

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Wednesday, 7 October 2015**

**(Extract from book 14)**

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The Honourable LINDA DESSAU, AM

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

## **The ministry**

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Minister for Police and Minister for Corrections . . . . .	The Hon. W. M. Noonan, MP
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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**

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn <sup>1</sup>	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphthine, Dr Denis Vincent <sup>2</sup>	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio	Melton	ALP
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 <sup>3</sup>	Gippsland South	Nats
Burgess, Mr Neale Ronald	Hastings	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pakula, Mr Martin Philip	Keysborough	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Clark, Mr Robert William	Box Hill	LP	Paynter, Mr Brian Francis	Bass	LP
Couzens, Ms Christine Anne	Geelong	ALP	Pearson, Mr Daniel James	Essendon	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Perera, Mr Jude	Cranbourne	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pesutto, Mr John	Hawthorn	LP
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 <sup>4</sup>	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Tilley, Mr William John	Benambra	LP
Kairouz, Ms Marlene	Kororoit	ALP	Victoria, Ms Heidi	Bayswater	LP
Katos, Mr Andrew	South Barwon	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
Knight, Ms Sharon Patricia	Wendouree	ALP	Watt, Mr Graham Travis	Burwood	LP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP
McGuire, Mr Frank	Broadmeadows	ALP			

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

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

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

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

**PARTY ABBREVIATIONS**

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

## Legislative Assembly committees

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

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

## Joint committees

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

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

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

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

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

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

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

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

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

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

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



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**Wednesday, 7 October 2015**

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

**RULINGS BY THE CHAIR****Questions without notice**

**The SPEAKER** — Order! I wish to draw the attention of the house to rulings which form part of precedents that guide the operations of this house in relation to questions without notice.

In 1993 Speaker Delzoppo ruled a question to the Premier concerning his alleged use of government cars out of order because the question must relate to government administration or policy and be directed to the minister responsible. The question instead related to a matter which took place before the period of the government's administration — that is, when the Premier was Leader of the Opposition.

In 1997 Speaker Plowman ruled that a member may only ask a question relating to a minister's current responsibility.

I have reviewed yesterday's question time in light of these rulings and I am of the view that the Chair erred in allowing some of the questions that were addressed to the Minister for Tourism and Major Events. On one occasion the minister was asked whether he stood by a previous answer he had given in the house and I am comfortable that that question was in order. However, the remainder of the questions related to the use of casual electorate office staff in the minister's electorate office. In hindsight those questions should not have been allowed as they did not relate to the minister's ministerial responsibility, and secondly, the information sought related to a period when he was not a minister.

I advise the house that in future I will rule questions out of order if I am not convinced they relate to government business and if they are not within the current responsibility of a minister to whom the question is directed.

I also advise that police have been in contact with the President and me to advise that they are inquiring into the employment of casual staff in electorate offices. While this matter is only the subject of police inquiries and is therefore not currently subject to the sub judice convention we apply in the Assembly, I advise the house that I will be taking a cautious approach towards question time in terms of the scope of questions I will allow.

**Mr Burgess** — On a point of order, Speaker, this house operates and always has operated on a series of precedents, and your actions yesterday set the precedent for this house. It would be the same as going back to any of the Speakers' rulings and saying they were wrong as for you to go back on a ruling and say you were wrong. Therefore I would suggest that yesterday you set the precedent for this house and that we should stick to it.

**The SPEAKER** — Order! I have provided a ruling to the house.

**BUSINESS OF THE HOUSE****Notices of motion**

**The SPEAKER** — Order! Notice of motion 2 will be removed from the notice paper unless the member wishing her notice to remain advises the Clerk in writing before 2.00 p.m. today.

**PETITIONS****Following petitions presented to house:****Special religious instruction**

To the Legislative Assembly of Victoria:

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

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

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

**By Mr CLARK (Box Hill) (332 signatures).**

**Special religious instruction**

To the Legislative Assembly of Victoria:

The petition of residents in the Hastings electorate draws to the attention of the house that the government has scrapped special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that next year they will break their promise and will only allow SRI to occur outside of school hours or during lunch breaks.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its broken promise and allows students attending government schools to attend SRI during school hours.

**By Mr BURGESS (Hastings) (31 signatures).**

### Special religious instruction

To the Legislative Assembly of Victoria:

The petition of residents in the Mildura electorate draws to the attention of the house that the government has scrapped special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that next year they will break their promise and will only allow SRI to occur outside of school hours or during lunch breaks.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its broken promise and allows students attending government schools to attend SRI during school hours.

**By Mr CRISP (Mildura) (39 signatures).**

### Special religious instruction

To the Legislative Assembly of Victoria:

The petition of residents in the Murray Plains electorate draws to the attention of the house that the government has scrapped special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that as of next year they will break this promise.

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

**By Mr WALSH (Murray Plains) (114 signatures).**

### Special religious instruction

To the Legislative Assembly of Victoria:

The petition of residents in the Rowville electorate draws to the attention of the house that the government has scrapped special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that next year they will break their promise

and will only allow SRI to occur outside of school hours or during lunch breaks.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its broken promise and allows students attending government schools to attend SRI during school hours.

**By Mr WELLS (Rowville) (150 signatures).**

### Gardiner railway station

To the Legislative Assembly of Victoria:

The petition of residents of the Malvern electorate draws to the attention of the house our strong objection to the repositioning of the Gardiner station car park access directly opposite Clarke Street and the adverse impact on residents' quality of life. Up until July 2015 the access point to the car park was at the other end of Carroll Crescent. Now there will only be one exit/entry point for the 220 space car park with two stop signs as the only proposed traffic management. The existing car park had three access points for the same number of spaces. There are many safety ramifications with this access point.

Residents were not consulted or advised of this significant change and the negative effects on us appear to have been ignored. The lack of priority access and inevitable bottleneck will significantly impact residents as it increases accident risk and constrains movements through the only means of vehicle access to our homes. There has been an acknowledged failure by the project team to undertake appropriate community consultation and address residents' needs and potentially an attempt to mislead local residents about the project's effects.

The petitioners therefore request that the Legislative Assembly of Victoria:

1. reinstate the original plans as at July 2015;
2. put a hold on the construction of this access point until a satisfactory outcome is achieved which preserves the quality of life of the long-term local residents living in the area who will use the intersection multiple times a day every day;
3. advise why the car park access changed from the originally published plan without regard for or consultation with impacted residents;
4. determine why there was a lack of community consultation with residents who will be severely impacted every day.

**By Mr M. O'BRIEN (Malvern) (34 signatures).**

### Grand Final Friday

To the Legislative Assembly of Victoria:

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

At a time of high and rising unemployment and when many businesses are already doing it tough, the Andrews

government has imposed a major new cost that will see many businesses close their doors for the day, employees lose much-needed shifts and inflict significant damage on our state's economy.

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

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

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

**By Mr NORTHE (Morwell) (437 signatures).**

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

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

**Ordered that petition presented by honourable member for Malvern be considered next day on motion of Mr M. O'BRIEN (Malvern).**

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

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

## DOCUMENTS

### Tabled by Clerk:

Albury Wodonga Health — Report 2014–15

Alexandra District Health — Report 2014–15

Alfred Health — Report 2014–15

Alpine Health — Report 2014–15

Ambulance Victoria — Report 2014–15

Auditor-General:

Delivering Services to Citizens and Consumers via Devices of Personal Choice: Phase 2 — Ordered to be published

Financial Systems Controls Report: Information Technology 2014–15 — Ordered to be published

Report 2014–15 (two documents)

Austin Health — Report 2014–15

Australian Centre for the Moving Image — Report 2014–15

Bairnsdale Regional Health Service — Report 2014–15

Ballarat Health Services — Report 2014–15

Barwon Health — Report 2014–15

Beaufort and Skipton Health Service — Report 2014–15

Beechworth Health Service — Report 2014–15

Benalla Health — Report 2014–15

Bendigo Health Care Group — Report 2014–15

Boort District Hospital — Report 2014–15

Calvary Health Care Bethlehem Ltd — Report 2014–15

Casterton Memorial Hospital — Report 2014–15

Castlemaine Health — Report 2014–15

Central Gippsland Health Service — Report 2014–15

Cobram District Hospital — Report 2014–15

Cohuna District Hospital — Report 2014–15

Colac Area Health — Report 2014–15

*Confiscation Act 1997* — Report 2014–15 under s 139A

Dental Health Services Victoria — Report 2014–15

Disability Services Commissioner — Report 2014–15

Djerriwarrah Health Services — Report 2014–15

Docklands Studios Melbourne Pty Ltd — Report 2014–15

Dunmunkle Health Services — Report 2014–15

East Grampians Health Service — Report 2014–15

East Wimmera Health Service — Report 2014–15

Eastern Health — Report 2014–15

Echuca Regional Health — Report 2014–15

Edenhope and District Memorial Hospital — Report 2014–15

Emerald Tourist Railway Board — Report 2014–15

Film Victoria — Report 2014–15

*Financial Management Act 1994:*

Reports from the Minister for Health that she had received the reports 2014–15 of the:

The Ballarat General Cemeteries Trust

The Bendigo Cemeteries Trust

The Mildura Cemetery Trust

Tweddle Child and Family Health Service

Victorian Assisted Reproductive Treatment Authority	Museums Board of Victoria — Report 2014–15
Victorian Pharmacy Authority	Nathalia District Hospital — Report 2014–15
Geelong Cemeteries Trust — Report 2014–15	National Gallery of Victoria, Council of Trustees — Report 2013–14
Geelong Performing Arts Centre Trust — Report 2014–15	Northeast Health Wangaratta — Report 2014–15
Gippsland Southern Health Service — Report 2014–15	Northern Health — Report 2014–15
Goulburn Valley Health — Report 2014–15	Numurkah District Health Service — Report 2014–15
Greater Metropolitan Cemeteries Trust — Report 2014–15	Ombudsman — Report 2014–15 — Ordered to be published
Health Purchasing Victoria — Report 2014–15	Omeo District Health — Report 2014–15
Health Services Commissioner, Office of — Report 2014–15	Orbost Regional Health — Report 2014–15
Heathcote Health — Report 2014–15	Otway Health — Report 2014–15
Hepburn Health Service — Report 2014–15	Peninsula Health — Report 2014–15
Hesse Rural Health Service — Report 2014–15	Peter MacCallum Cancer Centre — Report 2014–15
Heywood Rural Health — Report 2014–15	Portland District Health — Report 2014–15
Inglewood and Districts Health Service — Report 2014–15	Queen Elizabeth Centre — Report 2014–15
Kerang District Health — Report 2014–15	Radiation Advisory Committee — Report 2014–15
Kilmore and District Hospital — Report 2014–15	Robinvale District Health Services — Report 2014–15
Kooweerup Regional Health Service — Report 2014–15 (two documents)	Rochester and Elmore District Health Service — Report 2014–15
Kyabram District Health Service — Report 2014–15	Royal Children's Hospital — Report 2014–15
Kyneton District Health Service — Report 2014–15	Royal Victorian Eye and Ear Hospital — Report 2014–15
Latrobe Regional Hospital — Report 2014–15	Royal Women's Hospital — Report 2014–15
Library Board of Victoria — Report 2014–15	Rural Northwest Health — Report 2014–15
Lorne Community Hospital — Report 2014–15	Seymour District Memorial Hospital — Report 2014–15
Maldon Hospital — Report 2014–15	South Gippsland Hospital — Report 2014–15
Mallee Track Health and Community Service — Report 2014–15	South West Healthcare — Report 2014–15
Mansfield District Hospital — Report 2014–15	Southern Metropolitan Cemeteries Trust — Report 2014–15
Maryborough District Health Service — Report 2014–15	St Vincent's Hospital (Melbourne) Ltd — Report 2014–15
Melbourne Health — Report 2014–15	Statutory Rules under the following Acts:
Melbourne Recital Centre Ltd — Report 2014–15 (two documents)	<i>Agricultural and Veterinary Chemicals (Control of Use) Act 1992</i> — SR 108
Mental Health Complaints Commissioner — Report 2014–15	<i>Drugs, Poisons and Controlled Substances Act 1981</i> — SR 110
Mental Health Tribunal — Report 2014–15	<i>Freedom of Information Act 1982</i> — SR 111
Mercy Public Hospitals Inc — Report 2014–15	<i>Traditional Owner Settlement Act 2010</i> — SR 109
Metropolitan Planning Authority — Report 2014–15	<i>Victorian Civil and Administrative Tribunal Act 1998</i> — SR 112
Monash Health — Report 2014–15	Stawell Regional Health — Report 2014–15
Moyne Health Services — Report 2014–15	

*Subordinate Legislation Act 1994:*

Documents under s 15 in relation to Statutory Rules 104, 105, 106, 107, 108, 112.

Documents under s 16B in relation to the:

*Electronic Conveyancing (Adoption of National Law) Act 2013:*

Electronic Conveyancing Operating Requirements — Version 3

Electronic Conveyancing Participation Rules — Version 3

*Financial Management Act 1994 — Order under s 54AA*

*Transfer of Land Act 1958* — Registrar's requirements for paper conveyancing under s 106A

*Surveillance Devices Act 1999* — Reports 2014–15 under s 30L (five documents)

Swan Hill District Health — Report 2014–15

Tallangatta Health Service — Report 2014–15

Terang and Mortlake Health Service — Report 2014–15

Timboon and District Healthcare Service — Report 2014–15

Upper Murray Health and Community Services — Report 2014–15

Victorian Arts Centre Trust — Report 2014–15

Victorian Health Promotion Foundation — Report 2014–15

Victorian Institute of Forensic Mental Health — Report 2014–15

West Wimmera Health Service — Report 2014–15

Western District Health Service — Report 2014–15

Western Health — Report 2014–15

Wimmera Health Care Group — Report 2014–15

Yarram and District Health Service — Report 2014–15

Yarrawonga District Health Service — Report 2014–15

Yea and District Memorial Hospital — Report 2014–15.

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

### Reporting date

**Ms ALLAN** (Minister for Public Transport) — By leave, I move:

That:

- (a) the resolution of the house of 18 August 2015 be amended to extend the reporting date for the Public

Accounts and Estimates Committee's inquiry into allegations made against the Auditor-General to no later than 10 November 2015; and

- (b) a message be sent to the Legislative Council seeking their agreement.

### Motion agreed to.

## ELECTORAL MATTERS COMMITTEE

### Reference

**Ms ALLAN** (Minister for Public Transport) — By leave, I move:

That, under section 33 of the Parliamentary Committees Act 2003, an inquiry be referred to the Electoral Matters Committee for consideration and report no later than 30 April 2017 on:

- (1) the forms of electronic voting currently utilised in Victoria and other jurisdictions and their effectiveness; and
- (2) alternatives that are available that if implemented would ensure the continued integrity and security of the electronic voting system.

### Motion agreed to.

## MEMBERS STATEMENTS

### Richard James

**Mr FOLEY** (Minister for Housing, Disability and Ageing) — I rise to mark the sad passing of two local identities in my community. Long-time identity Richard James died peacefully on 27 September in his home at the Port Phillip community housing facility John Cribbes House. He was 84 years old. Earlier that evening he had attended a launch of artwork by social housing tenants at Gasworks Arts Park. I had the pleasure of launching that exhibition and seeing him on that occasion.

Richard was a former member of the City of Port Phillip's older persons reference group and was on a long-term mission to foster social inclusion, particularly for people who were, as he put it, in their dotage and on limited incomes like him. He was a long-term activist for LGBTI equality, local housing and justice issues, and a range of older person's consultation processes. He helped to found Vintage Men, an organisation for older gay and bisexual men, and he made a huge contribution to our community. He will be sadly missed.

## Ray Beatty

**Mr FOLEY** — Sadly I learnt last evening of the passing of Ray Beatty, also known as ‘The Marketeer’ in the Business Daily section of the *Herald Sun*. He was a long-time journalist. He was also an active member of the Australian Labor Party in St Kilda and was a great icon for community participation. In our most recent state election he was a leading member of the Albert Park community campaign, doorknocking and phoning hundreds of locals in support of the Labor cause. Both Ray and Richard will be greatly missed in our community.

## Methamphetamine control

**Mr R. SMITH** (Warrandyte) — The drug ice is a scourge of modern society. Its effect on our communities is wide ranging, with negative impacts not just on users but also on the families and friends of those who have become addicted to this insidious drug. Governments across Australia have all acknowledged the dangers of this drug and the lives that it ruins every day.

The Victorian government launched its *Ice Action Plan* earlier this year, and Liberal-Nationals coalition members made it clear that we will stand with the government when it comes to tackling ice, supporting those families who have been affected by its use and working towards making our communities ice free. I think most members of this house would agree that the fight against ice needs bipartisan support, and we need to be unwavering when it comes to our strong opposition to this drug.

I was shocked to read recently that a senior government minister has suggested that we should decriminalise this drug. As a member of this house and as a father, I find this suggestion to be completely abhorrent. Victorian parents should be very concerned that a senior minister has said he will take on board a debate about criminalising illicit drugs, including ice. It is a message that is hugely out of step with community attitudes, and it is a message that every other member of this house should totally condemn.

It is appalling that these views are held by a minister who sits at the Andrews Labor government’s cabinet table. The member for Albert Park has very clearly flagged his intentions when it comes to tackling our growing ice problem, and Victorians should listen very carefully and be very vigilant as to what those intentions are.

## Epping Secondary College

**Ms D’AMBROSIO** (Minister for Industry) — I recently had the pleasure to meet with Ms Helene Alamidis, the principal of Epping Secondary College. Ms Alamidis generously made the library at the college available for the general community to engage in a consultation with Public Transport Victoria regarding new bus routes that will benefit both the college students and the wider community. The principal provided me with an impressive snapshot of the programs delivered at the school. Ms Alamidis also informed me that the college provides a supportive, safe and harmonious environment which promotes learning for life and an approach that centres on the whole learner.

The college also adopts an active and empowering student leadership program, a pathways program at year 10, with all year 10 students enrolled in unit 1 of Victorian certificate of education (VCE) industry and enterprise, and the extending choices options. This enables students to more easily access VET in Schools programs. The college also has a high achievers program to cater for students in that category. This approach provides students with increased options in terms of pathways into VCE, vocational education and training or the Victorian certificate of applied learning. This maximises students’ choices in reaching their full potential.

In speaking with Ms Alamidis, I was struck by her enthusiasm and her caring approach towards her students and the school community. It is obvious why Epping Secondary College enjoys an enviable reputation as a college of choice among people in the surrounding communities. As Epping Secondary College is now in the electorate of Mill Park following the recent redistribution, I look forward to a continued positive relationship with Ms Alamidis and the college community.

## Wangaratta City Football Club

**Mr McCURDY** (Ovens Valley) — After 20 years Wangaratta City Football Club has claimed the Albury Wodonga Football Association Cup after a thrilling penalty shootout win against Myrtleford. It was an epic encounter. Sadly Myrtleford could not continue its early form on the day and was defeated by Wangaratta. Congratulations to both teams, which represented the Ovens Valley with pride.

### Ovens Valley electorate sporting clubs

**Mr McCURDY** — Tungamah Football Club won back-to-back flags in 1999–2000 and 2008–09. This year it has gone one better and celebrated three in a row — just like the mighty Hawks — in the Picola and District Football Netball League. Well done to this brilliant footy club, which is based on the banks of Boosey Creek. In addition, Glenrowan has celebrated back-to-back wins over Milawa in the Ovens & King Football Netball League. Well done to those clubs.

Our regional football and netball clubs play an enormous role in the social fabric of our smaller towns and communities. They are a mix of sport, volunteering, people helping each other out and financial management. All of these skills help us to build better businesses, better families and amazing communities.

### Harrierville

**Mr McCURDY** — I was delighted to spend time in Harrierville recently with the strategic master planning focus groups. I was impressed with the level of involvement from across this small community. Nestled in the foothills of the majestic Mount Hotham, Harrierville is a proactive community that wants to improve its future.

### Wangaratta Relay for Life

**Mr McCURDY** — Over the past eight years the Wangaratta community has raised over \$657 000 through Relay for Life. This year has seen another very successful event, with the goal of \$85 000 being achieved — and more. Thirty teams made up from 538 participants walked the track at the Wangaratta Showgrounds. The money raised will provide a significant boost for cancer sufferers and their families in the Rural City of Wangaratta.

### Family violence

**Ms RICHARDSON** (Minister for the Prevention of Family Violence) — Last Monday the State Coroner, Ian Gray, handed down his findings in the inquest into the death of Luke Batty. Clearly Luke's death was a tragedy not just for his mum but for each and every one of us, but his murder and Rosie's courage and determination have ignited action towards addressing family violence throughout Australia. The coroner made 29 recommendations, 11 of which were directed to the state government.

Victims of family violence and their families know that our system is failing, and the cost of its failings is borne

largely by them. But Rosie and Luke's battle against this harm while the system failed them time and again is now clear. Rosie's book entitled *A Mother's Story*, which is a must read for anyone trying to understand the harm of family violence, details the challenges that she and Luke faced day in, day out. It details the multiple threats made to her life and ultimately to Luke's life. It shows Rosie doing all that she could as a protective parent, including approaching numerous agencies to try to ensure the safety of her child.

It was Rosie who acted when her son reported that his life had been threatened with a knife. A number of services were then made aware of this serious threat, yet the system once again shifted the responsibility for protection onto the victim of violence. Any ordinary person could interpret the escalation of risk that was unfolding. Tragically the system could not see it, despite the multiple opportunities it had to do so.

We are looking at the recommendations made by the coroner, along with the findings of the royal commission. It is our challenge to reshape our family violence system. I would also like to acknowledge the endless advocacy of Rosie Batty. Her courage and determination to speak out against this violence has assured that Luke's death was not in vain.

### J-AIR

**Mr SOUTHWICK** (Caulfield) — I would like to congratulate the great work that J-AIR has done getting back on its feet in a new location. It broadcasts on the narrow band 87.8 FM and is looking for a permanent licence. Currently it is narrowcasting 42 different shows. It has 162 paid-up members, but it has thousands of listeners who tune in every week, including on the j-air.com.au website, which has hundreds of podcast downloads. This is a station that is really important to the community. It seeks a permanent licence, and I call on those concerned to work with the Australian Communications and Media Authority to ensure that it gets a permanent licence.

### Victorian Premier's Volunteer Champions Awards

**Mr SOUTHWICK** — I would also like to congratulate Tom Florio, who for 20 years has been serving the community through the Gladys E. Machin Senior Citizens Club. He received one of the Victorian volunteer awards last week, the Caulfield District Victoria Volunteer Award. I also congratulate Ben Marshman, who does great work with Caulfield Primary School. He has been at the school for six years and on the council for four. Currently he has taken up

the role of treasurer of the school. When he was talking to the kids about his role as treasurer and what he does, one of the kids put up his hand and said, 'A treasurer's role is to look after the treasures'. That is what Tom does in keeping that school on its feet.

### **Danny Miller**

**Mr SOUTHWICK** — I also want to congratulate Danny Miller from the Armadale Lawn Bowling Club who for 12 years has been working to ensure that club has a great membership and provides support to the community.

### **Northern Men's Shed**

**Ms SPENCE** (Yuroke) — Congratulations to Tom Rolls and members of the Northern Men's Shed in Craigieburn who held their regular sausage sizzle fundraiser at Craigieburn Bunnings on the Grand Final Friday public holiday. They arrived with the normal supply of 20 kilograms of sausages but were pleasantly surprised when they were all sold in only a few hours and they needed to go out and get more supplies. After selling 37 kilograms of sausages, they called it a day. What a great success. It was a busy day for the men's shed volunteers, with more funds raised that will go back into the community.

This activity was evident throughout the Yuroke electorate on Grand Final Friday. Craigieburn Central was buzzing, cafes and car parks were packed, the great weather drew many to our parks and families enjoyed time together — with many taking the opportunity to spend the weekend away. And there were of course many Hawthorn and West Coast supporters who ventured into the city and joined in the record crowd for the grand final parade. It was great to see so many people out and about, and I also enjoyed spending some extra time with my family. Labor promised the Grand Final Friday public holiday, it delivered it, and despite what Grumpy Guy says, the community loved it.

### ***We're Going on a Book Hunt***

**Mr ANGUS** (Forest Hill) — I recently had the pleasure of attending the St James Primary School production entitled *We're Going on a Book Hunt*. It was a terrific production, incorporating acting, singing and dancing and giving all the students an opportunity to be involved. I congratulate the students on this production, together with the many teachers and volunteers involved in putting this production on. I also congratulate the teachers, led by principal Andrew Mullaly, for enthusiastically participating in the final

act of the production and providing great excitement for the students and the audience alike.

### **St Mark's Anglican Church, Forest Hill**

**Mr ANGUS** — I recently had the pleasure of attending the monthly community meals program hosted by St Mark's Anglican Church in Forest Hill. This new program has been led by assistant minister Matthew Connolly and is supported by the church's senior minister, Reverend Phil Meulman, and a dedicated team of volunteers. It is a service to our local community where residents can come along and share in a free meal and time of fellowship on a monthly basis. I congratulate the church on this great new initiative and look forward to visiting again.

### **Eastern Football League**

**Mr ANGUS** — At the end of the football season I want to congratulate and thank my three local Eastern Football League teams, East Burwood, Forest Hill and Vermont, on the successful completion of another season. In all these clubs there are countless volunteers who work tirelessly to ensure that the teams get out on the park each week. They include the hardworking committee members who put in many, many hours to keep the clubs running smoothly, led by a dedicated and hardworking president. Whilst there were mixed results on the field, the positive impact these clubs have on our broader community should not be underestimated. I thank all those involved for their efforts and look forward to another exciting season next year.

### **Vermont Primary School**

**Mr ANGUS** — Last month I was delighted to attend Vermont Primary School in my electorate of Forest Hill as principal for a day. During the day I participated in a range of activities, including attending meetings with staff, visiting classes and enjoying morning tea with the staff. It was a great day, and I thank the school principal, Robin Stickland, and the school community for hosting me.

### **Grand Final Friday**

**Mr ANGUS** — The recent grand final public holiday had a significant negative impact on many small businesses in my electorate. Many simply did not open, thus forgoing a day's trade.

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

### Gaming machine revenue

**Mr McGUIRE** (Broadmeadows) — I call for a review of the distribution of funds the state receives from poker machines. These funds would be better invested to maximise direct benefits to local communities through scholarships and sponsorships for community and sporting activities. More than \$100 million was lost on poker machines within the Hume municipality during the 2014–15 financial year, an increase of more than 3 per cent on the previous year's net losses. This equates to \$287 518 per day lost in Victoria's poorest community, which is suffering unemployment at a rate that recently rose to equal that of Greece and where youth unemployment is perilously high, estimated to be more than 40 per cent.

