request that what he has asked for be taken into consideration.

The member for Frankston has raised with me a matter regarding the implementation of another election promise — that is, our significant investment to transform the Frankston station precinct and clean up Young Street. I thank the member for his role in chairing the station precinct task force. He has done a

great job. He has brought together a range of stakeholders, including the council and the local community, in what will be a transformative project for the region. I understand from the member that he is very keen to go to the next stage with this project and as part of that is formally presenting me with recommendations from the work that the task force members have done. I thank those members for that work as well.

I am pleased to advise the hardworking local member that I would be delighted to come to Frankston and meet with him and, if they want to come along, other representatives of the task force to accept those recommendations. On the way home I think I will drop by and see the member for Carrum and have a bus forum as well. I look forward to that event, too.

The remaining matters raised by members will be referred to the relevant ministers.

The DEPUTY SPEAKER — Order! The house is now adjourned.

**House adjourned 5.29 p.m. until Tuesday,
1 September.**

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses are incorporated in the form provided to Hansard

Prison security

Question asked by: Member for Ripon
Directed to: Minister for Corrections
Asked on: 19 August 2015

RESPONSE:

On the night of the riot an emergency transfer of prisoners to Hopkins Correctional Centre was made. These prisoners were held in lockdown while the standard security assessment process was undertaken. Those not meeting the classification requirements of medium security were then transferred from Hopkins Correctional Centre.

Prisoners at Hopkins Correctional Centre are appropriately classified as medium security. No additional security arrangements are required.