This significant loss is exacerbated by the so-called benefits obtained from gaming machines at hotels and clubs not being directed back into the communities from which they are generated. According to the Victorian Commission for Gambling and Liquor Regulation, in 2014–15 about \$3.4 million from Hume's clubs was seen to be of community benefit, but most of it went towards the operating costs of venues, including employment costs, management fees, electricity, rent, security, cleaning, repairs and maintenance. The appropriateness of this redistribution needs to be re-examined, and I call on the government and the minister responsible to do so.

### Retirement housing sector

**Ms SANDELL** (Melbourne) — I raise the matter of retirement housing and draw the attention of members to the urgent need for a review of the Retirement Villages Act 1986. Housing is a fundamental human right, and accessible, dignified housing for older Victorians is a crucial part of the picture. I am deeply concerned by what I have heard from advocates and residents of retirement villages, including some of my local constituents. Residents are often locked into expensive and complicated contracts. They are not consulted about changes, including changes to fees, and their residence might be a far cry from what they were promised. In some cases, because of unfair contracts, families are being forced to continue to make payments for services to retirement housing long after their relative has passed away. We can do much better than this.

I commend the invaluable work of the Consumer Action Law Centre, advocating on behalf of residents and families of residents stuck in complex and unfair contracts, and of Residents of Retirement Villages Victoria for calling for reform. This is a systemic

problem. It needs comprehensive review and reform. Retirement housing providers must be effectively regulated to ensure that older Victorians and their families can have confidence that they will be properly cared for and fairly treated. I strongly urge the Andrews government to put a review of retirement housing back on the agenda and not sweep it under the carpet.

### Montmorency Secondary College

**Ms WARD** (Eltham) — I rise to commend the staff of Montmorency Secondary College, a fantastic school in my electorate, for their outstanding work in dealing with a fire that caused significant damage to the school during the first week of the school holidays. The fire destroyed four classrooms and caused significant structural damage to the science and English wing. Many teachers lost decades worth of work along with student coursework and materials. The total damage is estimated at more than \$600 000. The outstanding work of the principal, Allan Robinson, and assistant principal Clara Rocca in liaising with the Department of Education and Training ensured that the school was up and running normally for students returning to school for term 4, and I congratulate them on their work. I thank the minister, his staff and the department for their assistance.

### St Sava Serbian Orthodox Church

**Ms WARD** — I thank the St Sava Serbian Orthodox Church in Greensborough for inviting me to open the 2015 assembly of Serbian folkloric dancing on Saturday night, and I congratulate the Serbian community on a wonderful event. It was fantastic to see many young people in their gorgeous costumes having an absolute ball as they danced to traditional music. Before the fabulous dancing I was lucky enough to have a tour of the St Sava church, built as a replica of a 14th century church in Kruševac, Serbia, and see some of the beautiful iconography covering the walls of the church. I thank the Serbian community in north-eastern Melbourne for welcoming me, and I congratulate them on an outstanding event and for their contribution to our community.

### Mildura riverfront development

**Mr CRISP** (Mildura) — It was great to see the first major feature of the Mildura riverfront development opened on Sunday. The weather obliged, and the crowd was enormous at the opening of the Mildura water play park. The sight of young children and parents paddling, playing and cooling off made all the years of hard work to achieve this somehow seem worthwhile. I look forward to the next stage of the riverfront being

completed so as to connect the CBD with our greatest asset, the river.

### **Chaffey Secondary College**

**Mr CRISP** — The last day of term at Chaffey Secondary College in Mildura was celebrated with a multicultural feast. Students, staff, parents and friends assisted and enjoyed a huge choice of lunch options to celebrate cultural diversity at Chaffey Secondary College. Well done to all, in particular the principal, Patricia Nunan, for her courage and dedication to staging the event.

### **Red Cliffs volunteers**

**Mr CRISP** — A strong community is a community that works together and accepts responsibility for those less fortunate. I was honoured to attend a meeting in Red Cliffs of community charity providers. I was humbled by the generosity of these volunteer groups in looking after their own.

### **Mildura electorate shows**

**Mr CRISP** — It is springtime in the Mallee and therefore it is show time, kicking off this weekend with the Cardross show, including the scarecrow spectacular and the spring flower competition. The Mildura folk show follows two weeks later on 16 and 17 October.

### **National Police Remembrance Day**

**Mr CRISP** — National Police Remembrance Day is a solemn day in which we pay tribute to those who have lost their lives while protecting and serving our community. It is an opportunity to reflect on the vital role police play in our society, to pay our respects to the fallen and their families and to remember those who are sworn to protect our safety.

### **Mariella Teiura**

**Ms BLANDTHORN** (Pascoe Vale) — I congratulate Mariella Teiura on being recognised with the Moreland Award for Collaborative Community. Having been a part of many community groups involving Indigenous people and Pacific Islanders since August 2014, Mariella has been dedicated to the not-for-profit Itiki Sporting Club of Glenroy.

Mariella established the Itiki sporting club in an attempt to engage disadvantaged young people in education and community activity, particularly young people from her Pacific Islander community, but the club is open to everyone. Mariella has a big vision but simple rules: anyone can play but they must also work or study. In

the short time it has been operating — just over a year — the club has gone from strength to strength and there are now over 200 members.

The Itiki sporting club is an inclusive club which provides young people with a positive environment in which to develop themselves and their game. Regardless of their background, level of ability or income, Mariella makes sure that everyone has a uniform, gets a ride to training and has a position in the game or on the field. But Itiki does so much more than just sport. The club runs education and training programs, youth mentoring and cultural dance programs; it has planted a multicultural food garden; and it is now setting up a food bank to provide food aid for people in the local area.

Mariella works incredibly hard for some of our community's most vulnerable and isolated people, including those experiencing challenges in the areas of mental health, disability, homelessness — she often opens her own home to people in situations of homelessness — substance abuse, membership of culturally and linguistic diverse communities, correctional services and economic hardship. I cannot think of anyone more deserving, and I congratulate Mariella and her family on this achievement.

### **Powlett River wetland**

**Mr PAYNTER** (Bass) — On Sunday, 27 September, I had the pleasure of attending a community planting day on the Powlett River with the Three Creeks Landcare group. The Powlett River mouth is listed as a wetland of natural significance and is home to many rare and endangered plant and animal species. It goes without saying that if more funding were made available, we could really improve the quality of the Powlett River, not least by increasing the habitat area for wildlife and endangered species such as the orange-bellied parrot and the Australian Grayling. It is a river worth preserving for future generations.

A special thanks to Mike Cleeland, chair of Bass Coast Landcare; Dave Bateman, natural resource management coordinator for Bass Coast Landcare; Beth Banks, president of the Wonthaggi Seed Bank and Community Nursery; and Paul Spiers from the Archies Creek Reforestation group. I also thank Helen, Eve, Bernard and Rufus Hollole — young Rufus kept us entertained for the day with his running around and constant banter — for hosting the event, as well as the wonderful volunteers and their families who made the day possible with their hard work and dedication. I had a fantastic time and look forward to attending more planting days in future.

### Aberfeldie Football Club

**Mr CARROLL** (Niddrie) — I rise to congratulate the Aberfeldie Football Club on winning the Essendon District Football League's premiership division grand final over the second weekend of September. The front page of the *Moonee Valley Leader* of 16 September was emblazoned with the headline 'Finally the flag is ours'. Within the newspaper was a double-page spread with the headlines 'Abers rewrite record books' and 'All down to teamwork'. Breaking their 41-year drought, Aberfeldie pulled off a stunning 166 to 90 score against Greenvale to cap off a perfect 20-win season. It is the club's first top-grade flag since 1974.

This record-breaking win by 76 points has overtaken Strathmore's 73-point margin in 2006. Aberfeldie's win was many years in the making after the club came up short in the 2013 and 2014 grand finals. As Aberfeldie president John Larkins said in the *Moonee Valley Leader*:

I think you learn a lot out of losing grand finals ...

We've worked terribly hard to put together a great season and to come along and perform on the final day was fantastic.

Kicking five of the first six goals of the match was the star line-up of former AFL players Brock McLean, Kyle Reimers, Luke Blackwell and Angus Graham, with Angus Graham winning the best on ground medal after kicking seven goals in the match. Triumphant first-year coach Adam Potter put the club's success down to the hard work done in previous years and, most importantly, the team first principle, saying:

They're a great team and that's been the theme through the year — team first.

The Aberfeldie Football Club is also fostering the next generation of players, with the club taking the premiership in the Essendon District Football League under 18.5 division. I look forward to following the players' bright futures. Finally I thank Aberfeldie Sports Club chairman Jim Pound and president John Larkins for their exemplary leadership. This is a great team on and off the field. I wish them all the best for the future.

### Sir Brudenell White memorial

**Ms STALEY** (Ripon) — Recently I had the privilege of attending the rededication of the General Sir Brudenell White memorial at Buangor Cemetery. The event went off with military precision on a glorious spring day and was a great credit to the organisers. Special mention must be made of Lieutenant Colonel Russell Rachinger, who led the ceremony.

Sir Brudenell White was born in St Arnaud, and between the wars he lived at Middle Creek and Buangor. He was killed on 13 August 1940 in the Canberra aircraft disaster. Sir Brudenell is best remembered for his role as the planner of the withdrawal of Anzac forces from Gallipoli, leading to the evacuation of 80 000 Anzacs without loss of life. He is truly a war hero.

Renowned bush poet Colin Driscoll spoke at the rededication with far more eloquence than I can. I seek leave to incorporate the full poem into *Hansard*.

### Leave granted; poem as follows:

When we think about the Anzacs and the sacrifices made  
When we visit those memorials where brave young souls are laid  
When the bugler plays The Last Post on a frosty April dawn  
When we vow 'Lest We Forget' and then bow our heads to mourn

Please, spare a thought for one man who seldom gets applause  
A quiet man who gave his all in honour of the cause  
A mastermind of strategies, a military might  
A local true blue hero, is our Major General White

He was born up in St Arnaud, but when he was 5 years old  
His family moved to Queensland, round Gladstone so we're told  
He went to school in Brisbane, keen to join the Bar  
But he never got to follow in the footsteps of his Pa.

He started out his working life in a Brisbane Bank  
From there he joined the military, Lieutenant was his rank  
But he yearned for something greater; he yearned to make his mark  
The inspiration for the journey on which he would embark

First marriage, then to England, where he learnt the art of war  
Then success saw him seconded back to Australia's shore  
Where he oversaw the makings of our military machine  
The AIF, the bravest troops the world has ever seen

But not without its problems, and not without a fight  
Convincing politicians that they had to do this right  
He knew this fledgling country couldn't send its troops to war  
Unless they'd been prepared like they'd never been before

His planning was meticulous, his strategies were sound  
They had to be before these men set foot on foreign ground  
He joined ranks with New Zealand, and with that treaty sworn  
Our boys sailed off to join the war; the Anzac legend born

They fought for King and country on far off distant shores  
In Egypt, France, Gallipoli, the war to end all wars  
And as those brave young diggers were taking up the fight  
One man was fighting for those men, our Major General White

He stood up to the British and he questioned their command  
Too many men were sacrificed each time they made a stand  
He'd seen it way too often; none more than Suvla Bay  
Where one hundred years of waves and tears can't wash that blood away

But undoubtedly his finest hour, in his own words, not mine  
Was withdrawing eighty thousand troops away from the front line  
From Anzac Cove and Suvla Bay they sailed into the night  
The Turks were none the wiser, thanks to Major General White

Known to all he served with as a leader and a friend  
A dedicated service man right to the very end  
A truly great Australian, yet renowned by very few  
Some say the greatest soldier this country ever knew

And he walked within the shadows of more decorated men  
Whose deeds have been recorded by the wielder of the pen  
None more than in the writings of one Charles E W Bean  
But I quote this little poem, June 28<sup>th</sup>, 1918.

*The poet bloke wot writes about the good that Birdy's done  
He mighter said a word about the man behind the 'gun'  
I'm not referring to me mates nor cobbers from a fight  
But just about the quiet bloke, our Major General White*

*Old Birdy 'e was fair enough when things were going good  
E'd oof it round the trenches and e'd ask about our food  
No rooster was more game than 'im, e'd go where no man goes  
But 'e's too enthusiastic in offerin us for shows*

*And when a stun's fair started old Birdy didn't mind  
You'll find 'im poterin round in front or possibly behind  
Twas plain to us the clever 'ead that's needed for a fight  
Was plannin in the old chatoo; our Major General White*

*We done a lot for Birdy an' we 'elped 'im on a few  
An' e's gathered in the limelight, but give a bloke his due  
And when the tale is proper told with censors put to right  
You'll learn the Anzac champ-i-on is Major General White*

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### Alan Moore

**Ms STALEY** — Last week in Avoca Alan Moore, the Australian war artist who was present at the liberation by the allies of the Bergen-Belsen Nazi concentration camp, died aged 101. Australian War Memorial director Brendan Nelson said:

He's given to us the capacity to understand human suffering on a scale beyond our comprehension ...

In his later years in Avoca Mr Moore was generous with his time, particularly with children. With his loss we lose another direct link to that genocide of the Nazis, but through his work we will continue to bear witness.

### Grand Final Friday

**Mr J. BULL** (Sunbury) — I wish to congratulate the Premier and the Minister for Sport, who I see is in the house, on a fantastic grand final public holiday. The AFL Grand Final public holiday was an election commitment and a promise that Victorians voted for, and it was a promise that was delivered. With glorious Melbourne weather and the anticipation and atmosphere building, it was a day that was enjoyed by thousands in the CBD, across our regions and throughout the state.

Locally in Sunbury I do not think I have ever seen the Bunnings car park so full at 1.00 p.m. on a Friday. Hundreds of people were taking to home improvements while spending time with loved ones. This was a day for families, a day for friends and a great day for Victoria. It was a day that showed that Victorians are not about hiding away, deserting the streets, not coming out and turning Melbourne into a sleepy hollow; it was a day on which we came together and celebrated all things great about this wonderful state.

There were those who talked this day down, and some wanted to talk doom and gloom. They said the CBD would be a ghost town and that it would be sleepy hollow. They said you would not even be able to buy a coffee. The only reason you could not buy a coffee in Sunbury was because all the coffee was sold out! At the Spotted Owl there were hundreds of people enjoying a well-earnt day off. But do not just rely on the Sunbury experience. The *Geelong Advertiser* ran the headline: 'Government kicks a goal. Football holiday a winner'. The same theme was replicated across the state. It seems the only person talking this day down is grumpy Guy and his not so merry men.

### Grand Final Friday

**Mr WATT** (Burwood) — The Andrews Labor government has shown again that it has no concept of the struggles of business. On Friday, 2 October, I visited the majority of shopping centres in my electorate. It is no underestimation to say that some were like ghost towns. Well in excess of 66 per cent of all businesses had chosen to close on that day, including half of the cafes. I have spoken to a number of business owners, who told me of the lose-lose situation the Andrews government had put them in: close the doors and pay the cost of wages or open the doors and pay more in penalty rates than they would have made in sales.

### Boroondara bowls tournament

**Mr WATT** — It was a privilege to open the fifth annual Boroondara Cup on Sunday, 27 September. The Boroondara Cup is a bowls tournament involving all eight clubs from the Boroondara council area. I congratulate the winners of this year's competition: Michael Robinson, Wendy Promnitz, Glen Sodaitis, Ed Whittle, Jim Jasinski, Nick Hodgens and Steve Peisley from the Burwood District Bowls Club in my electorate.

### **Markham Avenue, Ashburton, redevelopment**

**Mr WATT** — On 1 October I attended a community meeting held at the Ashburton Library at which residents expressed their anger over the lack of information and consultation about the Andrews Labor government's development of the Markham housing estate. This meeting, arranged by locals for locals, was in response to the Andrews Labor government's recent announcement of a 240-unit development and the sell-off of the Markham housing estate. The concerns about the development proposal range from its height to the amenity, the traffic, the bulk and the sale of public housing land, just to name a few.

I have personally sought information a number of times from the Andrews government about its intention for this site but have had no answers — only accusations, aspersions and vitriol. It is not good enough for the Andrews government to ignore the legitimate concerns of residents.

### **Macleod Football Club**

**Mr CARBINES** (Ivanhoe) — In case members have been on another planet for the last couple of weeks, I advise that on Saturday, 19 September, the Macleod Football Club brought home the premiership cup for the first time in division 1 in the northern football league since 1971, and I extend the club my congratulations. I was pleased to be down there in Cramer Street at Preston City Oval. I congratulate our captain, Kane Shaw, who moved into the ruck in the third quarter in what was a match-winning move by our coach, Garry Ramsay. Garry Ramsay has been at the club since the end of 2012 and has been a great leader. Given the very difficult circumstances for him and his family this year, I congratulate him on being able to carry through as the team succeeds.

I congratulate the president, Damian Hurley; the vice-president, Mark Lynch; footy manager, Christian 'Puffa' Brandt; and the rest of the committee. It was great that club patron, Peter Pearn, was able to enjoy the celebrations, but not on the day because he was in hospital. He was able to be with us on the presentation night for Macleod Football Club. And what a night that was! I also congratulate Lucas Hobbs, who was awarded the Tom Melican Medal for best and fairest player this season.

### **Olivia Newton-John Cancer and Wellness Centre**

**Mr CARBINES** — The weekend just past was the Olivia Newton-John Cancer and Wellness Centre's

walk in Ivanhoe. It was a 4-kilometre walk in which thousands of people participated to raise money for the Olivia Newton-John cancer centre. The walk was led by Olivia herself. I also acknowledge the great work that the research institute is doing to raise funds and awareness at the Austin Hospital.

### **Bellarine Football League**

**Mr KATOS** (South Barwon) — On Saturday, 19 September, I attended the Bellarine Football League grand final games at Spring Creek Reserve, Torquay. The reserve was in magnificent condition, which really showcased the investment made by the coalition government in upgrading the pavilion. Unfortunately the Minister for Sport would not fund a new netball pavilion, which the coalition committed to, leaving women and girls in substandard facilities. I am pleased to inform the house that all three matches were won by teams from the South Barwon electorate. The senior premierships went to Geelong Amateur Football Club, which defeated Torquay by 32 points and became back-to-back premiers. The reserves premierships were won by Torquay, defeating Geelong Amateur Football Club by 41 points, with Torquay also becoming back-to-back premiers. The under 18s division 2 premiership went to Modewarre, which defeated Anglesea by 43 points. Congratulations to all the winning sides, and better luck next year to the runners up.

### **South Barwon electorate crime rates**

**Mr KATOS** — The crime statistics that were released last week showed an alarming increase in crime rates in the electorate of South Barwon. Across the postcodes within the electorate crime rose on average by 9.4 per cent, which was more than double the state average. Even more alarmingly, in the 3228 postcode comprising Torquay, Jan Juc and Bellbrae, the crime rate jumped by 35.6 per cent. In Armstrong Creek the crime rate rose by 25.6 per cent. Despite these rises in crime rates, the Andrews Labor government has not committed to a single new police officer in the South Barwon electorate between now and 2018.

### **Robert Murphy**

**Ms GRALEY** (Narre Warren South) — I congratulate Robert Murphy for being chosen as the captain of the 2015 Virgin Australia AFL All Australian team. He thoroughly deserves it; he had a fantastic year. He led with his heart and his head, and he is a real champion.

## STATEMENTS ON REPORTS

### Public Accounts and Estimates Committee: budget estimates 2015–16 (hearings alert)

**Mr McGUIRE** (Broadmeadows) — I rise to address the Public Accounts and Estimates Committee's report on the Treasurer's contribution to the inquiry into budget estimates regarding the Victorian government's plans to create 100 000 new jobs under the Back to Work Act 2015. My call is for a new era of cooperative federalism under Prime Minister Malcolm Turnbull, where we address issues confronting Australia, including globalisation and the loss of local jobs. It is vital and urgent that we aggregate our assets and opportunities in a collaborative strategy. Put bluntly, cooperative federalism is essential for establishing new industries and jobs, and there is no more critical time than now.

One year from today the Ford motor company ceases local manufacturing. Holden and Toyota fall like dominoes the following year, marking the end of an industry and the end of an era. According to the National Institute for Economic and Industry Research, 100 000 direct and indirect jobs will be lost in Victoria when the plants shut their doors. The federal coalition tried to cut \$900 million from the automotive transformation scheme, which was designed to help the supply chain businesses survive and thrive. Despite a back down on these cuts, \$800 million will still not flow through to the industry. This must be readdressed with a long-term bipartisan commitment, particularly to postcodes of disadvantage.

Ford's closure will see 650 direct jobs lost in Broadmeadows, Victoria's poorest community, where the unemployment rate recently equalled that of Greece and where youth unemployment is perilously high, estimated at more than 40 per cent. Victoria's second largest city, Geelong, will lose 510 jobs through the closure of Ford's manufacturing plant. Broadmeadows and Corio have long been proud and resilient communities whose muscle, sweat and manufacturing nous has underwritten prosperity for generations. So-called structural adjustment means the loss of livelihoods for families in these communities.

Recently Victoria's Treasurer addressed the economic and cultural summit I hosted in Broadmeadows to develop cooperative strategies between the three tiers of government, business and civil society to work on a collaborative strategy locally established and internationally acclaimed to deliver lifelong learning skills and jobs. This is a proven strategy. What we are looking for is the next evolution, and the partnership I

am calling for is one with the Australian government on this issue of national significance.

Postcodes of disadvantage are increasingly complex areas. Broadmeadows has twice as many Muslim families and Christian refugees from Syria and Iraq — they live side by side — and another 4000 to 5000 refugees are to be settled in Victoria. These are critical issues that must be addressed where unemployment is dire. Put simply, my family arrived in Broadmeadows in 1959, the same year the Ford Motor Company opened its doors. Only the accents, not the aspirations, have changed of people who come to Australia to seek a better opportunity for their families.

Victoria Police recently described Broadmeadows as the red zone for seizure of illegal firearms. When former Prime Minister Tony Abbott discussed national security with the Australian Security Intelligence Organisation, Campbellfield, the headquarters for Ford, was revealed as a terrorist recruiting hotspot. These are the issues that we must address from a national security perspective, from the advancement of economic development and for the cohesion that we have in our community and in our state.

My call is for the Australian government to be a participant and not just a bystander to help in the development of jobs and industries. This goes to the critical issues that we must address with a sense of urgency. We must put behind us the politics of the chain reaction dividing communities on race, rights and taxes that we have had in the past. Here is the opportunity, with a new Prime Minister and with Premier Daniel Andrews, to look at how we develop the next era of cooperative federalism where we do come together.

I wrote to every cabinet minister. The former Prime Minister did not even respond. The former federal Treasurer, Joe Hockey, said he would not come, even though I kept the date open. I put it to him through a newspaper article. I said, 'Say it ain't so, Joe. Say it ain't so that you won't come to the communities hardest hit by your first and second budgets'. This goes to the unfairness that was at the heart of former Prime Minister Tony Abbott losing his job. It was unfairness that was at the heart of this issue. Those budgets destabilised his leadership.

I am calling for a return to the fair go, to looking to the future and to how we develop prosperity for all.

**Public Accounts and Estimates Committee:  
budget estimates 2015–16 (hearings alert)**

**Mr MORRIS** (Mornington) — I too wish to address the 2015–16 estimates hearings alert report, but perhaps unlike the member for Broadmeadows, I intend to refer to the subject matter of the report. The report is an alert report and, as is noted, needs to be read in conjunction with the transcripts from the hearings that were conducted back in May, with presentations provided by ministers and with the departmental questionnaires, all of which appear on the committee website. As I think I have remarked in the house before, it was a decision of the committee back in 2011 not to publish in the initial report all that information. That in itself has probably saved several thousand trees.

**Ms Graley** interjected.

**Mr MORRIS** — I am sure that the member for Narre Warren South is only too familiar with the thickness of the reports formerly published. Apart from being of environmental value, it is also useful in that the information is available in a more timely fashion rather than having to wait for the formal report process. For example, the transcripts can be put up on the website as soon as they have been verified.

As I said, that process has in fact been in place for some five years, considerably ahead of the current government's initiative not to print the thousands of annual reports that formerly appeared in this building in this month of the year. The difference, of course, with one committee report is that the IT backing enabling that information to be accessible experienced very small demand. I guess that is going to be a very different situation, particularly when — probably tomorrow — we have many reports that will be of interest to people simultaneously being accessed. Hopefully the IT is up to the strain.

In terms of this report, the issue I want to address this morning relates to the machinery of government changes. The machinery of government changes were referred to in the alert report on page 4 and the following page. That representation basically dealt with the impacts with regard to departments. As members can see from those pages, they were substantial. Appendix 2 details the impact of the machinery of government changes with regard to the portfolios, which were reduced in number, without counting them, from around 50 to 40. That has perhaps tightened things up a bit, and that is welcome.

In terms of getting across the information, it is difficult in the first year, of course, to assimilate all the changes

and to give the house the flavour of the extent of the changes. With regard to the Department of Premier and Cabinet (DPC), there were some 11 agencies transferred into DPC, including the commissioner for privacy and data protection, the Electoral Boundaries Commission, the FOI commissioner, IBAC, the Local Government Investigations and Compliance Inspectorate, the Public Interest Monitor, the Victorian Competition and Efficiency Commission, the Victorian Electoral Commission and the Victorian Inspectorate. There were also consequent substantial changes and non-consequent substantial changes to the outputs. The other significant change there was that Arts Victoria left DPC, I think probably for the first time since its establishment.

With regard to what is now the Department of Justice and Regulation, again there were significant changes there. Many of the changes were consequent on the moves of agencies to DPC, particularly those oversight bodies and access-to-information bodies I have already referred to.

With regard to the Department of Economic Development, Jobs, Transport and Resources, again, because there was basically a move to bring together functions, there were substantial changes.

The other matter that needs to be raised is that the Department of Health and Human Services questionnaire still has not been received, and I call on the minister to finally act and get this questionnaire to the Parliament.

**Public Accounts and Estimates Committee:  
budget estimates 2015–16 (hearings alert)**

**Ms GRALEY** (Narre Warren South) — I rise to make a contribution on the Public Accounts and Estimates Committee (PAEC) report entitled *2015–16 Budget Estimates Hearings Alert Report*. Like the previous speaker, the member for Mornington, I would like to commend the committee for saving those thousands of trees and making sure that we have a much more abridged paper version of all that has gone on at PAEC in recent months. I for one have found it very accessible to go to the website and read the report of the hearings and get additional material for any research I may be undertaking.

I will make reference to the material that PAEC provides on the website because my contribution this morning relates to the presentation by a minister for the prevention of family violence to PAEC. In fact it was the very first presentation by a Minister for the Prevention of Family Violence to the Public Accounts

and Estimates Committee, and it really sends a message to the community that we are very serious about this critical issue. It was a long overdue and much-needed appointment.

I note that the machinery of government and portfolio changes in the alert indicate that that appointment has been made. The minister herself said at the committee:

... we recognised that we needed to address the crisis, and for too long we know that family violence has been allowed to corrode what is the most important unit within our society, which is of course the family.

We all saw the devastating and tragic story of Luke Batty unfold, and I heard the minister make reference to it in a member's statement this morning. Just over a week ago the coroner delivered his findings into the death of this young boy. He found Luke's death was preceded by years of family violence perpetrated by Mr Anderson towards him and his mother. The coroner further added that Luke was exposed to emotional harm engendering fear and anxiety, and he was witness to physical harm inflicted by Mr Anderson on his mother. Yet his mother, Rosie Batty, has stood up and spoken out even after all she has been put through, and she has played a pivotal role in awakening our community to the horrific impact family violence has on us all. We thank Rosie dearly for her stand.

The government is committed to ensuring that victims not only receive the help they need but that they have the opportunity and confidence to speak up. We know that Australia's very first Royal Commission into Family Violence is underway, and its recommendations and guidance are due to be delivered early next year. This is a landmark initiative which will help us to change attitudes towards women and children and address gender inequality. The key cause of family violence is the critical issue of gender inequality.

I can see from the PAEC report that some major budget allocations have been made. The 2015–16 state budget provides \$81.3 million in new family violence funding, delivering in full on Labor's election commitments. We are seeing \$3.5 million provided for counselling services for women and children experiencing or recovering from family violence. We have introduced the world's very first family violence index, of which I know the minister is very proud, to provide a benchmark for government and society to measure against and to track how we are doing on ending the harm caused by family violence. Funding of \$3.9 million has been provided for additional workers in the child protection system, and \$100 000 has been provided for foster care for pets. This is a good initiative, as often women stay in family violence

situations because they are worried about leaving their pet behind. There is also a much-needed boost of \$1.6 million for legal aid.

I noticed recently in the Fairfax Media that even the Prime Minister has started to talk about family violence, saying this is a very important issue because, as he says, violence against women begins with disrespecting women and a big cultural shift is required. I call on the federal government to match the Victorian government's support for legal aid, because I noticed also in that article that federal funding for community legal centres, where family violence victims often turn up for help, is expected to fall from \$42 million to \$30 million — according to its budget papers. These legal centres dearly need more funding to deal with the many women who need assistance when going through the experience of leaving their violent partners. The minister finished her presentation by saying that family violence is linked to systemic gender inequality, and Labor will support the equal participation of women in the economic, social and civic life of the community by implementing whole-of-government policies and programs.

I commend the minister and her department on all the good work they are doing in this field.

#### **Public Accounts and Estimates Committee: budget estimates 2015–16 (hearings alert)**

**Mr NORTHE** (Morwell) — I rise this morning to speak on the Public Accounts and Estimates Committee inquiry into the budget estimates 2015–16. I refer to evidence that was tabled on 20 May 2015, and in particular comments from the Minister for Emergency Services with reference to the establishment of a Country Fire Authority (CFA) district 27 in Latrobe. By way of background, following the 2014 mine fire inquiry the coalition announced that it would establish a new CFA district in Latrobe. This was not a recommendation of the board of inquiry, but it was an additional recommendation that the coalition was to implement. It was done on the basis of the unique and significant assets of the region, in particular the brown coal mines, and the number of plantations and unique industries — for example, Australian Paper — in the area. It was something we thought was very important.

Essentially, district 27 brings together 23 brigades under the one roof, and there has been bipartisan support for the establishment of district 27. I refer to comments made by the Minister for Emergency Services which appear on page 4 of the transcript where she said:

I was proud to launch the new CFA city of Latrobe district, district 27, on 1 April 2015. The new district will see 23 brigades across the region united under one command to share extra support staff, training and resources in an area that is vital to Victoria's power generation and economy.

She went on to note the \$5.5 million investment in this. That is great. These are all great words, but unfortunately there has been little action to date in the implementation of this district. I know timing is everything, but at the moment we are facing one of the most dangerous fire seasons on record. I acknowledge that the establishment of district 27 is unique. We have not had a new district for decades, but the fact is I have been approached by many CFA personnel and volunteers who are telling me that district 27 is underprepared and underresourced. That is of great concern to us all.

At the moment it appears we only have an office and an operations manager who appears not to be supported by resources having been dedicated around him. CFA volunteers in particular are asking me a whole range of questions, and I think it is totally unfair and unjust that we have career and volunteer CFA personnel who are being left in the dark about what is happening with district 27. Some of the questions that have been posed to me are: where is the business plan? Where is the district 27 implementation plan? What is it going to look like and how is it going to be resourced? No notion has been put to any of those staff or volunteers about how many staff are required to ensure that district 27 can function efficiently and effectively. Where has been the consultation with members and volunteers? It seems to have been non-existent. A major concern is what assets and resources will be diverted from other regions and districts, and — for example, if they are being diverted from other districts — will those positions be backfilled?

I will give members a prime example of this from an email I recently received from a volunteer:

I hope you are aware of the current government's position of non-commitment to the needs and funding to the newly formed district 27 ... As a direct result of this position, the CFA must now fund the support positions to run D27 correctly and thus support the volunteers. This will directly affect needed resources both in this district and other districts within Victoria. This amounts to less vehicles, training and specialist equipment.

That is from a volunteer who has significant concerns. The government needs to come out and say explicitly what the business plan is, what the implementation plan is and what the time lines are for those.

In addition there are ongoing concerns about the fact that \$8 million was committed to an emergency service

hub in Morwell. At the moment we do not know whether that involves a co-location of ambulance and fire services in Morwell and whether the land has been secured. Again, people on the ground have no idea what is happening with that. The minister referred to specialised brown coal-fired training. Again, there seems to be very little detail on what has occurred with respect to that training. In conclusion, we call upon the government to make sure that district 27 is well resourced and volunteers are communicated to.

### **Public Accounts and Estimates Committee: budget estimates 2015–16 (hearings alert)**

**Mr PEARSON** (Essendon) — I rise today to make a contribution on the Public Accounts and Estimates Committee's report into the 2015–16 budget estimates. I will speak specifically about the presentation provided by the Minister for Employment on 15 May this year. The minister provided a detailed snapshot of the state of the economy at the time the government was elected last year. Specifically the minister referred to the unemployment rate, which had increased from 4.9 per cent to 6.8 per cent between 2010 and 2014, and the three-month average regional unemployment rate, which had increased from 5.8 per cent to 6.6 per cent over the same period. In addition to that, the youth unemployment rate from 2010 to 2014 increased from 12 per cent to 14.5 per cent. What the minister was seeking to do in her presentation was to talk about the state of affairs that confronted the government upon its election to office. She then talked about the focus for the creation of the super department, the Department of Economic Development, Jobs, Transport and Resources. The minister said in her presentation:

The department brings together nine ministers, with diverse portfolio responsibilities, who individually and collectively have a significant role to play in stimulating investment, creating jobs and driving the state's future growth.

It is also worth noting that since the minister's presentation — I checked just before I got on my feet — the Australian Bureau of Statistics data has the August seasonally adjusted unemployment rate in Victoria being 6.1 per cent, so we are already seeing a trend emerging where unemployment is decreasing, which I think all members would agree is a very good thing indeed.

I refer to the four key objectives that the minister outlined in her presentation for the department:

increase economic, social and cultural value and impact of the creative industries;

increase sustainable employment opportunities and build investment and trade prospects through working with priority

sectors, delivering major projects, investing in regional Victoria, providing innovation opportunities and building resilience in the workforce;

more productive, competitive and sustainable food, fibre, energy and resources industries;

more productive and liveable cities and regions through improved transport services and better infrastructure.

What the minister was referring to was that we are looking at an economy that is in a state of transition, and it is about trying to find a way in which the department can be an economic enabler for industries to grow and develop. On this side of the house we do not believe in a command and control approach to the economy. We understand that the best role government can play is to try to encourage private sector companies to invest and to make their own decisions on how they want to outlay their capital and drive the economy through innovation in that way.

The minister also talked about changes in employment from 2010 to 2015 and provided a sectoral analysis, which again emphasises the transitional nature of the economy. Whereas the professional services, health and education all had significant growth; finance, wholesale trade and manufacturing, in particular, had declined. When I look at these statistics I sometimes wonder whether there is a capacity to utilise the skills from manufacturing more effectively in some of these other sectors. For argument's sake, can we use some of the production techniques that have been honed and developed over many years in manufacturing at Broadmeadows, Geelong or Fishermans Bend and apply them to public health? Can we find ways in which we can use the skills we get from manufacturing cars and equipment in performing operations, and can we therefore look at increasing the competency and capacity of these sectors and become more efficient so that we can therefore better utilise taxpayer funds and resources?

The minister also referred to \$100 million for the Back to Work scheme, \$508 million for the Premier's Jobs and Investment Fund, \$200 million for the Future Industries Fund and \$500 million for the Regional Jobs and Infrastructure Fund. As has been demonstrated by the decrease in the unemployment rate since the minister gave her presentation, we are getting on with it, and I commend the minister.

**Public Accounts and Estimates Committee:  
budget estimates 2015–16 (hearings alert)**

**Ms SHEED** (Shepparton) — I rise to speak on the report by the Commissioner for Children and Young People entitled "... as a good parent would ...". This

was an inquiry into the adequacy of the provision of residential care services to Victorian children and young people — —

**The ACTING SPEAKER (Ms Blandthorn)** — Order! The report the member for Shepparton is referring to is not a committee report. She needs to refer to a committee report.

**Ms SHEED** — I stand to be corrected, Acting Speaker, thank you. I would like to speak on the — —

**The ACTING SPEAKER (Ms Blandthorn)** — Could the member pause while I seek some advice. Technically there have been six speakers on statements on reports. The member can speak to a committee report if she wishes to do so.

**Ms SHEED** — To any committee report, Acting Speaker, thank you. The regional development infrastructure fund report is obviously an important one to everyone in regional Victoria.

**The ACTING SPEAKER (Ms Blandthorn)** — Order! The report needs to be one tabled in this house and that report was tabled in the other place.

**Ms SHEED** — I will speak in relation to the Public Accounts and Estimates Committee report, and in doing so I would like to refer to the regional development fund and the Regional Jobs and Infrastructure Fund. There are a number of reports in relation to regional development that identify the funding sources that are available — for instance, there is the \$100 million Back to Work scheme, the \$508 million Premier's Jobs and Investment Fund, the \$200 million Future Industries Fund and the \$500 million Regional Jobs and Infrastructure Fund.

In particular I am interested in the fact that there has recently been a further \$200 million allocated for the purposes of agricultural funding through the regional development fund, and this has been brought about by the proposals in relation to the sale of the lease of the port of Melbourne. Regional people were naturally very unhappy at the thought that this project would proceed and that all the proceeds from it would be used for Melbourne projects, in particular the level crossing removal program. After considerable discussion around this and many speeches in this Parliament, the government saw fit to allocate a proportion of the proposed proceeds to regional development and to a number of projects in regional areas. I am hoping there will be much more allocated to that particular fund as time goes on.

At this point in time we have an inquiry being conducted in the upper house in relation to the sale of the port of Melbourne. One of the things that is becoming very apparent through the inquiry's travels through regional Victoria is that people are concerned about the lack of the proposed proceeds being invested in significant regional projects, given that the port was built on the back of exports going through the port of Melbourne.

Everyone wants to see the port of Melbourne operate as a successful ongoing port for exporting produce from Victoria. The concern is that it should be done in a way that will promote our ongoing export and allow us to take advantage of many new trade agreements, including the China free trade agreement and the new Trans-Pacific Partnership Agreement that has recently been signed. If these trade agreements are able to ultimately be put into effect, they will make a very big difference to productivity in regional Victoria, which will lead to a lot more export product going to the port of Melbourne. As an entity it is essential to the profitability of regional Victoria.

## RELATIONSHIPS AMENDMENT BILL 2015

### *Statement of compatibility*

#### **Mr PAKULA (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter'), I make this statement of compatibility with respect to the Relationships Amendment Bill 2015.

In my opinion, the Relationships Amendment Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview**

The Relationships Act 2008 (the act) established a relationships register in Victoria for the registration of domestic relationships and caring relationships. Registration is one way for partners in such relationships to attain formal recognition of their relationship, particularly same-sex partners who are unable to marry under Australian law. Registration also provides conclusive proof of the relationship for the purposes of Victorian law.

The purpose of the Relationships Amendment Bill 2015 (the bill) is to amend the act to provide that only one partner in a relationship to be registered needs to live in Victoria, and to allow certain relationships formalised in other jurisdictions to be recognised as if they were registered domestic relationships under the act.

Clause 4 of the bill amends section 6 of the act to enable partners who are in a registrable domestic or caring

relationship to apply to register that relationship if one of the partners in the relationship lives in Victoria.

Clause 6 of the bill inserts a new chapter 2A into the act, which recognises relationships formalised under corresponding laws in other jurisdictions, including same-sex marriages, as if they were registered relationships for the purposes of Victorian law.

These amendments promote the right to equality and the protection of families and children under the charter.

#### **Human rights issues**

##### *Right to equality*

Section 8 of the charter provides that every person has the right to enjoy his or her human rights without discrimination, is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

Previously, both partners in a domestic or caring relationship must have been domiciled or ordinarily resident in Victoria to register their relationship. The amendment in clause 4 of the bill detailed above will make it easier for Victorians in committed relationships to enjoy the benefits of formalising their relationship. This includes those couples who are currently unable to marry under Australian law because of their sex, sexual orientation or gender identity.

The recognition of relationships formalised in corresponding jurisdictions in clause 6 of the bill will mean that a couple in Victoria that has formalised their relationship under a corresponding law, either before or after commencement of the bill, will not need to re-register their relationship under the Victorian registration scheme to enjoy the benefits of registration. This provides recognition under Victorian law for couples who have formalised their relationships under interstate registration schemes and overseas laws that allow for same-sex marriage and civil unions.

Accordingly, the bill promotes the right to equality in the charter for people in couple relationships, regardless of their sex, sexual orientation or gender identity.

##### **Protection of families and children**

Section 17 of the charter provides that families are the fundamental group unit of society and are entitled to be protected, and that every child has the right, without discrimination, to such protection as is in his or her best interests.

Section 33C in the new chapter 2A, as described above, excludes from recognition any relationship entered into in other jurisdictions that would be contrary to Victorian law. Relationships excluded under section 33C include those that:

- involve a person under the age of 18;
- are non-consensual;
- are between persons related by family; or
- involve a person already married or in another relationship formally recognised under the relevant law.

The effect of these amendments is to: simplify the requirements for registration of relationships in Victoria,

particularly domestic relationships; recognise relationships formalised under corresponding laws; and exclude those relationships that might undermine the protection of families and children, such as those that involve a minor or are incestuous. The bill therefore promotes the protection of families and children in accordance with section 17 of the charter.

The Hon. Martin Pakula, MP  
Attorney-General

### *Second reading*

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

That this bill be now read a second time.

### **Speech as follows incorporated into *Hansard* under sessional orders:**

The government has made a strong commitment to put equality back on the agenda in Victoria, particularly for lesbian, gay, bisexual, transgender and intersex — LGBTI — Victorians. This government aims to create a fairer Victoria by reducing discrimination and respecting diversity. The Relationships Amendment Bill 2015 is just one part of the government's broader equality agenda.

The bill implements the government's pre-election commitment to amend two aspects of the Relationships Act 2008. Firstly, the bill provides that in order to register a domestic or caring relationship in Victoria, only one partner in the relationship needs to live in Victoria. Secondly, the bill provides for recognition of certain relationships formalised under Australian and international laws as if they were registered domestic relationships in Victoria.

Victorian laws have recognised unmarried couples, previously described as 'de facto couples', for many years. In 2001, almost 60 statutes were amended by the Bracks Labor government to ensure that this recognition was also given to same-sex couples. Victorian laws now recognise 'domestic relationships', regardless of the sex of the partners in the relationship.

In 2008, the Brumby Labor government passed the Relationships Act to establish a relationship register for domestic relationships. Registration is one way for partners in domestic relationships to attain formal recognition of their relationship, particularly same-sex partners who are unable to marry under Australian laws. Registration also makes it easier for couples to prove they are in a domestic relationship: they do not have to provide any further evidence to establish that they are in the relationship recognised under Victorian law. This makes it easier to access rights, for example, when discussing a partner's health information with a doctor in an emergency or when seeking compensation entitlements as a dependent partner.

The registration scheme was amended again in 2009 to allow for the registration of caring relationships. A caring relationship is a relationship between two adults, which is not a marriage or a couple relationship, where the partners in the relationship provide each other with personal or financial commitment and support of a domestic nature without fee or reward.

The purpose of the relationships register, for both domestic and caring relationships, is to allow people to register one relationship, their primary relationship, which will be recognised as such for the purposes of Victorian law.

### **Connection to Victoria**

In establishing the Relationships Register in 2008, Victoria followed the Tasmanian approach, which was the only Australian relationship registration scheme at that time. As such, the Relationships Act requires both partners in the relationship to be registered to be ordinarily resident or domiciled in Victoria.

This requirement imposes an unnecessary barrier to relationship recognition in Victoria. It is also now out of step with the majority of other interstate registration schemes that have since been established, which require only one person in the relationship to live or reside in the relevant state or territory.

The bill therefore makes it easier for couples to register their relationship in Victoria by simply requiring one partner in the relationship to live in Victoria.

### **Recognising relationships formalised under corresponding laws**

In addition, in contrast to the other interstate relationship registration frameworks, the Relationships Act does not automatically recognise relationships registered in other Australian jurisdictions or formalised overseas as the equivalent of a registered domestic relationship for the purposes of Victorian law.

The bill inserts a new chapter into the Relationships Act to provide for the recognition of corresponding law relationships without the partners to the relationship needing to re-register their relationship in Victoria or provide any further evidence to establish that they are in a domestic relationship. Relationships registered or formalised under corresponding laws will be taken to be registered domestic relationships for the purposes of Victorian law.

To determine which laws will be recognised as corresponding laws, the bill allows for specific laws to be prescribed in regulations, as well as allowing broader recognition of relationships under laws that satisfy clear statutory conditions. This 'hybrid' approach provides a level of certainty, with regulations setting out the laws that are already known to allow for formalisation of a relationship that equates to a Victorian domestic relationship. For example, the regulations will prescribe the registration schemes in other Australian states and territories, as well as the civil partnership and same-sex marriage schemes in the United Kingdom, New Zealand and Canada. The hybrid approach also provides the flexibility to recognise other overseas laws that clearly meet the threshold criteria. This avoids the need to amend the Victorian regulations every time an overseas law is enacted to recognise same-sex relationships, including marriage, or other domestic relationships.

The bill excludes from recognition any relationship entered into in another jurisdiction that would be contrary to Victorian law, including one that: involves a person under the age of 18; is non-consensual; is between persons related by family; or involves a person already married or in another relationship formally recognised under the relevant law.

Together, the amendments make relationship recognition easier in Victoria. As such, the bill promotes the right to equality in the charter, including for couples who cannot currently marry under Australian law because of their sex, sexual orientation or gender identity. It enables more people who want the dignity of formal recognition of their loving relationship to register it, or have recognised a relationship that has been formalised in another jurisdiction. Such couples will have the security of knowing that their decision to commit to a shared life with each other is respected in Victoria.

The Victorian government supports marriage equality and will continue to advocate for change to commonwealth laws to allow this. The Minister for Equality has asked the LGBTI Taskforce and Justice Working Group to examine proposals for further reform of the Victorian Relationships Act in order to strengthen the rights of same-sex couples in this term of government.

In the meantime, through this bill, the government recognises that all Victorians, regardless of their sex, sexual orientation or gender identity, are entitled to have their committed relationship recognised before the law.

I commend the bill to the house.

### **Debate adjourned on motion of Mr PESUTTO (Hawthorn).**

**Debate adjourned until Wednesday, 21 October.**

## **ADOPTION AMENDMENT (ADOPTION BY SAME-SEX COUPLES) BILL 2015**

### *Statement of compatibility*

### **Mr FOLEY (Minister for Equality) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015.

In my opinion, the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview**

The Adoption Act 1984 (Adoption Act) currently discriminates against same-sex couples based on their marital status and sexual orientation by only permitting couples in heterosexual relationships to make a joint application to adopt, and against couples in which either partner does not identify as a specific gender. The Adoption Act also discriminates against children in same-sex families based on the gender identity, marital status and sexual orientation of their family members by preventing them from being adopted by those family members.

The purpose of the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015 is to remove discrimination against same-sex couples and children in relation to adoption.

Clause 7 of the bill amends section 11 of the Adoption Act to allow partners in a domestic relationship, regardless of the sex or gender identity of the partners, to have adoption orders made in their favour.

Clause 17 of the bill inserts a new section 82(3) in to part 5 of the Equal Opportunity Act 2010 (EO act) to remove the exception to the prohibition to discriminate in relation to religious bodies providing adoption services.

#### **Human rights issues**

##### *Equality before the law*

The bill promotes section 8 of the charter, which provides that every person has the right to enjoy their human rights without discrimination, is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

The Adoption Act currently uses gender-specific terminology and definitions with the effect that only a married couple or a 'man and a woman' in a de facto relationship are eligible to adopt a child in Victoria. This excludes the following categories of people from adopting: (a) same-sex couple applicants, or couple applicants where one or both partners do not identify as a specific gender; and (b) step-parent applicants, who are in same-sex relationships with the parent of the child, or are in relationships where either partner does not identify as a specific gender.

The bill will remove discrimination against couples in these categories by ensuring that they are eligible to adopt on the same basis as heterosexual couples.

##### *Protection of families and children*

Section 17 of the charter provides that families are the fundamental group unit of society and are entitled to be protected, and that every child has the right, without discrimination, to such protection as is in his or her best interests.

In my view, the bill will promote the protection of families and children by removing discrimination that currently prevents same-sex step-parents and long-term carers to adopt on the same basis as heterosexual couples. Consistent with the current provisions of the Adoption Act, prior to adopting, a couple must be in: (a) a marriage or a registered domestic relationship for at least two years before adopting; or (b) in the case of unregistered domestic relationships, to have been living with their partner for at least two years.

The best interests of the child will continue to be regarded as the paramount consideration in adoption decisions in accordance with section 9 of the Adoption Act.

##### *Freedom of thought, conscience, religion and belief*

Clause 17 inserts a new section 82(3) of the EO act to provide that the prohibition on discrimination, contained in part 4 of the EO act, applies to anything done by a religious body in the provision of adoption services, despite the 'religious bodies exception' contained in section 82(2). Clause 17 does not

alter the religious exception in section 84 of the EO act, which applies to individuals.

The bill's exclusion of the 'religious bodies exception' in the EO act from applying to adoption services will prevent faith-based adoption service providers from discriminating against same-sex couples in the provision of adoption services. Although the right to freedom of religion and belief under section 14 of the charter may appear relevant, section 6(1) of the charter makes clear that only persons have human rights. As religious bodies are organisations, not persons, in my view clause 17 does not limit any human rights protected by the charter.

In any case, to the extent that the bill may limit rights, I am of the view that any limits on the freedom of religion and belief of faith-based adoption service providers need to be balanced against the impact of the current discriminatory adoption policy. The continuation of a policy that permits adoption providers to discriminate against people on the basis of their gender identity, marital status and sexual orientation, or that of their parents, limits the rights of same-sex couples and children in same-sex families to equality before the law under section 8 of the charter.

Approved adoption agencies, whether faith-based or secular, are providing services on behalf of the government and these services are essentially secular services that should be available to all members of the public.

Further, the current legislation limits the right of families and children to be protected by the state, and in particular children have such protection as is in their best interests. An adoption policy that allows for discrimination may deprive children already living with same-sex step-parents and caregivers of the right to formalise that care arrangement through adoption and may result in children missing out on the opportunity to be placed with the most suitable adoptive parents.

In my view, there is no less restrictive means available of removing discrimination against same-sex couples and children in same-sex families. Retaining the religious exception for adoption services would fundamentally undermine the intended aim of the bill, which is to remove discrimination against same-sex and gender diverse couples in accessing adoption services.

I therefore consider clause 17 to be compatible with the charter.

The Hon. Martin Foley, MP  
Minister for Equality

### *Second reading*

**Mr FOLEY** (Minister for Equality) — I move:

That this bill be now read a second time.

### **Speech as follows incorporated into *Hansard* under sessional orders:**

The government is committed to putting equality back on the agenda, particularly for lesbian, gay, bisexual, transgender and intersex — LGBTI — Victorians. This government aims to create an inclusive Victoria as we strive for equity, fairness and decency in our community. The Adoption Amendment

(Adoption by Same-Sex Couples) Bill 2015 is just one part of the government's broader equality agenda.

A person's sexual orientation is distinct from their capacity to be a loving and caring parent. By restricting the pool of eligible adoption applicants, a child in need may potentially be deprived of the opportunity to be placed with the most suitable carers.

The Victorian government has a vision of a community where children in same-sex families suffer no harms because of discriminatory attitudes and behaviours from their peers at school or in any other part of their lives. Righting the wrong of excluding same-sex families from adoption will help achieve that vision.

The bill implements the government's pre-election commitment to review the Adoption Act 1984 with a view to legalising same-sex adoption and removing discrimination against same-sex couples and their children in relation to both known-parent adoption (where an existing relationship exists between child and adoptive parent) and adoption in general.

Currently, the Adoption Act 1984 only permits couples in heterosexual relationships to make a joint application to adopt and excludes known-parent adoptions in same-sex families.

By relying on gender-specific terminology and definitions (for example, the use of 'a man and a woman' in the definition of 'de facto relationship'), the Adoption Act 1984 currently excludes the following categories of people from adopting: same-sex couple applicants, or couple applicants where one or both partners do not identify as a specific gender; and step-parent applicants, who are in same-sex relationships with the parent of the child, or are in relationships where either partner does not identify as a specific gender.

Section 9 of the Adoption Act 1984 states that in the administration of the act, the welfare and interests of the child shall be regarded as the paramount consideration. This remains the most important consideration and will continue to apply under the proposed amendments, as will existing safeguards such as the requirement that applicants are 'fit and proper' persons.

It is clear that the time has come to update our laws to reflect our diverse society and to ensure that same-sex families and most importantly the children within them are not disadvantaged. It is what the majority of our Victorian community expects.

In 2007, the Victorian Law Reform Commission released its final report on assisted reproductive technology and adoption (VLRC report). The VLRC report recommended that the eligibility criteria in the Adoption Act be expanded to permit same-sex couples to adopt in the same circumstances as heterosexual couples.

Eamonn Moran, PSM, QC, was commissioned to conduct a review into the legislative changes required to permit adoption by same-sex couples under Victorian law.

In accordance with the recommendations of the review, the bill will amend the Adoption Act 1984 to substitute the gender-neutral 'person' for references to a man and a woman.

Consistent with review recommendations and comparable legislation in other jurisdictions the proposed amendments

will allow for adoption by same-sex couples, and where one or both members of the couple do not identify as a specific gender. The bill will do this by reflecting terminology used in the Relationships Act 2008. This means that the term 'de facto relationship' will be replaced with the inclusive term 'domestic relationship'. Also the term 'registered domestic relationship' will be introduced. A registered domestic relationship, which may be entered into by same-sex couples, will have the same status as a married relationship for the purposes of the Adoption Act.

Consistent with the current requirements of the Adoption Act, prior to adopting, a couple must be in a marriage or a registered domestic relationship for at least two years before adopting, or in the case of unregistered domestic relationships, to have been living with their partner for at least two years.

The bill will also amend the religious exceptions in the Equal Opportunity Act 2010 to exclude their application to adoption services. The effect of this will be that a faith-based adoption agency will not be able to rely on a religious defence to discrimination in the provision of adoption services. This is to ensure that neither same-sex couples, nor children, are unfairly discriminated against in the provision of adoption services. The state is required to act in a non-discriminatory way as a secular provider of services and cannot rely on a religious defence when providing public services. Access to adoption services should be provided equitably, with the welfare and interests of the child concerned to be the paramount consideration.

This bill will help to provide a fair and inclusive Victorian society that stands up for human rights, confronts discrimination and respects diversity.

I commend the bill to the house.

**Debate adjourned on motion of Mr PESUTTO (Hawthorn).**

**Debate adjourned until Wednesday, 21 October.**

## JUSTICE LEGISLATION AMENDMENT (POLICE CUSTODY OFFICERS) BILL 2015

### *Statement of compatibility*

**Mr NOONAN (Minister for Police) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the charter), I make this statement of compatibility with respect to the Justice Legislation Amendment (Police Custody Officers) Bill 2015 (the bill).

In my opinion, the bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

### **Overview**

The bill amends a number of acts to provide for the authorisation and powers of police custody officers (PCOs) to manage persons in police gaols and during transport, as well as additional powers relating to court security and the taking of forensic samples.

### **Human rights issues**

The bill provides PCOs with statutory powers to safely manage persons in police gaols and transport detained persons to and from police gaols to various places. The bill provides for this in two ways, the first is by extending the class of persons who can exercise existing powers to include PCOs, and the second is by inserting new stand-alone powers and functions that apply to PCOs. These powers are modelled on existing custody management powers that police and other authorised officers currently exercise in relation to police gaols, transportation of persons in custody, court security and the conduct of certain forensic procedures.

To preface my discussion, it is important to outline the oversight, accountability and governance regime in which PCOs will operate. Victoria Police will maintain responsibility for implementing all activity relating to the recruitment, training and deployment of PCOs. PCO applicants will be appropriately vetted prior to employment, including being subject to standards and testing for character and reputation, psychological, medical, fitness and cognitive ability as well as communication skills. These processes are consistent with existing vetting procedure for police and protective services officer applicants.

The powers I discuss below will be exercised by officers subject to stringent oversight, accountability and management.

PCOs will be subject to initial training, as well as ongoing training. The training program will be customised for the particular role and responsibilities of PCOs, and is based on components of the training provided to police, protective services officers and prisoner escort officers. The training includes components relating to dealing with vulnerable persons in custody such as juveniles and those with mental illness.

PCOs will be subject to a range of internal and external measures to ensure appropriate oversight, discipline and management, including being:

- subject to Victorian Public Service performance management, misconduct and discipline processes and procedures;

- required to comply with the chief commissioner's instructions under section 60 of the Victoria Police Act 2013;

- subject to on-duty targeted, random and critical incident drug and alcohol testing (further discussed below in this statement);

- subject to the offences and other safeguards against disclosure of personal and sensitive information contained in the Victoria Police Act 2013 and the Privacy and Data Protection Act 2014;

subject to the obligations of public authorities under section 38 of the charter, including the requirement to act in a way that is compatible with human rights, and, in making a decision, to give proper consideration to relevant human rights.

Further, the Independent Broad-based Anti-corruption Commission (IBAC) may:

receive and assess complaints and notifications concerning PCO misconduct and corruption;

review internal Victoria Police investigations about PCO conduct to ensure they are managed appropriately and fairly;

investigate serious corruption and misconduct by PCOs in response to complaints or on its 'own motion', including complaints regarding the use of force.

IBAC is independent from Victoria Police and the government and has a range of powers to support these functions.

It is my view that this bill does not impose any additional limits on human rights, as in effect it appropriately extends the exercise of existing powers of custody management and other functions to a new class of officers who will have the requisite training and oversight to operate in this role.

However, I note that many of these custody management powers have existed prior to the introduction of the charter and have not been considered by previous statements of compatibility. Accordingly, I consider it appropriate to discuss the implications for human rights posed by these powers, notwithstanding my conclusion that this bill will not introduce any new limits not currently imposed on persons subject to custody management in police gaols.

Further, it is necessary to acknowledge that the powers discussed below will operate within existing safeguards regarding the presence of young persons in police gaols. Section 17(2) of the charter provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child. Part 5.2 of the Children, Youth and Families Act 2005 will continue to apply, requiring any child taken into custody to be released, granted bail or brought before the court within a reasonable time and no later than 24 hours after being taken into custody. Further, the obligations on the Chief Commissioner of Police still apply regarding the holding of children in police gaols, including limitations on holding remanded children in a police gaol, and, obligations to keep children separate from adults and separate according to their sex, to allow children to receive visits from parents, relatives, legal practitioners and others, and other requirements relating to observance of any medical, religious and cultural needs of children, and the handling of complaints by children. Further, the various powers discussed below must be exercised by PCOs in accordance with the right to protection of children, including the exercise of discretionary powers relating to search and seizure and the interpretation of use of reasonable force in the context of a child.

***Powers of police custody officers relating to search and seizure***

The bill provides for a number of powers relating to search and seizure across a number of acts.

The bill amends the following statutory powers to allow for their exercise by PCOs:

***Formal searches of visitors to police gaols*** —

Section 104B(1) of the Corrections Act 1986 provides that a person who wishes to enter or remain in a police gaol as a visitor must, if asked, submit to a formal search. A formal search means a search to detect the presence of drugs, weapons or metal articles carried out by an electronic or mechanical device. Section 104B(3) provides that a person who does not submit to a formal search may be prohibited from entering the police gaol or ordered to leave the police gaol immediately. Clause 18 extends this provision so that a PCO may conduct a formal search, and if a person refuses, to prohibit that person from entering or order them to leave.

***Search powers*** — Section 104C of the Corrections Act 1986 provides for the exercise of search powers by police officers for the good order or security of a police gaol or detained persons, including searches at random. This includes searching any part of the police gaol; searching any charged person, visitor, police officer or any other person in the police gaol or their held items (with certain exceptions); or examining any item held by police on behalf of a detained person. Detained persons (who are not charged persons) may be searched if the officer in charge believes on reasonable grounds that the search or examination is necessary for the security or good order of the police gaol, for the safety of persons at the police gaol, to locate a weapon or anything that may be used in the escape of a person from a police gaol or to locate anything connected with the commission of the offence for which the person is detained in the police gaol. Persons other than a detained person or police officer may refuse to submit to be searched, and may be ordered to leave the gaol immediately if they refuse. A failure to comply with an order to leave is an offence punishable by a fine. Clause 19 extends this section to allow PCOs to exercise the search powers of police officers in the above contexts.

***Seizure*** — Section 104D(1) of the Corrections Act 1986 empowers police officers to seize items found during searches of persons in police gaols. This includes anything found in the police gaol which the officer believes on reasonable grounds is likely to jeopardise the security or good order of the police gaol or the safety of persons in the police gaol, anything found on a detained person other than an authorised item under the regulations (provided that item does not jeopardise security, good order or safety) or anything which the officer believes on reasonable grounds is connected with the commission of the offence for which the person is detained in the police gaol. Clause 20 extends this section to allow PCOs to seize items in these circumstances. A PCO must inform the officer in charge of the police gaol of any seizure executed as soon as practicable.

***Powers for the purposes of court security*** —

Authorised officers under the Court Security Act 1980 are provided with powers to uphold the secure and orderly operation of courts and other tribunals, including the power to conduct frisk or scan searches of persons and their possessions on court premises, or seize

prohibited items found. Clause 24 provides PCOs to be included in the definition of authorised officer.

Clause 7 of the bill also inserts the following new provisions into the Victoria Police Act 2013 which provide for PCOs to exercise the powers identified below in relation to an arrested person who is being supervised or transported by that PCO at the chief commissioner's direction:

**search powers:** new subsection 200I(2)(b) provides that a PCO can search and examine an arrested person or anything in the person's possession or under the person's control if the PCO believes on reasonable grounds that this is necessary for the safety of the PCO, the person or any other person.

**seizure:** new subsection 200I(2)(c) provides that a PCO can seize any thing found on an arrested person or under the person's control if the police custody officer believes on reasonable grounds that this is necessary for the safety of the police custody officer, the person or any other person.

New section 200M also allows the search and seizure powers identified above to be exercised by PCOs when directed by a court to supervise a person at court.

Clause 21 inserts new provisions into the Corrections Act 1986 to provide for similar search and seizure powers as above in relation to police gaols, and in connection with the transport of persons in other contexts, such as to and from a police gaol, remand centre, youth residential centre, court, designated mental health service or hospital.

Search and seizure powers are relevant to the rights to privacy (s 13) and the right to property (s 20).

#### *Right to privacy (s 13)*

Section 13 of the charter provides that all persons have the right not to have their privacy unlawfully or arbitrarily interfered with. It is clear that, in general terms, a search of a person's body or things is an interference with their bodily privacy or personal sphere.

Intrusions on privacy must pass a threshold of seriousness before the privacy right can be said to be interfered with. Trivial intrusions will not amount to an interference with privacy for the purposes of section 13. Accordingly, the power to conduct formal searches of visitors, including scan or frisk searches by use of electronic metal detection do not amount to a sufficiently serious intrusion to limit privacy. Further, visitors to police gaols or courts choose to voluntarily enter a restricted space where there is a reasonable expectation that they will be subject to such searches.

The more intrusive search powers will interfere with the right to privacy, however I am of the view that the interference will not be arbitrary. The prohibition on arbitrariness requires that an interference with privacy must be reasonable or proportionate to a law's legitimate purpose. It is critically important that those tasked with the custody of detained persons be able to prevent prohibited and/or dangerous items such as weapons, drugs or mobile telephones from entering police gaols and to maintain the good order and security of police gaols. The bill provides that a PCO may search and examine any person who enters or is in a police gaol, including a charged person, a visitor or another officer. Such searches may be conducted at random. I note that the search

power in section 104C(1) of the Corrections Act 1986 is limited in that it cannot be exercised in relation to certain persons such as judges, magistrates, relatives or friends of a detained person or persons visiting a detained child. I also note that visitors to a police gaol can refuse to submit to be searched under this section, but may be ordered to leave the gaol immediately if they do so.

The detection and prevention of dangerous articles in police gaols poses significant challenges for Victoria Police and such search powers provide a valuable tool to meet these challenges. It has been acknowledged that random searches are an effective means of limiting the amount of prohibited articles smuggled into gaols. I am of the view that there is not a less restrictive means of preventing dangerous or prohibited articles from entering police gaols, and that an appropriate balance is met between upholding the privacy of visitors and maintaining the security and safety of the police gaol. Further, it is accepted that detained persons have a limited right to privacy in relation to their possessions while detained, and that loss of privacy is an inherent incident of confinement. This recognises the important community expectation that those tasked with the supervision of detained persons are equipped with the necessary tools to ensure the safety of police gaols and the prevention of crime. Further, the community expects gaol administrators to provide an environment for detained persons, employees and visitors that is both secure and safe. A secure and safe environment also enhances the protection of other human rights of detained persons, such as the right to life and security of person. The same principles can also be applied in the context of transporting detained persons.

The bill contains an added safeguard against unjustified interference or harassment in relation to searches on detained persons who are not charged persons. The ground upon which these persons can be searched is narrower, as there must be reasonable grounds for believing that such a search is necessary for prescribed grounds related to security, safety or good order. These circumstances are specified in the legislation and tailored to ensure the power is not applied arbitrarily. Further, the search power is discretionary, and accordingly, any exercise of the power by a PCO, including the manner of a search conducted, must be done in accordance with human rights by way of the obligations on public authorities in section 38 of the charter.

Finally, I am satisfied that there are no less restrictive means to achieve the purpose of the searches, as any higher level of privacy protection for detained persons would prevent PCOs and police officers from maintaining a secure gaol or mode of transport.

Accordingly, I conclude that the bill's search powers are compatible with the right to privacy.

#### *Right to property (s 20)*

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

The bill allows for seizure of a person's property under certain circumstances. I note that seized items must be dealt with in accordance with regulations and the chief commissioner's instructions issued under section 60 of the Victoria Police Act 2013, which require that a receipt must be provided for any seized item (other than a drug of dependence), a register of seized items must be maintained

and set out when a seized item must be retained, forfeited, disposed of or returned. I also note that a PCO is required to take all reasonable steps to ensure the security of any property that is in a supervised or transported person's possession. Under the charter, any interference with property rights only requires justification in circumstances where the interference is 'other than in accordance with law'. The bill provides that any deprivation of property will be confined to circumstances where the PCO believes on reasonable grounds that it is necessary for the safety of the PCO, the person or any other person. Any deprivation of property is therefore in accordance with the law.

#### ***Powers relating to taking of identity particulars***

The bill provides for a number of powers relating to the taking of identity particulars across a number of acts.

The following statutory powers are amended to provide for PCOs:

***Fingerprinting of sentenced person*** — Section 11(7A) of the Corrections Act 1986 requires that, as soon as possible as a person is received into a police gaol to serve the whole or a part of a prison sentence, a police officer may take the person's fingerprints. Clause 10 extends this provision so that a PCO may also take the person's fingerprints. Clause 10 also allows the fingerprints to be taken in the vicinity of a police gaol, which is being inserted to account for the operational reality that many police stations do not locate fingerprinting devices within the gazetted police gaol (which comprises of a portion of a police station), but instead may be in a room within the police station which is near, adjacent to, or in the vicinity of, the gazetted area.

***Fingerscanning of charged person*** — Section 464NA of the Crimes Act 1958 provides for police officers to take fingerprints (via fingerscan) for identification purposes only from charge persons above the age of 15 who are detained. The fingerscan is inadmissible as evidence. Clause 25 extends this provision so that PCOs may take a fingerscan of a person in these circumstances.

***Power to take photographs of a detained person*** — Clause 16 inserts new section 104AF into the Corrections Act 1986, which provides that a police officer or a PCO may take photographs of a detained person for the purpose of identification or the compilation of custody records concerning the person at any time after the person is detained.

#### ***Right to privacy (s 13)***

Fingerprints contain unique biographical information about an individual and therefore the printing or scanning of fingerprints engages the right to privacy, as does the taking of photographs. However, case law supports the view that fingerprinting and photographing is at the lower end of intrusiveness in terms both of the intimacy of the information that is revealed and also the duration and invasiveness of the process by which the information is collected. The purpose of taking fingerprint and photographic information is essential to PCOs being able to accurately record or verify the identity of a detained person received into a police gaol, including verifying that a person is lawfully in custody, that any court

order is being properly administered, that the person is appropriately placed in detention and that security is maintained. The storage of fingerprint, photographic and other personal information of a detained person is protected by law and wrongfully disclosing such information is punishable by law. Safeguards exist in relation to fingerscanning of charged persons, including providing that such scans are inadmissible as evidence and restricting such scans to persons above the age of 15. Accordingly, I am satisfied that these powers are not arbitrary, in that they are proportionate and serve a legitimate objective of correctly identifying detained persons, and are therefore compatible with the right to privacy.

#### ***Powers relating to taking of samples***

The bill provides for powers relating to the taking of bodily samples across a number of acts.

The following statutory powers are amended to provide for PCOs:

***Procedure for taking samples*** — Section 464Z of the Crimes Act 1958 provides that the chief commissioner can authorise police officers to supervise a person taking a mouth scraping (buccal swab) for evidentiary purposes. Clause 26 extends this provision to allow PCOs to be authorised to conduct this particular supervision.

***Oral fluid testing and analysis*** — The Road Safety Act 1986 provides for the chief commissioner to authorise a person to take evidentiary breath tests (to detect alcohol) and a police officer to take oral fluid tests (to detect illicit drugs). Clause 28 amends section 55E(6) of the Road Safety Act 1986 to provide that PCOs can carry out the procedure for the provision of a sample of oral fluid.

#### ***Right to privacy (s 13) and the right not to be subject to medical treatment without consent (s 10(c))***

The taking of bodily samples is relevant to a person's right to privacy, including their right to bodily integrity, however I am of the view that mouth scraping, breath tests and oral fluid tests (saliva) fall into the less intrusive end of the spectrum of taking bodily samples. The procedures involved to collect oral fluid or mouth scrapings are less intrusive than the collection of blood or urine, and involve a minor interference with the integrity of a person's body. Further, the obligation to submit to testing is clear and prescribed, and arises in proportionate circumstances. The compulsion to provide an oral fluid sample under the Road Safety Act 1986 arises in the context of road safety enforcement, where a driver has failed a roadside preliminary test or assessment. The taking of buccal swabs under the Crimes Act 1958 arises in relation to persons suspected of committing an indictable offence and where reasonable grounds exist to support belief that the taking of buccal swabs will confirm or disprove this belief. The bill merely authorises PCOs to supervise a person who has consented to the taking of their own buccal swab. PCOs will not be authorised to effect the forced taking of such samples. Accordingly, I conclude that any interference with privacy is low and occurs in prescribed circumstances for the legitimate purpose of detecting criminal offences.

Section 10(c) of the charter provides relevantly, that a person has the right not to be subjected to medical treatment without

his or her full, free and informed consent. In my view, given my conclusion that mouth swabs and the taking of oral fluid is a low-level interference with bodily integrity, it is unlikely that such forensic procedures would constitute 'medical treatment' under the charter. In any event, even if such procedures did constitute medical treatment, any limitation would be reasonable and demonstrably justified under s 7(2) of the charter because such tests are conducted in limited circumstances, and for the important public purpose of confirming a reasonably held suspicion that a person has committed an indictable or a road safety offence.

Accordingly, I am satisfied that these powers relating to taking of samples are compatible with the charter.

***Powers relating to use of reasonable force and instruments of restraint***

The bill provides for a number of powers relating to the use of reasonable force and applications of instruments of restraint.

The following statutory powers are amended to provide for PCOs:

***Powers for the purposes of court security:*** Clause 24 provides PCOs with the power to use reasonable force to remove a person from court premises who has refused to submit to a demand to provide identity particulars or undergo a frisk search.

Clause 7 of the bill inserts the following new provisions into the Victoria Police Act 2013 which provide for PCOs to exercise the powers identified below in relation to an arrested person who is being supervised or transported by that PCO at the chief commissioner's direction:

***use of reasonable force to compel a person to obey an order:*** new subsection 200I(2)(a) provides that a PCO can order an arrested person to do or not do anything that the PCO believes on reasonable grounds is necessary for the safety of the PCO, the person or any other person. New section 200J provides that a PCO, where necessary, use reasonable force to compel a person to obey an order given by the PCO in the exercise of a function or power the police custody officer has under the relevant division.

***apply an instrument of restraint:*** new sections 200I(d) and 200I(e) provide that a PCO can apply an instrument of restraint to a person for the duration of the supervision or transport of that person if the chief commissioner or the PCO believes on reasonable grounds that the application of the instrument of restraint is necessary to prevent the escape of the person or the assault of, or injury to, any person.

New section 200M also allows the powers identified above to be exercised by a PCO when directed by a court to supervise a person. Clauses 16 and 21 insert new provisions into the Corrections Act 1986 to provide for similar management powers in relation to police gaols, and in connection with the transport of persons in other contexts, such as to and from a police gaol, remand centre, youth residential centre, court, designated mental health service or hospital.

***Relevant human rights***

The power to use reasonable force to compel an offender to obey a direction and apply instruments of restraint will

necessarily involve the physical restraint or apprehension of a person, which may constitute an interference with an offender's right to life (s 9), freedom of movement (s 12), bodily privacy (s 13), security of person (s 21), humane treatment when deprived of liberty (s 21) and protection from cruel, inhuman or degrading treatment (s 10).

The use of force may reasonably limit these rights provided it occurs within the framework of the law and with the objective of protecting public order, people's lives or property. Human rights principles require that the law and policies governing the use of force protect life to the greatest extent possible and safeguard the circumstances in which force is used. Any use of force must be no more than absolutely necessary and strictly proportionate to achieving a clearly-defined lawful purpose.

These powers accord with human rights principles as they permit use of reasonable force or application of instruments of restraint only in strict circumstances, which are directly connected to safety and preventing assault, injury or escape. The primary purpose of these provisions is to enforce orders which are necessary for security and good order of police gaols, or the safety and security of persons in police gaols or undergoing transportation. PCOs work in difficult circumstances and can be required to deal with challenging and potentially dangerous situations. The powers meet important community expectations that PCOs tasked with the supervision, management or transport of detained person are able to use reasonable force if necessary for safety and to prevent escape. This expectation forms part of a broader and legitimate expectation that officers with supervision duties of persons detained in custody are able to fulfil their role in contributing to public order and public safety. Finally, the chief commissioner has a duty of care to ensure a safe working environment for PCOs, police officers and other persons, which may require the use of reasonable force when necessary to prevent loss of life or injury to any person, including staff, detained persons or members of the public.

Existing operational procedures for police officers exercising similar powers under the Corrections (Police Gaols) Regulations 2015 require that the use of force is always proportionate to the relevant safety risk and is a last resort. Officers are trained to appropriately assess security risks and must identify possible courses of action that involve the use of all other options before resorting to the use of force to manage risks to safety, such as verbal direction, communication or negotiation. PCOs will undergo similar training and be subject to similar operational procedures in how to manage difficult situations and how to use force safely when there are no other alternatives. I also note that PCOs are required to take all reasonable steps to ensure that a detained person's safety and welfare is maintained.

Accordingly, I am satisfied that any interference with human rights caused by these powers is compatible with the charter.

***Refusing visits to a lawyer***

Clause 16 inserts new section 104AC into the Corrections Act 1986 which, amongst other things, permits an officer in charge of a police gaol to refuse permission to a lawyer to visit a detained person, having regard to the interests of the security of the police gaol and the safe custody of any person held at the police gaol.

*Rights in criminal proceedings (s 25)*

Section 25(2)(b) provides that a person charged with a criminal offence is entitled to communicate with a lawyer or adviser chosen by him or herself. While new section 104AC may result in a person having limited access to a lawyer, I am satisfied that any limits are proportional and reasonably justified under s 7(2) of the charter. New section 104AC(2)(a) requires that an officer in charge must not unreasonably refuse permission to the lawyer, and requires that any decision to refuse access take into account the interests of justice and the principle that a person must have reasonable access to a legal representative. As noted above, the officer will also be bound to give proper consideration to the right in s 25(2)(b) of the charter, and would be required to act compatibly with that right.

Courts in other jurisdictions have found that section 25(2)(b) does not guarantee unfettered access to a legal representative, and that the right is flexible enough to permit restrictions. It is essential to the proper administration of a police gaol that visits can be restricted when security or safety considerations require it. Further, the limit, when lawfully imposed, only applies to physical visits to the police gaols, and a detained person may still be able to communicate with his or her lawyer through other means, such as in writing or via telephone. Accordingly, the right will only be limited where overriding interests of security and safe custody management exist, which I consider compatible with s 25 of the charter.

*Drug and alcohol testing of police custody officers*

Clauses 5 and 6 expand the scope of certain drug and alcohol testing provisions in the Victoria Police Act 2013 to apply to PCOs. These provisions grant the chief commissioner power to give a testing direction to a person to give a sample of breath, urine, hair, saliva or blood.

Clause 5 inserts new section 89A which provides that the chief commissioner may issue a testing direction to a PCO who is rostered on if the chief commissioner reasonably suspects that the person has consumed alcohol or a drug of dependence, and, because of that suspicion, the chief commissioner reasonably believes that the person ought to be tested for the good order and discipline of Victoria Police. The chief commissioner may also issue a testing direction if he or she believes that the person appears to be unfit for work because the person has consumed alcohol or a drug of dependence.

Clause 6 extends random testing to PCOs who are rostered on, allowing the chief commissioner to issue a testing direction (other than a direction to give a sample of hair) if the officer has been chosen by random selection.

*Right to privacy (s 13) and right not to be subject to medical treatment without consent (s 10(c))*

Section 13 of the charter provides that all persons have the right not to have their privacy unlawfully or arbitrarily interfered with. A direction that a person undergo testing and provide a bodily sample interferes with privacy, and the operation of random testing can constitute an arbitrary interference. As discussed above, section 10(c) of the charter provides that, amongst other things, a person has the right not to be subjected to medical treatment without his or her full, free and informed consent.

However, I am of the view that any limit is justified under s 7(2) of the charter. While the rights of officers are important

and must be respected, these rights can be limited and must be balanced against the rights of the broader community. PCOs assume important duties and responsibilities including the power to supervise detained persons and use reasonable force. The exercise of these powers can limit or interfere with the rights of individuals, including the rights to life, liberty and security of person. It is essential to the protection and promotion of those rights that the chief commissioner has sufficient powers to monitor and manage the ability of an officer to carry out his or her duties. Enabling alcohol and drug testing assists in maintaining the integrity and public confidence in PCOs, and upholds other important charter rights of persons supervised by such officers, including the right to humane treatment when deprived of liberty and protection against inhumane and degrading treatment.

The limitations on officers' rights are minimal. Section 97 of the Victoria Police Act 2013 applies to provide that evidence from testing is not admissible in proceedings, subject to certain exceptions. Further, section 98 provides for the confidentiality of test results in accordance with regulations. Finally, section 232 creates an offence for disclosing identifying information or the results of a drug or alcohol test otherwise than in accordance with the act or regulations.

As discussed above, I do not consider the provision of bodily samples to constitute 'medical treatment' and therefore do not consider s 10(c) of the charter (protection against medical treatment without consent) to be affected.

*Reverse onus offence provision*

Clause 16 inserts new section 104AD into the Corrections Act 2015, which requires that a person must not, without reasonable excuse, give information which is false or misleading in response to a request to provide certain information relating to identity particulars.

*Right to be presumed innocent (s 25(1))*

Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. This right is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that he or she is not guilty of an offence.

Section 104AD(2), when read in conjunction with section 72 of the Criminal Procedure Act 2009, places an evidentiary onus on the accused to present or point to evidence that suggests a reasonable possibility of the existence of facts, that if existed, would establish 'reasonable excuse'. However, I do not consider that an evidential onus limits the right to be presumed innocent. Courts in other jurisdictions have taken this approach. The prosecution is still tasked with proving that the person gave false and misleading information. Regarding reasonable excuse, once a person has adduced some relevant evidence that such an excuse exists, the burden shifts to the prosecution to prove the elements of the offence. The accused is only required to raise evidence of matters that would be within their personal knowledge (i.e. the reasonable excuse why the person provided false and misleading information). Accordingly, I conclude that this offence provision is compatible with s 25(1) of the charter.

The Hon. Wade Noonan, MP  
Minister for Police and Minister for Corrections

*Second reading*

**Mr NOONAN** (Minister for Police) — I move:

That this bill be now read a second time.

**Speech as follows incorporated into *Hansard* under sessional orders:**

The government is committed to a well-resourced police force, with a strong commitment to community engagement and smarter policing which is critical to reducing crime, improving responsiveness and keeping the community safe.

This is why this government has committed to recruit, train and deploy 400 police custody officers to undertake custody management of people in police custody and other related functions. This policy will free up police to focus on frontline duties like tackling crime and keeping the community safe.

This bill provides the legislative framework to enable the appointment, powers, protections and accountability of police custody officers. The bill has been developed in a collaborative spirit with Victoria Police, the Police Association and the Community and Public Sector Union. The government greatly appreciates the goodwill demonstrated throughout the development of this bill, which represents an excellent outcome for the Victorian community.

Police custody officers will have duties to assist with the management and operation of police gaols in accordance with the Corrections Act 1986, to supervise and transport persons in custody in accordance with the Corrections Act and Victoria Police Act 2013 and to perform other duties determined from time to time by the chief commissioner. The bill provides PCOs with coercive powers and protections for custody management, transport and supervision purposes. The bill also amends the Court Security Act 1980, Crimes Act 1958 and Road Safety Act 1986 to empower police custody officers to perform select functions under these acts that are ancillary to the custody management functions.

The bill enables the chief commissioner to appoint a Victoria Police employee to act as a police custody officer. Only the chief commissioner's Victorian Public Service (VPS) employees can be appointed to act as a police custody officer.

The bill allows the chief commissioner to conduct random and targeted drug and alcohol testing of police custody officers rostered on for duty. These arrangements are consistent with current arrangements for other Victoria Police employees working in designated work units.

As Victoria Police employees, police custody officers will be subject to the legislative and other accountabilities that already apply to Victoria Police employees including the police personnel conduct jurisdiction of the Independent Broad-based Anti-corruption Commission.

The bill provides police custody officers with a range of custody management powers. These powers are modelled on existing powers of police officers and prison escort officers under parts 8 and 9A of the Corrections Act 1986 and under the Corrections (Police Gaols) Regulations 2015. The bill separates these powers into two key categories. First, powers to manage the good order and discipline of select police gaols. Police gaols are areas declared by the Governor in Council (GIC) and gazetted under section 11 of the Corrections Act.

Police custody officer powers will only apply in respect of specified police gaols as declared by the GIC under the bill. Second, the bill provides for more limited 'transport and supervise' powers that enliven either on the direction of the chief commissioner (or his or her delegate), or, in very limited circumstances, on the direction of the court.

**Police gaols powers**

The police gaols powers are contained at clauses 10, 11, 16, 18, 19, 20 and 21. The bill respectively:

1. applies the police power to take fingerprints under the Corrections Act 1986 to police custody officers and enables the fingerprints to be taken in the vicinity of a police gaol and within a police station;
2. inserts into the Corrections Act 1986 the following provisions currently contained in the Corrections (Police Gaols) Regulations 2015 and applies them to police custody officers in the same way as they currently apply to police:
  - i. manage visitors in police gaols, including requesting identifying information, search, seizure and ordering a person to leave the police gaol in certain circumstances;
  - ii. a requirement for detained persons to give certain identifying information;
  - iii. give orders that are reasonably necessary for the security, good order or management of the police gaol or for the safety of any person at the police gaol;
  - iv. take photographs of detained persons for identification or custody management purposes and enables the photographs to be taken in or in the vicinity of a police gaol;
  - v. restrain detained persons noting that the police custody officer power is limited to its exercise within a police gaol;
  - vi. conduct a range of searches and seizures for the good order and management of the police gaol (including in respect of detained persons) and for more limited reasons.
3. provides for police custody officers to use reasonable and proportionate force while exercising their powers in respect of police gaols.

**Powers to transport and supervise**

The bill provides for police custody officers to have functions and powers to transport and supervise persons in custody including arrested persons when directed by the chief commissioner.

Specifically, clauses 7 and 21 enable police custody officers to:

1. give orders reasonably necessary for safety reasons;
2. search and seize items reasonably necessary for safety reasons;

3. apply instruments of restraint where reasonably necessary to prevent escape or the assault or injury to any person; and
4. use reasonable and proportionate force while exercising their powers in respect of people they are transporting or supervising.

These 'transport and supervise' powers enliven on a direction by the chief commissioner, which can be made in a range of circumstances such as:

1. supervising arrested persons at police stations and hospitals;
2. transporting certain detained persons to and from police gaols and other places such as prisons, courts and hospitals; and
3. incidentally supervising detained or arrested persons at the locations to and from which they are transported.

Clause 7 provides police custody officers powers to supervise certain persons who have been ordered by a court to be detained in custody on the court premises or have surrendered to the custody of the courts in answer to their bail. While the chief commissioner determines the allocation and deployment of police custody officers, this provision provides clarity for police custody officers who are in court and will provide them with appropriate powers to effect decisions and directions of the court in relation to these persons in the court's custody.

#### **Ancillary powers**

The bill also enables police custody officers to exercise a number of existing powers that are ancillary to their core custody management functions. This will give the chief commissioner flexibility to maximise the release of police officers to frontline duties.

Clause 24 enables police custody officers to exercise the powers of authorised officers under the Court Security Act 1980 including searching court visitors for prohibited items, seizing those items and removing persons from court premises. These powers are currently exercised by police, protective services officer (PSOs), contracted staff and appropriately authorised court staff. Providing these powers to police custody officers is primarily aimed at enabling them to respond to security incidents on court premises that involve the public where required.

Clauses 26 and 27 enable PCOs to supervise a person taking their own voluntary buccal swab DNA samples and fingerscans taken for identification purposes pursuant to the Crimes Act 1958.

Clause 29 enables the authorisation of appropriated trained PCOs to conduct oral fluid sample procedures of motorists who have tested positive to a preliminary roadside drug test under the Road Safety Act 1986.

The work of Victoria Police is of fundamental importance to a safe, secure and prosperous Victorian community. This bill will support the progressive release of police back into the community, where they can focus on tackling crime and keeping the community safe.

I commend the bill to the house.

**Debate adjourned on motion of Mr PESUTTO (Hawthorn).**

**Debate adjourned until Wednesday, 21 October.**

## **VICTORIAN ENERGY EFFICIENCY TARGET AMENDMENT (SAVING ENERGY, GROWING JOBS) BILL 2015**

### *Statement of compatibility*

**Ms D'AMBROSIO (Minister for Energy and Resources) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the charter), I make this statement of compatibility with respect to the Victorian Energy Efficiency Target Amendment (Saving Energy, Growing Jobs) Bill 2015.

In my opinion, the Victorian Energy Efficiency Target Amendment (Saving Energy, Growing Jobs) Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

#### **Human rights issues**

There are no human rights protected under the charter act that are relevant to this bill. I therefore consider that this bill is compatible with the charter act.

The Hon. Lily D'Ambrosio, MP  
Minister for Energy and Resources

### *Second reading*

**Ms D'AMBROSIO (Minister for Energy and Resources) — I move:**

That this bill be now read a second time.

**Speech as follows incorporated into *Hansard* under sessional orders:**

In Victoria, Labor governments have a strong tradition of implementing progressive energy policies which deliver positive outcomes for consumers, the economy and the environment.

Under a Labor government, we were the first state to require a mandatory renewable energy target and a 5-star standard for homes. We were also the first state to deliver a mandatory energy efficiency target through the Victorian energy efficiency target (VEET) scheme.

The VEET scheme was established by the Labor government to reduce greenhouse gas emissions, encourage the efficient use of electricity and gas; and encourage investment, employment and technology development in industries that supply goods and services which reduce the use of electricity and gas by consumers.

In operation, the VEET scheme supports over 2000 jobs, reduces household bills and cuts millions of tonnes of greenhouse gas emissions. However, despite these significant benefits, the former coalition government committed to abolish the VEET scheme.

Following the November 2014 election, the Andrews Labor government reinstated energy efficiency leadership in Victoria by announcing it would save the VEET scheme. The Labor government made this decision on the basis of the economic and environmental benefits the VEET scheme delivers for Victorians.

The Victorian Energy Efficiency Target Amendment (Saving Energy, Growing Jobs) Bill 2015 will amend the Victorian Energy Efficiency Target Act 2007 to:

- a. set VEET scheme targets for 2016 to 2020;
- b. provide a mechanism for setting future VEET scheme targets; and
- c. clarify that retailer liabilities are intended to meet the VEET scheme target.

The VEET scheme, also known publicly as the Energy Saver Incentive scheme, is a market-based scheme that provides incentives to households and businesses to take up energy efficiency products.

Eligible energy efficiency activities earn certificates representing the amount of greenhouse gas emissions they abate.

Energy retailers surrender certificates each year to the Essential Services Commission, so that total liabilities meet the scheme target for that year.

Under the VEET act, targets are set in calendar years for periods of three years (a phase). The target must be set no later than 31 May in the year before the three-year phase. This occurred for the first phase (2009–11) and the second phase (2012–2014). However, a forward target was not set in regulations by 31 May 2014 as required.

Analysis has found that setting targets for five years achieved greater benefits than three-year targets. Increasing targets over time also maximises benefits by allowing new business models to develop to deliver these targets.

The bill sets annual VEET scheme targets for the five-year phase of 2016–2020. The targets have been set at a level to provide significant economic benefit, expected between \$1.3 billion and \$3.2 billion net present value (NPV) between 2016 and 2050. This is the value of avoided greenhouse gas emissions, improved air quality, and avoided energy generation and network costs.

This bill will set the scheme target for 2016 at its current level of 5.4 million VEET certificates. The target will then increase annually, reaching a target of 6.5 million certificates in 2020.

With each certificate having the equivalent value of 1 tonne of carbon dioxide, we will have committed to achieve a reduction of 30.2 million tonnes of greenhouse gas abatement over the lifetime of the measures.

The bill also provides for the setting of future targets for the remaining lifetime of the scheme. Annual targets for the two

further phases in 2021–2025 and 2026–2029 will be prescribed in regulations.

The bill clarifies the link between the annual VEET scheme target and the delivery mechanism for achieving the target, energy retailers' liabilities under the scheme. The bill provides that the minister must have regard to the VEET scheme target when recommending the annual greenhouse gas reduction rates to be made by the Governor in Council. These rates are used in the calculation of energy retailer liabilities under the act. This amendment confirms existing practice and ensures that the total number of certificates that must be surrendered by retailers under the scheme will continue to meet the VEET scheme target each year.

The VEET scheme reduces overall energy demand suppressing wholesale electricity prices. This generates downward pressure on electricity bills for all consumers. The cost of generating certificates is more than offset by these benefits.

Through this bill, the Victorian government is establishing strong forward VEET scheme targets, which fulfils the government commitment to support jobs and assist with reducing Victoria's greenhouse gas emissions.

The VEET scheme underpins our state's energy efficiency sector and new scheme targets will build this industry further.

I commend the bill to the house.

**Debate adjourned on motion of Mr SOUTHWICK (Caulfield).**

**Debate adjourned until Wednesday, 21 October.**

## PUBLIC HEALTH AND WELLBEING AMENDMENT (NO JAB, NO PLAY) BILL 2015

*Second reading*

**Debate resumed from 6 October; motion of Ms HENNESSY (Minister for Health).**

**Mr D. O'BRIEN** (Gippsland South) — I will continue the brief contribution I started last night on the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015. As I was saying last night, this is not a bill that I could oppose because the principle of ensuring that all our children, or as many as possible, are vaccinated is one that I wholeheartedly subscribe to. I would hope that all 88 members of this chamber, and indeed those in the other place, would also be very supportive of it, because there is no doubt that vaccination has been one of the greatest medical breakthroughs in the last couple of centuries. In 2007 the *BMJ* — earlier known as the *British Medical Journal* — listed it as one of the four most important developments in medicine in the past 150 years. For interest's sake, the other three are sanitation, antibiotics and anaesthesia. Vaccination currently saves an

estimated 3 million lives per year throughout the world, so it topped the list in terms of lives saved.

Vaccination has become a topical issue in recent years as a small proportion of the population has begun to be concerned about it for, in my view, entirely the wrong reasons. There has been a lot of misinformation out there. I guess one of the disadvantages of the World Wide Web is that access to information is not always access to good information. There is some great information out there to counter some of the scaremongering about vaccinations. In particular I refer to the scaremongering that has been happening for the last decade or so in relation to autism, which was based on some research from the UK that was fundamentally discredited in later times but continues to be the basis of some of the scare campaigns that people have been running.

The fact is that vaccines do save lives and they have eliminated, or nearly eliminated, a number of significant diseases. I know through my involvement in the Rotary Club that Rotary continues with the campaign to eliminate polio from the world, and it is close to doing that, but there are a number of other diseases that have all but been eliminated.

The reality of the challenge we face from the small percentage of the population that is concerned about vaccines is that because these diseases are no longer around, they do not see the seriousness of some of them. I am talking about diseases such as polio, whooping cough, which unfortunately has had a resurgence, and many other such afflictions. Some people do not see them as they are no longer prominent. Instead they focus on the risk of side effects, which in most cases are extremely small and which, in comparison to the effects of the diseases themselves, are infinitesimal.

Vaccination has created a bit of concern among some people. To put it into context, if you were able to bring someone from the 19th century forward to today and tell them that we had all but eliminated polio and many other diseases through vaccinations but that there were some people who were concerned about rashes or other side effects, they would be absolutely flabbergasted. It is a concern to me that these minority views continue to gain some currency, and as such I am more than happy for this bill to go through.

Having said that, as previous coalition speakers have highlighted, I refer to a number of aspects of the bill that were not particularly well thought through, particularly the level of exemptions. I find it hard to understand why there will be exemptions for

concession card holders in particular when it is my recollection and understanding, having gone through it with my own children, that most of the vaccinations, if not all, are either free and subsidised by the federal government or very cheap for the same reason. The same goes for the Indigenous population. I do appreciate the counterargument, which is that it is important to ensure that those groups, which often are some of the most disadvantaged, get access to early learning kindergartens and the like. However, I really fail to understand why concession card holders should be exempted in this.

I know from my own experience with the kindergarten that my children currently go to that something like — and it is obviously not an official figure, but we have been told this — 70 per cent of the families at the kindergarten have concession cards. They could all be exempted. That is not to say that they will all not get the immunisations, but I really do not understand why that would be the case. I think that something like 27 per cent of children across the state come from families that hold concession cards. That is a very large cohort that could potentially be exempted under this legislation. I do not understand why the government would allow an exemption so wide that not one bus but many buses could be driven through it.

Further to that, the bill provides that those who are exempted will be given 16 weeks to comply and that the people in charge of the early childhood service — whether it be a kindergarten or a childcare centre — should take reasonable steps under new section 143C (1) and (2) to ensure that the children are up to date with their immunisation status. However, if they do not do that and for whatever reason parents refuse to ensure that the immunisations are up to date, there is nothing to ensure that their children will then be removed from child care or kindergarten. So in effect that has no effect. This is an exemption that I am surprised the Labor Party would go with.

The third issue is that of conscientious objectors. Labor in opposition when first promising this said that there would be two exemptions, including for people who had a conscientious objection. However, with the introduction of this bill Labor has backflipped on its election promise. We have heard a lot from those opposite speaking about this bill being the fulfilment of an election promise, but in the particularly important area of conscientious objectors Labor has changed its view.

In my view in some respects allowing conscientious objectors to be exempted is probably a good decision to backflip on. But as the member for Lowan was saying

yesterday, where that leaves the children of those conscientious objectors is a challenge. I acknowledge that, because it means that those children, through no fault of their own but through the fault of their parents, will not have access to early childhood education. Given that this whole issue is really about education and ensuring that people are educated and immunised, that is a concern. However, overall I am pleased with the intent of the bill if not with the flaws that are in it. As has been said, the coalition will not be opposing this legislation.

**Business interrupted under sessional orders.**

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Water policy

**Mr WALSH** (Murray Plains) — My question is to the Minister for Environment, Climate Change and Water. Noting that the minister has said that she is considering ‘piping’ water from the desalination plant to the Wimmera and Glenelg rivers, some 450 kilometres away across the Great Dividing Range, can she advise the house what pipe she is planning to use?

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — It just reaffirms the fact that for four years they did not do anything in water or understand water — not even understand the water system.

*Honourable members interjecting.*

**Ms NEVILLE** — What I am aware of is that we have some very serious dry and drought conditions in parts of Victoria — very serious conditions. It is us, this side of the house, that built a water grid — a grid that involves the Wimmera–Mallee pipeline, a grid that involves the goldfields super-pipe, a grid that involves the connection to Geelong, the desalination plant, the north–south pipeline and a whole lot of modernisation of our system. That is what we did in order to ensure — —

**Mr Walsh** — On a point of order, Speaker, on the issue of relevance, the question was very specific about which pipeline was going to take desalination water to the Wimmera and the Glenelg rivers. I ask you to bring the minister back to answering the question.

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

**Ms NEVILLE** — Let us be clear that we are having a conversation with the community. We are not demonising; we are not ignoring the fact that they are in drought conditions. I was up in the Wimmera, in that region. I was up in the region of the Loddon Mallee. I was up in that region, and it is suffering serious drought conditions. So if we can better utilise the water grid, and — guess what? — the water grid is more than the desalination plant, and its connections to communities, we should do that. That is the community conversation we are having. It is not just about wasting taxpayers money at the Office of Living Victoria. This is about working with communities and supporting communities.

*Supplementary question*

**Mr WALSH** (Murray Plains) — Given that the minister today announced the ‘process of having a conversation’ about switching on the desalination plant, which no doubt will lead to a discussion, then consultation with options and further dialogue, I ask: given no pipeline exists from the desalination plant to the Wimmera or Glenelg rivers, does the minister know what she is talking about or is Rob Sitch just writing her lines?

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — This is a serious issue. We have communities in serious water stress.

*Honourable members interjecting*

**The SPEAKER** — Order! Leader of the Opposition! The Premier! When the Chair is on his feet both the Leader of the Opposition and the Premier will remain silent. Standing orders apply to all members, including both leaders.

**Ms NEVILLE** — This is a serious issue. We have communities in high stress. All I can say is every single option we are looking at in terms of how you optimise the whole water grid was opposed by those opposite.

**Questions and statements interrupted.**

### ABSENCE OF MINISTER

**Mr ANDREWS** (Premier) — I inform the house that the Minister for Finance and Minister for Multicultural Affairs will be absent from question time today and the Treasurer will answer questions on his behalf.

**QUESTIONS WITHOUT NOTICE and  
MINISTERS STATEMENTS**

**Questions and statements resumed.**

**Ministers statements: bushfires**

**Mr ANDREWS** (Premier) — I rise to update the house on — —

**Mr R. Smith** interjected.

**Questions and statements interrupted.**

**SUSPENSION OF MEMBER**

**Member for Warrandyte**

**The SPEAKER** — Order! The member for Warrandyte will withdraw and apologise for the use of unparliamentary language. He knows what it is.

**Mr R. Smith** — The word ‘rorter’, which was used several times last term, I apologise for and withdraw.

**The SPEAKER** — Order! The member for Warrandyte will withdraw from the house for a period of 1½ hours.

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

**QUESTIONS WITHOUT NOTICE and  
MINISTERS STATEMENTS**

**Ministers statements: bushfires**

**Questions and statements resumed.**

**Mr ANDREWS** (Premier) — As I was saying, I rise to update the house on fire activity across Victoria over these past 24 hours. More than 160 fires were reported across the state on Tuesday. Of course our thoughts are with the people and communities affected by those fires as well as the brave emergency services personnel, career and volunteer, and all those who have been involved in supporting vulnerable Victorians at this very challenging time. The most significant of these fires is of course the Lancefield fire. This is still a going fire and an emergency warning remains in place.

I am pleased to inform the house and confirm that the 80-year-old gentleman who was unaccounted for has been found. I understand he is safe and well, and that is something I am sure we can all be pleased about and celebrate. Sadly, though, a house was lost. Shedding has been lost and fencing. There will be a significant

repair job for many in that local community. I want to make it very clear to them that just as we are grateful for the work that our emergency services staff and volunteers have done over these most challenging 24 hours, we will also with the same clarity stand with those who have been affected, providing them with the support and assistance they need to recover from this fire.

The fire is still going of course, and our thoughts and our priority must be about ensuring that we support our emergency services personnel on the ground, particularly our firefighters, who are still working to take control of this blaze. More than 200 firefighters worked last night on the Lancefield fire. Eleven aircraft have been deployed right across Victoria. The fire season has come early, be in no doubt about that. This is going to be a long, hot, dry and dangerous summer, but we know all of us in this place and across Victoria can have confidence in our firefighters. Their commitment is second to none.

**Electorate office staff**

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. Noting that the Premier has said, ‘I take responsibility for each and every thing that happens under my leadership of the Labor Party and my leadership of the government’, I ask: will the Premier instruct all of his ministers, his MPs and his party headquarters to cooperate at all times with Victoria Police’s investigation into Labor Party roting of parliamentary casual staff, particularly in making available all email records and email archives that now include deleted emails?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. It has long been my view and my position — and it will remain so — that each Victorian, no matter who they are, no matter what they do for a living and no matter the circumstances, ought always cooperate with the fine men and women of Victoria Police.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — Again noting that the Premier has said, ‘I take responsibility for each and every thing that happens under my leadership of the Labor Party and my leadership of the government’, I ask: if the government has done nothing wrong, why has the Premier, his office and his party headquarters instructed Labor Party staff and MPs to lawyer up and stall the police investigation?

**Mr ANDREWS (Premier)** — The claims, the allegations, the inferences and the anger in the Leader of the Opposition’s question are without foundation. I reject the assertions in the Leader of the Opposition’s questions.

*Honourable members interjecting.*

**The SPEAKER** — Order! Government members will come to order.

**Ministers statements: medicinal cannabis**

**Ms HENNESSY (Minister for Health)** — I rise to update the house on the government’s response to the Victorian Law Reform Commission report tabled in the Parliament yesterday. Many of us have been moved by the circumstances of Victorian families like Cooper Wallace’s family, who for too long have been forced to make the impossible choice between saving the life of their children and obeying the law. As the Premier has often asserted, this is not fair and it is not right. That is why, in response to yesterday’s law reform commission report on legalising medicinal cannabis in exceptional circumstances, our government has committed to implementing 40 of those recommendations in full, and we agree in principle to the two outstanding recommendations. This is an Australian first, and it will relieve suffering and change people’s lives.

We will respond by establishing an office of medicinal cannabis here in Victoria to oversee the manufacturing, dispensing and clinical aspects of this framework. We will also develop new research and new clinical guidance in consultation with the medical profession. We are also working to establish a cultivation trial of medicinal cannabis, and we are hoping to have some exciting news about additional clinical trials in Victoria soon. Under our plan we hope children like Cooper Wallace will be the first to be able to access medicinal cannabis early in 2017.

As promised we will introduce enabling legislation into the Parliament by the end of the year to establish the legal framework. This is a complex and major reform. My early discussions with the commonwealth government suggest that it will take a collaborative and cooperative approach. I have every optimism that Victoria will lead the way in developing a reform that has been done nowhere else in this country to provide assistance and support to many Victorian patients.

**Electorate office staff**

**Mr PESUTTO (Hawthorn)** — My question is to the Premier. With Victoria Police now investigating allegations made by Labor whistleblowers that the

parliamentary casual staff system has been rorted by the Labor Party, can the Premier advise the house if legal advice for Labor MPs and/or staff has been sought at taxpayers expense?

**Mr ANDREWS (Premier)** — I thank the honourable member for his question. Not to my knowledge, no. I cannot add anything further to the answer than that. If the member would like me to follow it up, I am happy to, but to my knowledge, no.

*Supplementary question*

**Mr PESUTTO (Hawthorn)** — Given that the Victorian taxpayer is already out of pocket \$1.4 million for Labor Party rorts —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member will start again. I insist that the Chair must be able to hear the member.

**Mr Carbines** interjected.

**The SPEAKER** — Order! The member for Ivanhoe is warned.

**Mr PESUTTO** — Given that the Victorian taxpayer is already out of pocket \$1.4 million for Labor Party rorts, will the Premier rule out ever using even more taxpayers money to pay for legal advice for rorting Labor Party MPs?

**Mr ANDREWS (Premier)** — I genuinely thank the honourable member for his supplementary question. The supplementary question is a series of allegations dressed up as facts. I do not accept the allegations put forward by the not-so-good-on-his-feet shadow minister, taken aback by the original answer.

**Mr Guy** — On a point of order, Speaker, on relevance — and I am glad the Premier used the word ‘fraud’, because now we know what we are talking about. The Premier, in using the word ‘fraud’ — back to relevance, Speaker — has said that there was no fact in the question. Your advice, now public, to this Parliament details the figure of \$1.4 million. There is no lack of fact. That is the fact, and he is right: it is fraud.

*Honourable members interjecting.*

**Mr ANDREWS** — On the point of order, Speaker, I have said several times that the Leader of the Opposition is confused when it comes to these matters.

**Mr Guy** interjected.

**Mr ANDREWS** — No, I did not use that word.

**Mr Guy** interjected.

**The SPEAKER** — Order! The Leader of the Opposition!

**Mr ANDREWS** — I am not quite sure — —

*Honourable members interjecting.*

**Mr ANDREWS** — You are wrong.

**The SPEAKER** — Order! The Premier will resume his seat. The Premier is to be heard in silence. The Leader of the Opposition has advanced a point of order to the house, the Premier is similarly doing so, and he will be allowed to be heard in silence.

**Mr ANDREWS** — The Leader of the Opposition is entitled to raise a point of order; what he is not entitled to do is to say that I have used words that I simply have not used. I think we have cleared that matter up. The Leader of the Opposition heard wrongly. He ought to acknowledge it.

**The SPEAKER** — Order! The Premier will resume his seat.

**Mr Pesutto** — On a point of order, Speaker, as you recall from my substantive and supplementary questions, I repeatedly used the term ‘rort’, and I repeatedly used the term ‘\$1.4 million’. I never used the term ‘fraud’.

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

**Mr Pesutto** — It was the Premier who introduced the word ‘fraud’ into the discussion, as the Leader of the Opposition — —

**The SPEAKER** — Order! There is no point of order. The member will resume his seat.

**Mr ANDREWS** — Those opposite can look at *Daily Hansard* tomorrow, but the word was not used. And in any event the supplementary question was hastily devised because it did not fit with the formula that those opposite use, because they throw out an allegation and claim it to be a fact. I reject that approach and the substance of the question.

### Ministers statements: water policy

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — I rise to provide information to the house about the dry conditions we are facing across

Victoria and what this government is doing about that. Much of Victoria has received below-average rainfall since 1 July 2014. In fact some parts of our state have seen some of the lowest levels of inflows on record. It is very low — it is worse than the millennium drought. This is having a major impact across many communities. We are seeing families and farmers having to buy water, and farmers having to cart water.

The picture varies across the state. The east is not doing too badly, but the west particularly is suffering. The Wimmera-Mallee area is at 31 per cent capacity of storage levels. The Goulburn-Murray irrigation district farmers are only getting about 75 per cent of their water. Werribee and Bacchus Marsh irrigators are getting as little as 10 per cent of their water.

We have all learnt from the millennium drought that we need to take action, and that is why when we were last in government we invested in irrigation infrastructure. That is why we invested in the water grid and all that it is made up of — from the Wimmera-Mallee pipeline to the desalination plant. It is our insurance policy, and that is what we are going to be talking to the community about.

That is why when I was in Wedderburn the other day — Wedderburn is a community that is drastically affected by low rainfall levels — I announced some funding to assist that community to look at options and how it might connect to the Wimmera-Mallee pipeline. That is how you optimise the grid. You look at all our pipelines and all our infrastructure. We are not praying for rain. That is what happened in the last four years. In many parts of our state the drought never broke. There was a flood event, but the drought never broke. Those opposite had their heads in the sand praying for rain and pretending that there was not a water grid that we needed to continue to build on. We want to provide water security for Victorian communities.

### Electorate office staff

**Mr GUY** (Leader of the Opposition) — My question is again to the Premier. With PricewaterhouseCoopers advice to the Parliament — which the Premier has had for two weeks — stating clearly that Labor’s staffing arrangements totalling up to \$1.4 million do not stand up to audit scrutiny, I ask: given this categorical advice, what has the Premier done about it?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. At least he is consistent; he is continuing to put forward allegations and claim them to be facts. This is what the Leader of

the Opposition so often does. At least he is consistent. Speaker, as you well know, and as all members of this place ought to know, the Presiding Officers are conducting an investigation and a review into these important matters, and every member of the parliamentary Labor Party and every member of the government in this and the other place stands ready to assist the Presiding Officers in that important work. That is the appropriate way for us to go.

The Leader of the Opposition gets angry and shouts and throws allegations — —

**Mr Guy** interjected.

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

**Mr ANDREWS** — He tries to dress them up as facts and continue with his rampant confusion, but that will not change my answer.

**Mr Guy** — On a point of order, Speaker, on relevance in relation to the Premier's answer, it was a very simple question about what the Premier has done with the advice that has been given to his office, and more the point, is this rorting still happening as we speak?

**The SPEAKER** — Order! The Premier has concluded his answer.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — I ask the Premier: given the Parliament found that Labor MPs had spent up to \$1.4 million last financial year on casual electorate staff for duties that PricewaterhouseCoopers has said would not pass audit scrutiny or even a pub test, when will the Premier be instructing his MPs to pay the money back?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition, yet again — —

**Mr Watt** interjected.

**Questions and statements interrupted**

**SUSPENSION OF MEMBER**

**Member for Burwood**

**The SPEAKER** — Order! The member for Burwood will withdraw himself for a period of 1 hour.

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

**Mr Clark** — On a point of order, Speaker, I ask you to clarify whether you have asked the member for Burwood to withdraw because of unruly conduct or because of the term that he has used. If your ruling is that the term 'rorter' is unparliamentary and will no longer be allowed, that seems to be a dramatic change of practice in this house given the language that was very freely thrown across the chamber during the previous Parliament. I submit that given that established practice, it is not in order for you to so rule if that is the basis of your ruling.

**The SPEAKER** — Order! The Chair rules that that term is unparliamentary

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Malvern is warned. If the Chair regards the use of language as unparliamentary, the Chair has the prerogative to request an apology and a withdrawal or alternatively to suspend the member from the house.

**Mr Morris** — A protection racket.

**The SPEAKER** — Order! I warn the member for Mornington.

**Mr M. O'Brien** — On a point of order, Speaker, I seek some clarification further to your ruling on the basis that the term 'rort' in itself is not anything which is, I would put to you, unparliamentary. It could be put that a rort has occurred in relation to anything outside this place. As opposed to a swearword, the word 'rort' itself is not unparliamentary. I would put that the word 'rorter' is not unparliamentary.

If you are saying that the use of the word 'rorter' in relation to a member of Parliament is contrary to standing orders on the basis that imputations against a member of Parliament should only be made by substantive motion, that is one thing, but if your ruling is that the word 'rorter' in all contexts is unparliamentary, I would urge you to revise that ruling, particularly given that the now Premier prefaced many questions in the last Parliament by referring to 'the rorting member for Frankston'.

**The SPEAKER** — Order! The Chair requested that the member for Burwood withdraw from the chamber because the Chair understood that the member had directed that term directly at a member. It is on that basis that I ruled.

**QUESTIONS WITHOUT NOTICE and  
MINISTERS STATEMENTS**

**Electorate office staff**

**Questions and statements resumed.**

**Mr ANDREWS** (Premier) — I started answering the supplementary question, and what I was pointing out was that yet again an allegation was put forward as if it were a fact. I reject that approach in this supplementary question and in all things.

**Ministers statements: Lesbian, Gay, Bisexual,  
Transgender and Intersex Taskforce**

**Mr FOLEY** (Minister for Equality) — I rise to share with the house new actions the Andrews government is taking, particularly in relation to the first meeting ever of a whole-of-government Lesbian, Gay, Bisexual, Transgender and Intersex Taskforce, which met following the last sitting week. This is not merely the delivery of yet another election promise by the Andrews Labor government; it is delivering in reality a principle that this government holds dearly — that is, that equality is not negotiable. Perhaps to paraphrase the newly arrived Prime Minister, there has never been a more exciting time to be a Victorian.

We live in a progressive and successful community, and that task force reflects that community in all of its diversity. This group is not just dealing with LGBTI health, education and other life issues. It is not just about dealing with legislative discrimination; it is about real-life outcomes for Victorians. Equality is not negotiable. We say loudly and clearly on this side of the house that when it comes to LGBTI equality, there are no half measures.

We know that one member of Parliament, Mr Finn, who is a member for Western Metropolitan Region in the other place, has described this kind of policy issue as ‘rainbow fascism’. We know that some of those opposite share that view and were wanting to distinguish themselves when Tony Abbott was in Canberra and demonstrate how different they were. But since Malcolm Turnbull has become Prime Minister, with that same policy remaining, those opposite have magically disappeared in their criticism.

We want to make sure that, rather than a hollow pink wash that some of those opposite have, there will be an opportunity through this task force and through the legislation that we will introduce for those shallow pink washes over there to make a decision on these important issues.

**Mr Pesutto** interjected.

**The SPEAKER** — Order! The member for Hawthorn is warned.

I wish to further clarify my ruling and quote standing order 119 headed ‘No offensive language against other members’:

A member must not use offensive or unbecoming words in relation to another member.

**Electorate office staff**

**Mr GUY** (Leader of the Opposition) — My question is to the Minister for Sport, who is also the Minister for Tourism and Major Events. I refer the minister to his claims in this house that all his staff were operating within the Parliament’s rules, and I ask: does the minister still stand by these statements to the house in light of his admission in question time yesterday that his Lara electorate staff were operating in the wider Geelong area and thus clearly outside of his own electorate?

**The SPEAKER** — Order! The Chair will allow the question. The minister will respond.

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister will be allowed to respond. The minister is entitled to silence.

**Mr EREN** (Minister for Tourism and Major Events) — The day will come that they will ask a question of my portfolios. That lot over there — —

**Mr Carbines** interjected.

**Questions and statements interrupted.**

**SUSPENSION OF MEMBER**

**Member for Ivanhoe**

**The SPEAKER** — Order! The member for Ivanhoe will withdraw from the house for the period of half an hour. When the Chair is on his feet, members will remain silent.

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

**QUESTIONS WITHOUT NOTICE and  
MINISTERS STATEMENTS**

**Electorate office staff**

**Questions and statements resumed.**

**An honourable member** — I reject the premise of your answer.

**The SPEAKER** — Order! The minister, to continue in silence.

**Mr EREN** (Minister for Tourism and Major Events) — There are lots of comedians on that side, clearly. In relation to the very important portfolios of tourism and major events, sport and indeed veterans, I am sure they could find a question relating to my portfolios. Clearly they care nothing about those portfolios. All they care about — —

**Mr Pesutto** — On a point of order, Speaker, on relevance, do we even need to advance this point? Can the minister address the question?

**The SPEAKER** — Order! The Chair upholds the point of order and requests that the minister come back to answering the question.

**Mr EREN** — As I have indicated previously, I have followed the guidelines and the rules accordingly.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — How can the minister continue to stand by his statements made to this house yesterday that all his staff members were operating within the Parliament's rules when his admission yesterday confirms he has used the Parliament's casual staff system to pay 40 per cent of the wage of Labor's Bellarine campaign field organiser behaving like a rorter?

**Mr EREN** (Minister for Tourism and Major Events) — The Ventnor settlement — he would know what that was all about. Mr Accusations over there — why does he not answer some of the questions in relation to Ventnor — —

**The SPEAKER** — Order! The minister will resume his seat.

**Mr Hodgett** — On a point of order, Speaker, the supplementary question had nothing to do with Ventnor. The minister was asked a question. I ask you to draw him back to answering the question.

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

**Mr EREN** — I stand by my answers given previously.

**Ministers statements: Japan trade mission**

**Mr PALLAS** (Treasurer) — I rise to inform the house about new information relating to the government's ongoing success in boosting trade and investment opportunities for Victoria. I have just returned this morning from Japan on what was a very successful trip. I met with representatives of many banks and investors, all of whom indicated a strong desire to continue and extend their investment in this state.

I am pleased to confirm that in 2016 the 54th Australia-Japan joint business conference will be hosted in Melbourne. This will be a major boost for trade and investment relations between Victoria and Japan. The conference will further reinforce links between Victoria and Japan, and the conference will demonstrate that we are a continuing and desirable source of investment.

Japan and Victoria have a longstanding and strong relationship. Japan is our third-largest international investor, with more than 140 businesses here that employ more than 10 000 Victorians. Only last month Rinnai Australia, a subsidiary of Rinnai Global, announced that it would develop a next-generation manufacturing facility in Melbourne's south-east, creating 160 jobs and securing the jobs of 455 existing employees. Japanese companies are looking to diversify their investments after the mining boom, and they are looking to Victoria to make significant investments.

This is further proof of the strong business climate that exists in Victoria, one we are committed to supporting. Figures released yesterday by the Australian Bureau of Statistics show that Victoria's trade increased 6.8 per cent compared to the same quarter last year. The Andrews Labor government is driving economic growth in Victoria through business confidence, attracting investment and getting the job done.

**CONSTITUENCY QUESTIONS**

**Caulfield electorate**

**Mr SOUTHWICK** (Caulfield) — (Question 2115) My constituency question is for the Minister for Public Transport. E. E. Gunn Reserve in Ormond is an important community sporting facility in the City of

Glen Eira. Some of the land of the reserve will be taken up for the level crossing removal. Having spoken to Ormond traders, the cricket club, the baseball club and the football club, I ask: what arrangements will be made to ensure that their current facilities will be upgraded after the facility has been taken up for the level crossing removal? Particularly I refer to the clubrooms, the grandstands and the oval surrounds. What upgrades and financial compensation will be made for those clubs that are involved in this process?

### Sunbury electorate

**Mr J. BULL** (Sunbury) — (Question 2116) My question is to the Minister for Roads and Road Safety. Can the minister provide an update for my community on the work undertaken by VicRoads at the Gap Road and Horne Street roundabout in Sunbury? Members will recall that earlier this year the minister visited my electorate to provide much-needed funding for a VicRoads investigation into this intersection. Today I ask the minister for an update on this matter.

### Gippsland East electorate

**Mr T. BULL** (Gippsland East) — (Question 2117) My question is to the Minister for Agriculture in the other place. The information I seek is an update on proposed changes to the commercial fishing industry in the Gippsland Lakes. The government came to the 2014 election promising to make changes to the commercial fishing industry in the Gippsland Lakes. It repeated in media releases that it would, ‘ban netting at the mouth of the rivers in the Gippsland Lakes’. However, there has been some confusion with this repeated statement. The then shadow minister was saying Labor would do something that is already in place; the ban is already in place. I ask the minister to detail what changes will be made relating to the Gippsland Lakes and according to what time frame.

### Eltham electorate

**Ms WARD** (Eltham) — (Question 2118) My question is to the Minister for Public Transport. St Helena Secondary College is another fantastic school in my electorate. A significant number of students at the school live in suburbs to the school’s north. Currently the bus service from Doreen and Lorimer to the school does not meet student needs, with a number of students finding getting to and from school a challenge. Can the minister inform the house what is being done to improve transport for students travelling to St Helena Secondary College from these areas?

### Ferntree Gully electorate

**Mr WAKELING** (Ferntree Gully) — (Question 2119) My constituency question is to the Minister for Planning. Many residents in my electorate are concerned about the prevalence of multistorey developments throughout our community and are gravely concerned to think that this government is not going to allow the local council to have restrictions in place that provide for certainty about height restrictions.

I recently surveyed residents and had over 1000 responses that clearly indicated concerns in my local community at any thought of this government removing current height restrictions and allowing for multistorey development to occur throughout the Knox community. I understand that the council has put an application to the minister seeking approval for a planning scheme that is going to provide planning certainty for the Knox community. To date the minister has not approved that planning scheme, and on behalf of my community I call on the minister to provide an answer as to where that planning scheme is at and ensure that the views of my community are considered on the important issue of planning.

### Essendon electorate

**Mr PEARSON** (Essendon) — (Question 2120) My constituency question is to the Premier. Recently I attended Debney Meadows Primary School immediately prior to the students going on a school camp, which was funded through the state government’s Camps, Sports and Excursions Fund. For many students this was the first school camp they had ever attended. I therefore ask that the Premier accompany me on a visit to Debney Meadows Primary School to meet with the principal, Ms Vicki Watson, and the students in order to learn more about their experiences at this camp.

### Sandringham electorate

**Mr THOMPSON** (Sandringham) — (Question 2121) My constituency question is directed to the Minister for Public Transport. A keen-minded constituent, who in a former life was a chief inspector of police, has raised with my office his concern about the illegibility of timetables for bus lines departing from Sandringham railway station. It is necessary for people to get down on their knees to read the timetable. This problem is exacerbated or made impossible when it is dark and is made even more difficult when it is raining. My constituent queries why the bus timetable cannot be placed inside the waiting room where there is good lighting or outside under cover in a size of print that

makes it reasonably easy to read. In the interim I have provided him with a torch and magnifying glass that might assist him in his quest, but there are other commuters for whom it would be best in future if the sign could be located inside.

### Oakleigh electorate

**Mr DIMOPOULOS** (Oakleigh) — (Question 2122) My constituency question is directed to the Minister for Sport. I ask the minister to provide me with details relating to available government funding for sporting clubs in my electorate of Oakleigh to enable greater participation. I further ask if consideration could be given in future to government funding for the construction, installation or refurbishment of scoreboards. Many clubs in the electorate of Oakleigh have contacted me this year regarding government grants for participation and potential funding to install scoreboards. Thousands of people in the Oakleigh electorate participate in sport every week. It is important that we do everything we can to increase this. Scoreboards could be used by multiple clubs for different events and matches. They could also be utilised as an ongoing source of revenue for the clubs through advertising. I would appreciate the minister's advice on participation funding and whether consideration could be given to scoreboard funding in the future.

### Eildon electorate

**Ms McLEISH** (Eildon) — (Question 2123) My question is to the Minister for Roads and Road Safety. I draw the minister's attention to the condition of the Healesville-Koo Wee Rup Road near Yellingbo, especially around the intersection of Lemongum Road and in particular to the number of accidents and a recent fatality on this section of road. The road is certainly a contributing factor here. I know the speed limit has been reduced to 80 kilometres an hour, but it still very worrying for the community. Will the minister provide assurances to the community that this bit of road will be fixed with a proper reseal and not just be subject to a short-term fix? I know this will be difficult given that the roads budget was cut by a quarter in the last budget, but the community in and around Yellingbo and those who commute between Healesville and Kooweerup would like this road fixed.

### Frankston electorate

**Mr EDBROOKE** (Frankston) — (Question 2124) My constituency question is to the Minister for Health. Could the Minister for Health provide more information on the move to make Victoria the first state

in the nation to legalise medicinal marijuana. There are many constituents in Frankston who are interested in this move, and I have followed their journeys quite closely. I am very close to two families and have seen the incredible job they have done in handling their circumstances surrounding children with chronic epilepsy and Dravet disease. They could really do some forward planning with more information on this subject.

## PUBLIC HEALTH AND WELLBEING AMENDMENT (NO JAB, NO PLAY) BILL 2015

### *Second reading*

#### **Debate resumed.**

**Ms WILLIAMS** (Dandenong) — I am proud to rise in support of this bill, which delivers on another Andrews Labor government election promise, acknowledging community concerns and acting on them. We are getting on with it. We promised to make it essential that children be immunised before they attend child care. Due to the number of childcare facilities coexisting with kindergartens, it was recognised that significant benefits to the Victorian community could be gained by ensuring the immunisation of kindergarten children as well. This bill will make it necessary for parents and guardians to provide proof of immunisation before enrolling their children in child care and kinder, and this will come into effect on 1 January 2016.

The overall immunisation rate for Victorian children under five is between 91 per cent and 92 per cent, and it is widely accepted that a rate of 95 per cent should be our target in order to have a significant impact on the spread of diseases such as whooping cough and measles. The aim of this bill is to boost the current rate, which has remained unchanged for about five years. There will be certain exemptions, such as for those who are unable to be immunised for medical reasons. Other exemptions will apply to the vulnerable or disadvantaged in our society who for various reasons are not able to access immunisation easily. These children will be able to enrol in child care and kindergarten with conditions in place, such as a grace period of 16 weeks to allow for education and care services to engage with families with a view to removing hurdles to these children being immunised.

This bill will remove conscientious objection from the exemption category. A recent study of why some children are not fully vaccinated revealed that, for most children, parental opposition to vaccination is not the

reason. Only a small number of parents refused to vaccinate their children for reasons of conscientious objection. Removing conscience-based objection is in line with the federal government's no jab, no play policy. The only acceptable exemption will be on medical grounds, as I have explained.

By achieving a 95 per cent immunisation rate we will significantly halt the spread of a range of illnesses. This has the added benefit of also increasing protection for children who are unable for medical reasons to have the jab. These medical reasons could be, for example, if a child has an allergy or a reduced immune system for a period of time. We must not go backwards in protecting our vulnerable from diseases that were a scourge in the past.

From 1 June 2015 the whooping cough vaccine became available once again for pregnant women and their partners and new parents. This was a very important development. This program existed until 2012, when the former government shamefully scrapped it. The statistics on this speak for themselves. They show that in the first half of 2013, 1424 cases of whooping cough were reported. For the first half of 2014, 1528 cases were reported. Quite alarmingly, between 1 January and 30 June 2015 a staggering 2580 cases were reported. My nephews were among those to have suffered from it. The scrapping of that program did not have a positive or even neutral effect on the numbers of reported cases. To be clear, the situation declined rapidly because of those cuts, and community health suffered substantially. Labor campaigned vigorously against cutting this program at the time, but our concerns fell on deaf or perhaps just uninterested ears. These free vaccinations save lives and have sensibly and importantly been reintroduced. I am very proud of that fact.

The history of child vaccination is of great success. As we have heard from previous speakers, diphtheria, polio, rubella and other diseases have either been significantly reduced or eliminated. Many of us know of someone who has been affected by childhood disease. Many still live with the effects of polio. To refer to my own family's experience, I have an Auntie Kate — Kathleen Mulholland — whose life was impacted by what was believed to be a fairly minor childhood disease — rubella, or German measles as it was more commonly known.

As a normal, healthy five-year-old girl in her first year at school, she contracted rubella in 1952. She was not greatly affected by it at the time. The story is a heartbreaking one. She was jumping up and down on the bed as my grandparents were trying to tuck her in.

She probably did not seem that sick to them. They probably thought, 'She's okay. She may have been sent home from school but probably seemed all right'. She was bouncing around. Not long after this she lapsed into a coma caused by encephalitis, and she was in that coma for a very substantial period of time — I think it was around 9 or 10 months. This resulted in severe brain damage. Auntie Kate died at the age of 35.

I often think about this and wonder what it must be like for my grandparents and other parents who have gone through something similar, to put an otherwise healthy little girl into bed and have your life forever changed overnight. It did not just change Kate's life, and it did not just change my grandparents' lives. In many ways, it changed the entire generation of the family. Kate required 24-hour care for the rest of her life. As I said, sadly, she passed away at 35, and I never got to know her. If she had been born in the present day, her story would have been so different. I believe the rubella vaccine was introduced about 19 years after she contracted it — in about 1971 — and it has probably saved countless children and babies from a fate similar to that which Kate endured and my family endured.

We should not become complacent about childhood diseases such as rubella and whooping cough. They are to a large degree preventable. They are also to a large degree potentially very dangerous. Perhaps because we do not see them as frequently as we have in the past, we forget how dangerous they are. The success of immunisation programs to protect babies, children and the vulnerable should be regarded as untouchable when it comes to government cuts. Labor knows this, and Labor will continue to fight for programs such as this to be introduced where needed, strengthened where possible, and most of all protected from senseless cuts. It is when we roll back or abandon programs like free immunisation for parents and expectant parents that we see just how effective they really are. This is evident from the statistics on whooping cough that I mentioned earlier.

Immunisation saves lives. Science proves this, and medical experts have been telling us this repeatedly and consistently that millions of lives worldwide have been saved because of immunisation. Scientific evidence supports vaccination and is well-documented. The benefits are many, and the risks are extremely low despite the fearmongering we see taking place in the community. Immunisation protects the individual, and the wider community benefits from the decreased risk of diseases being spread.

The Andrews Labor government made a promise to protect the most vulnerable in our society from the

ravages of preventable diseases. We are committed to protecting our babies and children. We will do this by improving access to free vaccinations, thereby increasing vaccination rates. This bill is intended to do just that. We will put the health of our vulnerable first and throw our full support behind the scientific evidence that proves to us that this is the right thing to do and that this is what is needed to protect those who need protecting.

This bill is not about penalising children or depriving them of important services because they have not been vaccinated. To quote the Minister for Health, Jill Hennessy, this is 'an incentive and a prompt'. This government will ensure that the disadvantaged and vulnerable are not left behind. We want to make sure catch-up immunisation is supported. The intention is to educate and encourage those who for a variety of reasons have fallen behind or are having difficulties. It is also important that we are not complacent about childhood diseases and the potential for tragedy that these diseases bring — tragedy which my family experienced and which changed their lives forever, just as lives have been changed by such tragedy in previous generations.

This bill will go a long way to preventing the spread of diseases that in the not-too-distant past led to tragic outcomes for many. As I have explained, this is an issue that I hold particularly close to my heart. I have seen firsthand the flow-on effects of such a tragedy across multiple generations. It changes lives, it changes financial opportunities and it changes the future, not only for the child affected but also for the entire family that has to change the way it deals with things. Family members probably never fully came to grips with the fact that one day they had a healthy little girl and the next day they did not. They would have done anything to wind back the clock and make her healthy again and not have to endure decades of wondering what might have been done differently in an extremely difficult circumstance.

On that basis I could not be any more supportive of this bill. I could not be any more supportive of any attempt by government to ensure that our children are immunised and that our community is kept safe from needless disease. I commend the bill to the house.

**Mr GIDLEY** (Mount Waverley) — I rise to make a contribution to the debate on the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015, and I do so as a state member of Parliament for my district and also as a father of two children and as someone who has an overwhelming interest in the

health and safety of all children in our community on a range of matters, including immunisation.

The importance of immunisation is well known. In following this debate today and yesterday what struck me were the stories that members of Parliament told about the consequences of immunisation rates not being at the level we would like. They impact not only on one child but also potentially on many children around them and others who are around those children. That is why it is such an important topic. If we provide vaccines and immunise, there is no question that we can prevent an outbreak of disease and save lives. A number of examples have been provided in this debate regarding the consequences of vaccination rates not being at an optimum level.

When a critical portion of the community is immunised against a contagious disease, most members of the community are protected against the disease because there is little opportunity for a substantial outbreak. Vaccination substantially reduces the risk of an outbreak if the vaccination rates are at a reasonably high level. Even those who are not able to be vaccinated — and there are some people who are not able to be vaccinated; very young infants, for example, cannot be vaccinated and are vulnerable, and pregnant women and some other individuals are also unable to be vaccinated — still get a level of protection because the spread of the disease is contained as a result of high vaccination rates. I am told that that concept is known as herd immunity and that it is an essential measure of protection for health and wellbeing in our community. The rate of vaccination for herd immunity is ideally between 90 and 95 per cent. As other speakers have noted, we still have some way to go to get to that level of 95 per cent.

When we look at how far the state of Victoria, Australia and other developed countries have come in relation to the use of immunisation as tool to reduce some diseases and improve public health, there is no doubt that there is a clear and present trend of success in vaccination. Whooping cough has been mentioned throughout this debate and is a good example. It is a serious and contagious respiratory infection caused by bacteria and lasts up to several months, even after an antibiotic treatment is administered. It is called whooping cough because it causes an infected person to go into a coughing fit. Infected children are also at risk of developing a range of other side effects, including stopping breathing and turning blue. Whooping cough is a serious medical issue, and high vaccination rates have been and are essential in terms of reducing its spread.

Smallpox is another great example of the effectiveness of high rates of vaccination and how that tool can be used to improve public health and reduce the risk of people being exposed to disease. An aggressive immunisation campaign eradicated smallpox in the late 1970s. That is just one example of very good success as a result of measures put in place at that particular time. Such measures have been adopted by other countries, and I note that the World Health Organisation was behind a campaign to see populations vaccinated for the purpose of eradicating smallpox.

We have a number of clear examples, whether it be smallpox, whooping cough or other diseases that are preventable by vaccination, that show health professionals, others and us as legislators the importance of increasing that vaccination rate to between 90 per cent and 95 per cent. I welcome the aspiration to increase the vaccination rate, and the Liberal-Nationals opposition certainly welcomes that aspiration, but there are some aspects of the bill that concern me because of the importance of achieving that high level of vaccination.

I note that the range of exemptions in the bill seems to be much wider than what was proclaimed before the last election. There are exemptions for people of disadvantage, people who have a conscientious objection and others. Whilst respecting the views parents have is always an important concern to be taken into account by legislators, as a result of those exemptions the bill allows a child to be at kindergarten while unimmunised for 16 weeks. That concerns me greatly, because that means that not only young children will have an increased risk of exposure to disease but also precious young infants, who do not have the capacity to be immunised.

For example, one constituent said to me, 'Michael, I am full time with my child, and therefore when I am on the roster at kindergarten, I take my child to kindergarten, because I don't have any other family who is able to care for the child. Therefore, if I am doing my bit and going on to that kindergarten roster and there are a large number of people who have exemptions from vaccinations, I am concerned because I am exposing my infant to an unnecessary health risk'. As I said, that is one of the things that concerns me about this bill — that is, under such a broad range of exemptions, which does not seem to be in line with the government's election commitment, for 16 weeks people are going to be exposed to a high level of risk. As I said, that is of significant concern to me, because immunisation is such an important tool to reduce the risk of an outbreak.

It seems very different to the policy announced on 3 February 2014. I also note that the bill does not appear to be consistent with the legislation in some other states. For example, the New South Wales legislation provides for two exemptions — medical contraindication and conscientious objection. That is a much smaller, narrower set of exemptions than what is being applied here.

I must say, given the health services that are available in many areas and given the financial support for vaccination that has been put in place, coupled with the medical assistance that is provided to people who are financially disadvantaged — for example, people on a low-income healthcare card quite rightly have the capacity to access health services at a lesser cost than others — it seems odd to me that the exemptions are as broad as they are. This is especially so given the seriousness of this public health issue and given that those who have an increased risk as a result of not being able to be vaccinated are those precious young infants, pregnant women and others who have done everything they can to reduce their risk of infection but who are exposed to that risk unnecessarily.

Whilst I and, as I mentioned, the Liberal-Nationals coalition, support the aspiration of increasing the vaccination rate to as high a level as possible, there are great concerns about the consistency of this bill with the election commitment and the wide range of exemptions that are putting at risk public health more than they need to.

**Mr J. BULL** (Sunbury) — It gives me great pleasure to rise to contribute to debate on the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015. Before I begin my contribution I want to reflect on the contribution of the member for Dandenong, who mentioned her Aunty Kate. What stood out to me in that contribution is that there can be an element of complacency that arises when we are talking about vaccinations. That is certainly the case for my generation but less so for my parents' generation and, I would like to hope, for the generation after mine. We should always remember that there are countless examples throughout time of vaccination rates being far lower than they are today, and as a result there was a spreading of disease resulting in death.

It is true to say that Victoria and Australia are fortunate that our vaccination rates are what could be described as quite good, but they certainly could be improved. The bill makes good on a policy commitment we took to the last election. It enshrines in law our no jab, no play policy. The science is clear: vaccinations save lives.

Before I go to the bill I want to reflect on some of the findings I came across while researching the legislation and looking at other jurisdictions and countries across the world. Countries that have high vaccination rates have high survival rates. Countries that have advanced vaccination programs have better health outcomes and significantly lower rates of death and disease. The vast majority of the community understands this, and it goes to the heart of the bill. As I have mentioned, we are fortunate as a state and a nation to have good immunisation rates, but the bill works to enhance those rates.

In my research I came across some findings. Online in 2013 Vaccine Nation stated that the BBC had recently reported on the global growth of immunisation but highlighted that 1.5 million children still die from diseases that could be prevented by routine vaccines. So it is 1.5 million children globally, which is quite startling. In 2013 it reported that the Central African Republic, with a vaccination rate of less than 50 per cent, has suffered from violence and insecurity over the past year and has seen a declining rate in vaccination figures as a result of political instability. As a result of this, 1.2 million people were cut off from basic services. This nation is one of the poorest countries in the world and has been plagued with instability since it became independent in 1960. Tens of thousands of people were forced to flee following unprecedented levels of violence.

What we often see in places that are dealing with great instability and political conflict are health systems that are certainly not up to the standard of ours. The findings reported that:

Measles is one of the leading causes of death among young children. Mass violence and armed conflict ... has left millions of people without access to basic health care, with hundreds of thousands of children at risk from a disease that can spread rapidly amongst deprived communities ...

There are 1.5 million children around the world who still die each year from vaccine-preventable diseases, as I have mentioned, and it is estimated that between 2 million and 3 million children per year are saved through vaccination programs. If we look at North America and much of Europe we see that vaccination rates are 90 per cent and above, but they are below 50 per cent in some African nations and other nations on other continents.

In Victoria vaccination rates are high by international standards, as I have mentioned, at 92 per cent, but they have stalled over recent years. The government knows that it can do a lot more to improve those rates, and the legislation before the house is designed to do exactly

that. Currently the routine vaccinations given through the national immunisation program are diphtheria, influenza type B, hepatitis B, measles, meningococcal C, mumps, whooping cough, polio, rotaviral gastroenteritis, rubella, tetanus and chickenpox. The government wants to ensure that as many children as possible benefit from the policy and are protected from these preventable diseases. In all, 3254 early childhood education and care services that support 260 000 children will benefit from the policy.

The Andrews government has consulted widely on the legislation through the Department of Health and Human Services and local healthcare providers as well as local government authorities. Many have come out in support of this bill. Kindergarten mum Susie Forbes was quoted as saying:

When you take your kids to day care you have to consider the fact that not vaccinating your children not only puts them at risk of serious illness, but also other children, pregnant women and infants too young for jabs ...

Under this legislation new rules will come into effect from 1 January 2016. However, those who are enrolled with an enrolment confirmed in writing by 31 December 2015 will not be impacted by the proposed legislation.

The bill also removes conscientious objection as an allowable exemption category, bringing the legislation into line with a similar move recently announced by the federal government, which a number of members have spoken about today, as part of its no jab, no play policy. By removing that provision this government is protecting not only individuals but also others in the community.

This goes to the heart of what many in the community have been asking for — that is, removing the risk to their children caused by those who conscientiously object. The bill aims for wider protection with what is called a ‘herd immunity’, which in the case of measles is when a 95 per cent immunisation rate is met. If we can see the trends and the graph rising to indicate that immunisation rates are on the increase, that will be a wonderful health outcome for our communities. It will mean that children who cannot be immunised for medical reasons through the exemption that is allowed under the legislation will get the benefit of the policy by having a greater chance of protection against these horrible but preventable diseases.

A number of bills that have come through the house have addressed some community issues, such as the Prevention of Cruelty to Animals Amendment Bill 2015, which we debated yesterday. In my contribution

yesterday I mentioned the fact that Parliament does deal with these issues as they arise. It is also worth stressing that in looking for desired health outcomes, a bill such as this is extremely important in improving health rates right across the community and the state. This is a bill I am very proud of.

With this legislation the government is also bringing forward the whooping cough vaccination program to deal with the growing spike in cases of the deadly disease. It is a disease we need to ensure that we respond rapidly to and make sure we are on top of. The government has invested \$8.4 million over four years to ensure that more than 80 000 doses will be available for free for parents of newborns and expectant parents. It has expanded eligibility for the program beyond that which previously applied before the Liberals axed it. It is fair to say that there was great disappointment and concern in the community when the program was given the chop. Labor members campaigned hard against the Liberals, who cut this program. It is very important that it is back and will work hand in hand with this bill. The bill is about a broader and stronger health focus for the community. It is a bill I fully support and commend to the house.

**Ms SANDELL** (Melbourne) — I rise to speak on the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015. I want to begin by stating that the Greens join the health and scientific experts in absolutely supporting vaccinations and immunisations as a safe, proven and critical preventive health measure and will be supporting this bill. The elimination of horrific diseases such as polio in Australia is testament to the incredible effectiveness and importance of vaccinations.

However, unfortunately vaccination coverage rates in Australia and Victoria are not what they should be. As we have heard throughout this debate health organisations recommend vaccination rates of around 95 per cent or more to prevent outbreaks of most vaccine-preventable contagious diseases, but over the past decade in Victoria we have seen the rate of immunisation drop to around 92 per cent, which is worrying. However, in some localities — and this is the most worrying — vaccination rates are well below that average, with the lowest statistically reliable coverage rate being about 82 to 85 per cent in some areas, depending on the age of the child. As vaccination coverage rates drop there is an increased risk of disease outbreaks. These outbreaks can affect very young children, who are not yet able to be vaccinated; pregnant women, who themselves and also their foetuses can be at risk; and other non-vaccinated children or people who are immunocompromised.

I have been listening closely to the debate and have heard that many of the diseases we are seeking to prevent are simply horrible. They can leave people with lifelong disabilities or health problems, many of which are life threatening and cause death. So there is an absolutely clear need to boost the vaccination rates from a public health perspective. Once we all accept that, the question is: how do we achieve that? To answer that question it is useful to understand why some parents have not vaccinated their children. We have heard some of the reasons throughout the debate, but I want to reiterate some of them.

In Victoria the statistics are that about 1.4 per cent of the population are what people might call conscientious objectors or vaccination refusers. These people are the minority of people who have not vaccinated their children. There are other reasons that people may not vaccinate — for example, they may not have got around to it due to a range of life circumstances. There is a group of disadvantaged people who have not got their children vaccinated due to difficult life circumstances — perhaps a chaotic home environment — and there are people who have not got their child vaccinated due to genuine medical reasons, such as being allergic to an ingredient in a particular vaccine or having a serious medical condition, in which case the vaccination might be delayed until after the child has recovered.

There is also a group of people who we might call hesitators. They are not necessarily strongly opposed to vaccinations, but they have heard there might be some risks and are therefore a bit unsure about them. These people do not perceive a strong risk that their child will contract any of these horrible diseases, largely because many of them have already been eradicated in Australia, so they think on balance it might be reasonable not to vaccinate or to delay until their child is older, or they simply have not made a decision either way. Hesitating parents might not realise that in some areas the local vaccination rate is getting well below the safe level, so the risk of their child contracting a disease due to an outbreak is increasing.

It is in this context that the government has proposed this no jab, no play bill. As we have heard, it requires a child to be age-appropriately vaccinated to enrol in virtually all public and private childcare services and early childhood education and kindergarten services. Upon enrolment parents must provide an immunisation status certificate to the childcare centre or kindergarten showing that the child is age-appropriately vaccinated. Those with genuine medical reasons are required to provide a certificate of medical exemption.

I am pleased to see that the bill provides a 16-week grace period for low-income and disadvantaged households to provide the certificate. From our point of view this is a crucial part of the legislation because it means parents are able to get their kids into child care or early childhood education and are then given some time and support to sort out the vaccinations and paperwork. This is important because it recognises that some families can be chaotic and have multiple stressors and pressures, and it gives them support to get things in order.

One of the main reasons the Greens are supporting the bill is that we believe it could be effective as a trigger for that group of parents who I have described as hesitators. It might be a trigger for the disorganised to get an appointment with their GP or child and maternal health nurse, to have a conversation and to get the information they need about the importance of immunisations and then hopefully get their child vaccinated. For this reason we are willing to support the bill.

We have a couple of concerns that mainly relate to implementation. We would like to see the government monitor and review this legislation, with the first review after mid-2017, after the second start-of-year enrolment period ends. The reasons we believe the bill needs to be reviewed are as follows. Firstly, a number of people have raised the issue of those who oppose vaccinations losing access to early childhood education and child care, which is essential for mothers returning to work and is an important part of a child's development. In fact the most important time in a child's education is probably those early childhood years. The Greens, along with many others, have been clear in our strong support for universal access to kindergarten in the year before school, and we strongly support continuing to professionalise and increase access to child care. We remain very much committed to this.

In deciding to support the bill we carefully considered the implications in relation to the small number of people who oppose vaccinations. Unfortunately, whether you call them conscientious objectors or vaccination refusers, they are likely not to vaccinate their children even if the bill passes into law, which is unfortunate. These families will therefore lose access to child care and early childhood education, which is a big concern for us because children need education and women need to return to work.

However, we had to weigh this concern against the risk posed by low rates of vaccination coverage and the risk of an outbreak of a terrible, life-threatening,

vaccine-preventable disease. We had to think of the very young children who are not yet fully immunised, because it takes time. We had to think of pregnant women and their foetuses. We had to think about those who cannot vaccinate due to medical conditions. We cannot afford to put these women and their children at risk due to the choice of a very small number of people not to vaccinate, and that is why we choose to support the bill.

Vaccination is a collective social responsibility that the Greens believe we should all take on to protect ourselves and our communities. For those who choose differently and choose not to vaccinate, we must minimise the risk they pose to others. This is particularly important at childcare centres because they are a likely place for outbreaks as they are frequented by many at-risk people, such as pregnant women and very young children.

Having said that, our concern remains about full access to child care, which is why the legislation needs to be monitored and reviewed. Given the likely negative impacts of the legislation on some families, we must be careful to verify that it is achieving what it set out to do and that it is effective in increasing immunisation rates. We also need to ensure that the potential negative impacts on families are minimised and that children and their families are not excluded from child care unnecessarily, which takes me to the second reason for the need to monitor and review the legislation and its implementation.

While the government has provided a 16-week grace period after enrolment for disadvantaged families to provide their immunisation status certificate, we are concerned that there has not been an announcement of an increase in funding. The government has not been clear enough about the additional resources and support it will provide to childcare centres and local councils so they can provide targeted support to low-income and disadvantaged households to get their children immunised. The Greens have asked the minister and the department many questions about this, but we are not fully satisfied that extra resources will be given to councils and the other providers that are expected to deal with this increase in immunisation demand.

We know that some households are chaotic, that parents are under strain and that they need extra support to get their children immunised, even with a 16-week grace period. It is not enough to just give parents an information pack on the first day of child care and then expect them to get it sorted. Parents often need a lot more support than that. They need support to make and keep appointments. Child and maternal health nurses

might need to visit parents and provide the paperwork directly to childcare centres as well as to parents. The burden of responsibility for adhering to this legislation is fully on the shoulders of childcare centres, but they are not the bodies that administer vaccinations, nor are they able to put on extra staff to provide support to disadvantaged households to organise their immunisations and paperwork. This might mean that some childcare centres are forced to expel children who do not comply after 16 weeks. I think the government would agree that this is not a desirable outcome, so appropriate steps need to be taken to minimise the risks.

To be effective this legislation needs to be well thought through and well administered, which will take resources. Childcare centres are not necessarily experienced in this area and might need support to understand the barriers to vaccinations and develop best practice strategies and communication channels between the centres, councils, immunisation providers and government departments if the aim is to improve immunisation rates.

For those areas with high levels of disadvantage or large numbers of low-income families or vaccination refusers or objectors, targeted funding is likely to be necessary for councils and childcare centres to provide support to parents, which is what the Greens are calling for. Local governments might need additional funding to put on extra staff to deal with a big boost in demand for vaccinations in the pre-enrolment period without having lengthy waiting periods, and rate capping could have an impact on their ability to provide immunisations for all the children who need them. They will also need timely reimbursement from the government for the costs of providing this service.

For these reasons the situation needs to be monitored closely. We do not want to see any children unnecessarily excluded from child care, because we know how important early childhood education is both for children and for mothers returning to work. It is also particularly important in Aboriginal early childhood services. We have been in touch with a number of organisations that work with Aboriginal people in this area, and in this area it is even more critical that no child is left behind in their educational opportunity.

To conclude I say the Greens support this bill in the interests of public health but, as always, implementation will be critical. We are seeking a commitment from the government to monitoring and review so that it can and does deliver the best possible outcome for all. I also say to those who are unsure or hesitant about vaccines that the science and evidence is absolutely clear. Do not let doubt stop you from giving

yourself and your children potentially life-saving preventive care. Vaccinations are safe and they are proven. Do not believe everything you read on the internet. See your GP or health professional for expert advice on why vaccinations are so important.

**Mr PEARSON** (Essendon) — I am delighted to contribute to the debate on the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015. As has been outlined by those who have spoken before me, the bill will assist in protecting the most vulnerable members of our community by ensuring that we can increase the level of what is called ‘herd immunity’.

In preparing to speak on this bill I found it quite amazing that the current immunisation rate for children under five years of age is only 92 per cent. It is bizarre to think that nearly 1 in 10 Victorians do not immunise their children. The reality is that we need coverage of about 95 per cent.

We have all heard some of the crazy arguments put up by those who oppose immunisation. Hearing some of them reminded me of the great writer Thomas Paine, active during the War of American Independence, who said:

To argue with a man who has renounced the use and authority of reason, and whose philosophy consists in holding humanity in contempt, is like administering medicine to the dead, or endeavouring to convert an atheist by scripture.

Some of these arguments are so flawed. In preparing for this debate I thought, ‘What are some of the arguments that people throw up against vaccination?’. I looked at a website called [vaccines.procon.org](http://vaccines.procon.org) which had a number of arguments, including ‘Vaccines can cause serious and sometimes fatal side effects’, ‘Vaccines contain harmful ingredients’, ‘The government should not intervene in personal medical choices’ — I hasten to add that this was a US website so there is probably a spirit of libertarianism present in some of these arguments — ‘Mandatory vaccines infringe upon constitutionally protected religious freedoms’, ‘Vaccines can contain ingredients some people consider immoral or otherwise objectionable’, ‘Vaccines are unnatural, and natural immunity is more effective than vaccination’, ‘The pharmaceutical companies, FDA and CDC should not be trusted to make and regulate safe vaccines’, ‘Diseases that vaccines target have essentially disappeared’ and, finally, ‘Most diseases that vaccines target are relatively harmless in many cases, thus making vaccines unnecessary’. It is the biggest load of hogwash you could come across.

Dr Richard Moskowitz published an article in March 1983 in the *Journal of the AIH*. I do not know whether Dr Moskowitz is still with us or whether he had a road to Damascus conversion, but in 1983 he wrote:

At bottom, I have always felt that the attempt to eradicate entire microbial species from the biosphere must inevitably upset the balance of nature in fundamental ways that we can barely imagine. Such concerns loom ever larger as new vaccines continue to be developed for no better reason than that we have the technical capacity to make them, thus demonstrating our right and power as a civilisation to manipulate the evolutionary process itself.

All very thoughtful, measured and reasoned at one level: we should not vaccinate because that is messing with nature and, if you mess with nature, all hell will break loose. When I read that it reminded me of a story about Sir Brooke Boothby. He was born in 1744 in England and was a friend of Jean-Jacques Rousseau, one of the Enlightenment philosophers, whose book *Emile*, published in 1762, is one of the landmark pieces about early childhood education. At that time in history concepts of childhood were really interesting. In 1690 John Locke wrote *An Essay Concerning Human Understanding* in which he talked about the theory that at birth a child is basically a blank slate without rules for processing information and is essentially formed through the development of sensory experiences.

Enlightenment philosophers took this up in earnest. Sir Brooke Boothby was a translator. He tackled fundamental political and philosophical questions about the relationship between the individual and society and how the individual might retain what Rousseau saw as innate human goodness while remaining part of a corrupting collectivity. The philosophes were the Enlightenment philosophers in France. If you look at *Emile*, you will see the statement:

Everything is good as it leaves the hand of the author of things; everything degenerates in the hands of man.

Sir Brooke Boothby embraced this philosophy. He was fortunate to have a daughter called Penelope and, influenced by these theories, he thought, 'Here's an opportunity for me to invest heavily in my child and look at trying to create a more enlightened child'. He worked heavily towards that end. Sadly, when Penelope was five, she got ill and died after a month. Obviously we have no real understanding as to what caused the illness, the malaise, that led to her death, but I think given the times it would be reasonable to assume that it may have been a disease that could have been prevented if there had been appropriate treatment.

The loss of his only child devastated Sir Brooke Boothby. On his daughter's tombstone he wrote:

She was in form and intellect most exquisite. The unfortunate parents ventured their all on this frail bark. And the wreck was total.

His marriage broke down, and he was overwhelmed with grief. He left England and went to live in France, where he died in absolute poverty. Before his death he had spent a lot of time trying to record the memory of his daughter by commissioning paintings. Her crypt is quite exquisite in its level of detail. The love he had for his daughter is quite moving and profound. The inscription is beneath a statue of his daughter asleep on her side — a moving tribute from a father to his only child.

Vaccines stop these devastating events occurring. Dr Moskowitz can talk as eloquently as he likes about messing with nature in fundamental ways, but such language cannot come close to the pain I imagine a parent experiences in losing a child to a disease which is entirely preventable. That is why bills like this are important. That is why we as legislators are tasked to take action to address these issues and concerns which arise.

As others have said before me, this honours an election commitment. It is important that kindergartens and childcare centres are included in the bill because the reality is that we are transitioning to a different economy where we are increasingly looking at having children in long day care settings in order for the primary caregiver, invariably a woman, to return to work.

There are enormous opportunities for people to comply with this legislation. There is the 16-week leave period, which is only fair and reasonable. Parents have to take some responsibility. The conscientious objection arguments are pure and utter bunkum. The people who put these arguments out there belong to the lunatic fringe, the same fringe in which you expect to find libertarians who take the view, 'If the government comes near me, I just want to run away to a hut in Montana with my military rifle because it is my right'. It is just nuts. We are so fortunate to live in a society and community in which we do not have the sort of infant losses we saw in previous times.

What would Sir Brooke Boothby have given to be able to have vaccinated his daughter and not go through a lifetime of pain and suffering as a consequence of losing his only child? I commend the bill to the house.

**Mr WATT** (Burwood) — I rise to speak on the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015. From the outset, and I know that others have said this, I say that the opposition is not opposing

this bill. At its heart the bill is about immunising kids, and we think that is a good idea. As a father of two children — and both my kids are fully immunised — my personal view is that everybody should be immunised.

Saying that we do not oppose this bill does not mean that we do not have some concerns about some of the things in the bill. I note that the member for Essendon chose to use a bit of vitriol and a bit of name-calling against those who do not agree with him. I have a problem with people name-calling others who do not agree with their point of view. I think that people are entitled to a point of view. Frankly, I think that anybody who believes that their kids should not be immunised is wrong, but that does not mean we should resort to name-calling just because they have a different point of view to members of this house. We should be cautious when we talk about members of the public, particularly members of the public who potentially vote for us — although I am sure none of those people would vote for the member for Essendon given what he just said, but that is not the point.

I note that the Scrutiny of Acts and Regulations Committee report on the bill mentions a number of issues the committee has with it, particularly regarding its compatibility with the Charter of Human Rights and Responsibilities — and I note that the political party that introduced the charter is the same one introducing the bill. I also note that the minister's statement of compatibility went through many of the issues but then completely ignored them, saying that none of them was relevant. I say that a number of the issues the committee has with this bill are relevant.

The committee had issues with discrimination on the basis of possible future disease, unvaccinated children being unable to enrol in early childhood services and race discrimination because unvaccinated Aboriginal and Torres Strait Islander children can enrol in early childhood services. One of the issues I have is that if you look at the immunisation rate of Aboriginal children, you will see that it is lower than the state average. I have a particular issue with exempting Aboriginal children; I do not grasp the logic of it. Members following my contribution might be able to explain why Aboriginal children in particular have been separated out. No reason was mentioned in the second-reading speech — I looked for an explanation there in particular — so I would appreciate it if members on the other side could explain it, because I am not sure why it is the case.

I will run through the exemptions. Some of them I wholeheartedly agree with because they make sense. If

a child is not able to be immunised because of medical reasons, an exemption is obviously logical. If a child is evacuated from their place of residence due to an emergency, an exemption is logical. If a child is in emergency care within the meaning of the Children, Youth and Families Act 2005, an exemption is once again logical. If the child is in the care of an adult who is not the child's parent due to exceptional circumstances, such as illness or incapacity, an exemption is logical. Some of these are logical.

There are some exemptions I cannot understand. Members of the government are saying that they are fulfilling an election commitment, but this is not the election commitment they made. Members of the government, when in opposition, made it very clear that there would be two exemptions: one would be for medical reasons and the other would be for conscientious objections. Despite this, the member for Essendon was on his feet speaking with a lot of vitriol and calling people names for saying, 'I have a conscientious objection and you said during the election campaign that you would give me an exemption — but instead of giving me an exemption you are just giving me vitriol and a lot of name-calling'.

The other thing I have a problem with is that some members of this house have talked about the fact that if you are an Aboriginal child, you are exempted from being immunised. Members have also mentioned the 16-week provision, but the 16 weeks mean nothing, because if the person has not immunised their child at the end of 16 weeks, whether or not they are Aboriginal, they have a healthcare card or they are eligible for any of these exemptions, the bill does not do anything. All the bill says is that you have to take reasonable steps. What are reasonable steps? Does the service just keep telling the parent to immunise their child? The people who fit into these exemption clauses would just say, 'Bugger you, they are already enrolled, they do not need to be immunised'. The bill does not encourage or force this group to be immunised as it does everybody else.

One of the particular issues I have is that you do not need to be an Aboriginal child to be exempted under this clause; all you need to do is have a parent who 'states that the child is' Aboriginal. This is very clear in the bill, the wording is very clear. When interpreting legislation you need to read the words, and the words very clearly say:

(d) a parent of the child states —

not that the child 'is', the parent just needs to state —  
that the child—

- (i) is descended from an Aborigine or Torres Strait Islander; and
- (ii) identifies as an Aborigine or Torres Strait Islander; and
- (iii) is accepted as an Aborigine or Torres Strait Islander by an Aboriginal or Torres Strait Island community ...

There is no provision within this clause to actually test that assumption. Any person, regardless of whether the childcare provider or the kindergarten provider knows 100 per cent that that is not the case, this clause gives everybody an out. Everybody just has to state it — whether it is true or not they just have to state that fact — and then they are exempted from having their kid immunised. All that means is that all the conscientious objectors do not have to be conscientious objectors anymore; they just have to state that their kid is Aboriginal. That is a major flaw with the bill.

The other major flaw with the bill is the fact that a healthcare card holder or a person with a pension concession card or white card are all exempted. Maybe members are able to fill me in on whether I am correct on this, but I am led to believe that more than 25 per cent of all kids in kindergartens fit into the category which would make them exempt. So if we are trying to increase immunisation rates but then we are exempting more than 25 per cent of kids — I hear over my shoulder it is 27 per cent — then 27 per cent of these kids are not affected by this law because their parents hold one of these cards. The other 73 per cent can just turn around and say, 'No, my kid is of Aboriginal descent. My kid is accepted as Aboriginal and my kid identifies as Aboriginal'. None of that is tested, you just simply need to state that. There are flaws in the bill.

I agree with the sentiment of the bill. We need to increase immunisation for all those reasons that were given by most members in this house. I agree that we need to increase the immunisation rates, particularly of Aboriginal children under the age of five, where we are at an immunisation rate of 91.6 per cent, which is more than 1 per cent less than for the general populace. Quite frankly that number could go down further when everybody starts stating that their kids are Aboriginal. That number is going to go down. It is going to look like there is a higher percentage of Aboriginal people who are not immunised when that is really not the case.

I have some issues with the bill. We are not opposing the bill, but I hope that members of the government take these things on board while the bill is between houses and see if we can potentially fix it so that it does what it is supposed to achieve. I conclude with one more comment. I note that the bill also states under new

section 143D headed 'Secretary's guidelines in relation to exemption', that:

- (1) For the purposes of section 143C(1)(g), the Secretary may make guidelines specifying the circumstances ...

I assume that some of the issues with conscientious objectors could possibly be sorted out using that provision.

**Ms KILKENNY (Carrum)** — I am extremely proud to rise to contribute to the debate on the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015. With the introduction of this bill the Andrews Labor government is fulfilling another very important election commitment. We made a promise to increase immunisation rates for young children in the community. That is what we promised the Victorian people at the election last year, and we are certainly delivering on that promise.

We know that around the world vaccinations save the lives of more than 3 million children. It is backed up by science and evidence. It saves lives, it saves money and it saves resources. In 2014 only 92 per cent of Victorian children aged under seven years were fully immunised. In some areas the percentage was even lower. This level is not enough to provide the herd immunity protection that we need to protect our kids against preventable diseases. As we have heard from various speakers today, we need at least 95 per cent, and the science backs that up.

The Andrews Labor government is getting on with this important job of lifting immunisation rates. The no jab, no play bill amends the Public Health and Wellbeing Act 2008. From 1 January 2016 it will make it a requirement for parents to provide evidence of their children's immunisation before they can enrol them in child care or kindergarten. No longer will we permit conscientious objections. Medical exemptions will continue to apply for children with a contraindication to a vaccine. There will be a grace period of 16 weeks for some categories of vulnerable children whose families may face difficulty accessing vaccinations.

These exemptions apply not because those parents choose not to vaccinate their children but because some parents and carers face challenges in getting access to vaccinations for their children that others of us do not. I explain that to the member for Burwood and also the member for Mount Waverley. Rather than attack these people, we are going to be working with them in those 16 weeks to give them the support they need to ensure that their children can get access to vaccinations as well. In that way we will work together to lift immunisation rates across all of our communities.

With the exception of the member for Evelyn, I must say I am extremely saddened that those opposite are not supporting this bill. I urge them to rethink their position, and I urge them to put the health and wellbeing of our children first and foremost. I do not want to see people pandering to a small group of parents who at best are perhaps misguided about the science behind vaccines and are refusing to look at the evidence. I have received a number of letters and emails from some of those parents urging me to rethink my support for this bill. They are telling me that it is nobody's business whether their child gets vaccinated or not, and they are saying that it is their inherent right to choose whether or not to immunise their children. To them I say: please broaden your view. It is everybody's business whether your child is vaccinated or not.

Rights are never absolute; they must be balanced against other rights. Individual rights must be balanced against the rights and needs of our community. To those parents I say: if you choose not to vaccinate your child, you are jeopardising not only the health of your own child but also the rights of other children to lead healthy lives. Parents who refuse to vaccinate their children are compromising the health and wellbeing of all children, and that is most certainly everybody's business.

We have perhaps forgotten — because of the effectiveness of vaccines over the years — about the ravages of measles or mumps or whooping cough. Today people think these diseases are not really a problem because they do not see them. People do not know that you can go blind from having measles, you can become sterile with mumps and you can die from whooping cough. Sadly we are seeing parents relying on Dr Google for advice on vaccines. They are basing their decisions on scary stories about alleged vaccine-related tragedies, even though the overwhelming evidence shows that serious adverse reactions are exceedingly rare.

Other parents believe that vaccines cause autism. I do not for a minute want to downplay the significance of autism in our society. I understand parents just want to know why their child has autism, but the argument that childhood immunisations cause autism has been completely discredited. Study after study shows no relationship, no causal effect whatsoever.

Other parents just do not want to believe the science. They believe that the scientific evidence is wrong or that somehow it is a conspiratorial lie concocted by pharmaceutical companies, bad business or big bad government wanting to tell them how to lead their lives. Sometimes the belief is rooted in religion. Whatever the

beliefs, these people all have one thing in common: sadly they are not facing the facts. I ask those parents to have a listen, to broaden their view and to have a look at the facts. What are those facts?

Fact 1 is that vaccines work. The case for vaccines is backed up by scientific evidence. Fact 2 is that each unvaccinated child lowers the level of protection for everyone. They especially place at risk babies too young to be vaccinated and children who cannot be vaccinated for medical reasons. Fact 3 is that parents who refuse to immunise their children because they object on so-called conscientious grounds may not be putting the interests of their own children first.

In researching for my contribution to this debate I have read a number of articles. Some of those articles refer to studies done in the US which show that children who are not vaccinated because of belief exemptions are 35 times more likely to contract measles and nearly 6 times more likely to contract whooping cough. In other words, these studies are showing that children with belief or conscience exemptions have a 3400 per cent increased risk of contracting measles and a 490 per cent increased risk of contracting whooping cough.

In Australia there are similar cases. In 2014 there were 62 cases of measles in children under the age of five years. This is the highest number since 1999. The risk is unacceptable, and so too are the health risks to other children who cannot be vaccinated. As a community we have a compelling interest and an obligation to require children to be immunised without exception for religious or personal beliefs, and that is what this bill does and I am very proud to be supporting the bill.

Most powerfully, the case for vaccination is told by personal stories. We heard the story from the member for Dandenong, which is extremely compelling. In my research I found a letter written by British author Roald Dahl about his daughter Olivia. In 1986 he wrote:

Measles: a dangerous illness

Olivia, my eldest daughter, caught measles when she was seven years old. As the illness took its usual course I can remember reading to her often in bed and not feeling particularly alarmed about it. Then one morning, when she was well on the road to recovery, I was sitting on her bed showing her how to fashion little animals out of coloured pipe-cleaners, and when it came to her turn to make one herself, I noticed that her fingers and her mind were not working together and she couldn't do anything.

'Are you feeling all right?' I asked her.

'I feel all sleepy', she said.

In an hour, she was unconscious. In 12 hours she was dead.

The measles had turned into a terrible thing called measles encephalitis and there was nothing the doctors could do to save her ...

... there is today something that parents can do to make sure that this sort of tragedy does not happen to a child of theirs. They can insist that their child is immunised against measles. I was unable to do that for Olivia in 1962 because in those days a reliable measles vaccine had not been discovered. Today a good and safe vaccine is available to every family and all you have to do is to ask your doctor to administer it.

It is not yet generally accepted that measles can be a dangerous illness. Believe me, it is. In my opinion parents who now refuse to have their children immunised are putting the lives of those children at risk ...

...

So what on earth are you worrying about? It really is almost a crime to allow your child to go unimmunised.

...

Incidentally, I dedicated two of my books to Olivia, the first was *James and the Giant Peach*. That was when she was still alive. The second was *The BFG*, dedicated to her memory after she had died from measles. You will see her name at the beginning of each of these books. And I know how happy she would be if only she could know that her death had helped to save a good deal of illness and death among other children.

I ask those parents who hold conscientious objections to pick up those books and to read Olivia's name. I absolutely commend this bill to the house.

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

**Business interrupted under sessional orders.**

## GRIEVANCES

**The DEPUTY SPEAKER** — Order! The question is:

That grievances be noted.

### Electorate office staff

**Mr PESUTTO** (Hawthorn) — I grieve for the people of Victoria. It is clear now that this Labor government rorted its way into government. This Labor government stole the last state election, and this Labor government has an integrity deficit. When everybody from PricewaterhouseCoopers (PwC) to the Parliament, not to mention we in the coalition and also the Premier's own people, condemn what the government did, we should characterise it for what it was: a blatant fraud on the Victorian people. The Premier stands there with his Minister for Sport, denying that anything was wrong, saying, 'There are rules, and those rules have been followed', or saying, 'I reject the premise of the truth'. It is like the Premier has engaged Bart Simpson

to be his defence lawyer — 'I didn't do it' or 'It was like that when I got here'.

Everybody condemns this rort for what it was, but what was it at its heart? Let us look at the detail of what it was. It was a rort that involved the employment of casual staff under the guise of being electorate office staff to work full-time on party-political campaigning. There is no grey in this; it was clear, full-time party-political campaigning. Whether it was doorknocking, letterboxing or street walking — you name it — all the work we do as candidates in elections is what these electorate staffers were doing.

When did it start? It started back in May 2014 — possibly earlier, but what we know from media reports, because the government will not open the books on what happened, is that from around March 2014 there was a meeting to discuss the exciting prospect of defying history and removing a one-term government through the use of a community action network. It was a rort. Even the Premier's fingerprints are at the scene of the crime. He addressed this group to tell them how important their work as campaigners out in the field would be to winning the then future state election. Not only was the Premier, the then Leader of the Opposition, there, but he was joined by his right-hand man, Mr Jennings, a member in the other place, who, according to media reports, took them through all the necessary steps that they needed to go through — things like, 'Don't tell anybody who is paying you' and 'Just say you're working for the Labor Party'. We know this because a number of whistleblowers from within the Labor Party are blowing the lid on this, including Labor MPs.

Let us look at what they say happened at these meetings. According to one media report:

'Lenders walks in with (his staffer) Jadon Mintern and essentially starts saying how important the campaign is in the field', one FO said.

'And then starts with, "Oh, by the way, this is how you are going to be paid".'

'So 60 per cent of your wage or three days a week is coming from the party and two days a week you are working for the Parliament of Victoria.'

According to one of the whistleblowers who is blowing the lid on this:

... none of us knew we were being employed by the Parliament of Victoria until John Lenders walked in and said, "By the way, you're also going to be employed by the Parliament of Victoria two days a week".'

...

'Immediately someone asked, "Is that legal?" And he —

Mr Jennings —

said — to the best of my recollection — "It's a fine line but we think it's legal. It's OK. Don't worry about it."

Messrs Jennings and Mintern:

... made it clear that this was how we were being paid, and don't say anything about it ... John Lenders said he didn't want people sniffing round.

What does that tell us? Not only were they employed in breach of parliamentary rules, they were told to lie. The whistleblowers go further. They were told not to contact their employer — the Department of Parliamentary Services — but to talk to a Labor staffer if they had a problem. What does that say about OHS obligations or the enterprise bargaining agreement (EBA) they were entitled to? What does it say about the Accident Compensation Act 1985, which applies in these circumstances? If they have a grievance or they suffer an injury, who do they go to? They are not to go to the Parliament. How disgraceful is that?

It gets worse. According to one whistleblower:

'We were told "shut your mouth" about the way we were being paid — if that is not a clear sign that it is dodgy, then I don't know what is.'

According to press reports the whistleblowers then say they were asked to fill in and sign enough blank timesheets to last several months, again to suborn the falsification of documents. As if that is not bad enough, as if that is not farcical enough, the member for Monbulk turns up to the scene of the crime to award certificates. It is like a cat burglar who, on leaving a house, leaves one of those 'sorry I missed you' cards. Amazing! What a testament to how committed they were to this rort.

A very detailed framework applies to the employment of all staff, whether full-time, part-time or casual, by the Presiding Officers of the Parliament. The whole process of employment starts with a nomination by members in this and the other place with an authority to offer employment form. That is based on the recommendation, written authorisation and nomination of a member of Parliament. In the member's declaration on the document it says:

I authorise the organisation development unit to prepare letters of offer on my behalf for the person listed above who is to be employed to work in my electorate office. I confirm that this appointment is within the 2 FTE (where applicable) staffing allocation for my office.

Any MP who signs this document knowing, intending or believing that the staff member concerned will spend all their time campaigning in another electorate, like Bellarine, has, in my submission, falsified a document with serious consequences that I will come to. As if that were not bad enough, it gets even worse, because to pay these casual staff you need to submit documentation. As a member of this or the other place, what do you need to submit to recommend to the Presiding Officers through the department that they pay electorate officers for their work? You have to sign a casual payment form for electorate officers, and what does it provide for? It provides for an employee signature, which certifies that the employee has worked the hours nominated on the date certified.

If an employee was pressured — and I suspect that employees in this Community Action Network were pressured — to sign these documents, they were falsifying a document under the pressure of those who asked and required them to do this as a condition of being part of the Community Action Network. Even that is not the worst feature of this. The worst feature is that the MP concerned has to certify to the Presiding Officers through the department the following:

I certify the above details to be correct and I authorise that, where appropriate, payment be made from my electorate office budget.

That is followed by a 'member signature' and 'date'. If a member of this or the other place signed any of these documents at any time knowing, understanding or believing that the contents of the document were false, that would be a criminal offence. I will come to that in a moment.

The Parliamentary Administration Act 2005 is the legislation under which all of this occurs, and it provides in section 30:

- (1) The presiding officers, acting jointly, may, on behalf of the Crown, employ as an electorate officer to assist a member of Parliament, a person nominated by that member.
- (2) The employment of a person under subsection (1) must be under an agreement in writing and is subject to any terms and conditions that are determined for the time being by the presiding officers, acting jointly.

It is very clear the Presiding Officers employ staff as electorate officers at the nomination of the member concerned on the basis that those electorate officers will serve that member of Parliament. It is not, as the Premier tried to indicate unavailingly the other day, that members of Parliament can at their own discretion decide what casual staff do.

The act goes on to say in subsection (4), despite the earlier subsections I mentioned:

... the duties and responsibilities of a person employed as an electorate officer are to be determined by the member who nominated that person.

That does not mean, as the Premier tried to assert the other day, that an MP can say to a staff member, 'I want you to go and work in my business' or 'I want you to go and work on a campaign for the Health Services Union or the Australian Workers Union' — not that that would ever occur. That is not what the legislation means; it means the day-to-day duties — whether it is sitting at the front office, entering data or answering correspondence — are for the MP and not the Presiding Officers to determine. It remains the case that at all times they are to serve the member of Parliament they are employed to serve. It also is worth noting that the EBA itself provides in its objectives that the parties to the EBA, which are the Presiding Officers jointly and the Community and Public Sector Union on behalf of employees aim at:

Achieving best practice in the management and administration of electorate offices of members and to improving services to the people of Victoria as the interface between them and members.

This does not mean you achieve that objective by sending your staff out to work in another electorate full time serving a party political campaign. The framework for the employment of staff completely discredits the Premier and his ministers on this matter who say it was within traditional arrangements. That is not the case.

What are the consequences of all this, Deputy Speaker? They are very serious. If these allegations made by Labor Party insiders, Labor MPs and Labor staffers are true, then they engage the following potential criminal offences: obtaining property by deception, obtaining financial advantage by deception, false accounting, falsification of documents and conspiracy to commit an offence. Even worse, in terms of the standing of us as politicians because of what the Labor Party has done, are the allegations that staff were told to lie and to delete, destroy or remove evidence or to interfere with potential police investigations. That would be very serious and, if those allegations are true, they may well amount to obstructing justice. If staffers have been pressured to thwart a legitimate police investigation, even though it may not presently involve litigation before the courts or a criminal prosecution, there is clear authority that says obstruction of justice can occur before the commencement of a criminal prosecution. It does not stop there — there are other problems.

The PwC report, which the Leader of the Opposition has already mentioned in this place, also condemns the report that the Labor Party engaged in, saying it:

... would not survive either an internal audit or scrutiny from the Auditor-General.

The report goes on to say that the reporting scheme, a very calculated and orchestrated scheme, would potentially breach the OHS act. The scheme would not pass the pub test, the report said. As I said, it may well involve enterprise bargaining agreement breaches. I would encourage any staffer who was misled into participating in this scheme to consider their rights under the enterprise agreement.

This is a very serious matter. It is not sustainable for the Premier, his ministers and in particular the Minister for Sport to continue the refrain: there are rules, and those rules have been followed. Nobody believes that. All of the people I have mentioned and all of the institutions I have mentioned, categorically, unanimously and unequivocally make it clear that what happened cannot stand up to scrutiny.

What does the Premier need to do now? He needs to come into this place and correct the record. That is the first thing. He needs to explain to this Parliament and the Victorian people that he misled them when he said repeatedly in this place and in the media that the rules have been followed. How can he say that when I have gone through the documents and when the staffers involved, who you would expect to stand behind the Premier and his account, say that they never performed the duties that these forms represented to the Presiding Officers that they did perform? It is not sustainable.

As for the Minister for Sport, whose days as a minister are not long for this world, he cannot continue to say that he rejects the premise of legitimate questions. The questions contain no assumptions. All these legitimate questions contain is a fair and proper inquiry for the truth. I doubt we are going to get that, but we will continue the fight.

### Grand Final Friday

**Mr PEARSON** (Essendon) — I agree that the opposition has decided to attack the government's decision to gazette the grand final public holiday. As some members would know, I come from a small business background, unlike some of those opposite. I had the great privilege of working in small business for 15 years. I am actually a second-generation small business person, because my father was a butcher and ran a business for 25 years — from 1974 to 1999. What I remember from those times is that small business

provided me with enormous opportunities growing up in our household. I had a very privileged childhood. But I also remember that I did not get to spend a lot of time with my father.

Small businesses are often cash businesses, which means you cannot necessarily throw the keys to someone and get them to run it while you take four weeks of annual leave. In the case of my dad, we had some leave back at Easter 1978. Dad had a theory that, 'It was either in the fridge or in the till'. You always had a problem if it was not in either. Either you had stock in the fridge or you had money in the till. We went away for Easter and came back, and there was no stock and there was no dough. That put an end to any form of annual leave.

I did not have any family holidays from 1978 to 1983. Dad got no time off other than public holidays and Sundays. He did not have a break from 1983 to 1987, and he did not have a break from 1987 to 1999. My father never complained about this. He always recognised that that is the price you pay for having the freedom and liberty of being your own boss — it came at a price. The price was that we did not get to spend a lot of time together as a family. When I was growing up, being able to spend time with my mum, my dad and my brother, going off and doing family things, was always a time of great enjoyment. That was a very important initiative. My experience growing up is no different from the experiences of many kids today growing up in small business families, because it is very difficult.

Opposition members have been making a lot of noise about the damage they claim this is doing to the economy. The economy that we have before us is very different to the one that many of us knew in the 1970s and 1980s. Increasingly we are looking at a two-tier economy — that is just the reality. We are going to see more free trade agreements, which will lead to greater stratification. There will be specialists, like lawyers, bankers, engineers, consultants or health service professionals, who will be well remunerated, and there will be generalists who will be servicing the service economy. If you have a few dollars behind you and you have a very good job and are getting well paid, a public holiday is nice. You can have time with your family. You can rest up and go back to work feeling ready to take the next step.

But it is important if you are a service worker, if you are working in a cafe or hotel or if you are working on public transport or if you are a porter or a caterer in a public hospital, that you are appropriately paid. Public holiday penalty rates address that. That is where we are

headed. The notion that we are going to have a strong and vibrant middle management which will soften out the stratification is incorrect. That existed 20 or 30 years ago, but increasingly it will not exist as we go forward, particularly as we start having more of these free trade agreements. I support them, but the consequence will be that a greater level of stratification and specialisation will occur.

The opposition has been going on and on about the damage this will do to the economy. If you look at where we are now as a nation, and where we want to go, many of us would aspire to become more like Germany. Germany has one of the largest economies in the world. It is a federated nation, and the states regulate its public holidays. In the case of Bavaria there are 13 public holidays. In addition to that, back in 2003 something like 29.1 days of annual leave were provided to workers in Germany, in addition to public holidays. This is a very large economy. The size of the German economy is \$3.86 trillion, compared to the Australian economy of \$1.444 trillion, and these statistics are from 2014 in US dollars.

We want to become more like the German economy. We want to make sure that we have a diversified economy, that we have got strong safety nets for people who work in the service sector but also that we have that level of niche specialisation across a number of sectors to address the growing needs in Asia. We need to model ourselves more on Germany.

I remind the opposition that we are not in the era of the master-servant arrangement. We want a modern, progressive, dynamic economy where employees are paid to work smarter and not necessarily harder. That is where the growth will be. It is not about chaining workers to dilapidated machines hidden behind a tariff wall and trying to get them to pump out more T-shirts on a Friday afternoon instead of spending time with their families on a public holiday. It is about asking whether we can ensure that people working in the service economy are well remunerated to compensate for the fact that they have a very low base wage. It is about helping workers in those niche specialised areas of the economy to work better — to be more efficient, more productive and more effective — which they can do by being more well rested and more well rounded.

The reality is Australia is in a unique position in the global economy and in the context of the Asian century. Our economy will not service Asia through quantity; it will service Asia through quality. The Asian middle class will want quality products emanating from Australia. It is about making sure that we have well-equipped, educated, progressive and innovative

workers producing higher quality products and goods and services rather than treating it as a volume game. The reality is if we compete with Asia on volume, we will lose. That is not our strength. If you listen to opposition members, you hear that they want to push us down the path of the master-servant arrangement — trying to work harder, not smarter; playing a volume game, not a quality game; and saying, ‘Off you go, work harder and just try to push it out as much as you can’ for goods and services which will have no market.

On Friday I was fortunate to spend a lot of time in my electorate. It was a great opportunity to go out and about, spend time in my electorate and support those businesses that chose to open. I went to Fresh on Young in Moonee Ponds to buy some bread and a vegetarian pizza for my parents, which was nice. I then went to the Wolf + Hound in Flemington and got a nice breakfast. Then I had the great joy of taking my four eldest children to the Sunshine cinemas — I do not have a cinema in my electorate — to see *Oddball*. When we dragged the older four kids in we found that the cinemas were not yet open, and people were wandering around. I wondered what people were waiting for. When the cinemas opened at 9.55 a.m. there were 30 people lined up, ready to go in to see a show. It was fantastic.

I remember being a kid and seeing *Back to the Future* with my mum and dad in the city on a public holiday — it might have been the Butchers Picnic public holiday one year — and it was gold. It was a golden experience. I remember it to this day. It was a wonderful time.

**Mr Wynne** — Butchers Picnic?

**Mr PEARSON** — Yes, Minister, Butchers Picnic. It was a great institution. Sadly it is no more. Oh, that it were still here today!

I subsequently went off and took my wife and kids out to lunch at Grandpa Joe, which is a new cafe in Union Road, Ascot Vale.

**An honourable member** interjected.

**Mr PEARSON** — It was a costly day for me, but I was happy to do that. I was happy to support my local small businesses that chose to open.

It is an interesting concept, because what we have heard from those opposite throughout the entire debate are complaints about the cost of doing business. Here is something about economics that the other side might want to think about: if you cannot change your fixed costs, what do you do to try to earn money? You try to

increase your revenue. How do you do that? You try to promote your business.

Those opposite should promote the businesses that chose to open. They talk about being the party of small business. They had a great opportunity to talk this up in terms of encouraging people to spend money in their local communities. A plausible position the opposition could have taken is to say, ‘We don’t agree with this public holiday — we don’t like it; we wouldn’t have put it up — but let’s get behind those small businesses who are choosing to open and let’s get out there to try to make this the best situation it can be for small business’. What did they say? Nothing, silence. On Grand Final Friday they had no interest in trying to drive revenue into their electorates and into the community. They were not taking it seriously.

I am inclined to wonder what opposition members were doing on Friday. Were they working for their electorates? No. At 9.04 a.m. a phone call was made to the Victorian Liberal Party headquarters. Was there an answer? No. At 9.03 a.m. there was a call to the opposition rooms. Was there an answer? No. Also at 9.03 a.m. a call was made to the Leader of the Opposition’s electorate office. Was there an answer? No. At 9.04 a.m. there was a call to the Leader of The Nationals electorate office. Was there an answer? No — it just went through the line. A call was made to the Deputy Leader of The Nationals at 9.21 a.m. Was there an answer? No. There was a call made to the electorate office of the member for Warrandyte at 9.22 a.m. Was the phone picked up? No, there was deathly silence from those opposite.

Those opposite come in and attack this government for rewarding small business families with an opportunity to spend time together as a family, and yet they neither supported those small businesses to increase their revenue on the day nor were they working. They are critical of this government for rewarding the electorate with a public holiday, but they themselves took the day off. These people are lazy dilettantes and economic hobos of the highest order. That is the reality. This is about making sure that we have got a very strong and growing economy.

Another point I would make about those opposite is that when you think about there being a long weekend, you might think about how you will spend the three days with your family. You could spend the time at home, and those of us with young children will say it is sometimes easier to stay home, or if your kids are a bit older, you might spend three days in country Victoria with your family.

We heard The Nationals members complaining that there would be grave impacts on very small country towns as a consequence of the Grand Final Friday. However, they failed to recognise that tourism is a major economic driver in regional Victoria. The reality is that through none other than blind, ideological reasons for following the Liberal Party, they threw in their lot with the Liberal Party to oppose this without recognising the fact that this is a wonderful opportunity for people to spend and invest in regional Victoria.

The Minister for Racing indicated that when he was in Benalla for the races the marquee sales were up 300 per cent. Where are The Nationals? Why are they not saying, 'Look, this is a great thing for regional Victoria'? They are absent; they are missing. They do not speak for country Victoria, which is why there is the Independent member for Shepparton — a person who managed to take the Shepparton seat off The Nationals for the first time in 70 years — and why they need to lose party status. They are completely and utterly irresponsible, and they do not speak for the country. You would have thought that The Nationals would have said, 'Do you know what? You might not like Grand Final Friday, but why don't you come and spend time in regional Victoria? Why don't you come and invest money in our communities? Why don't you spend time away?'. But they have no interest. They are entirely irresponsible, and they do not care about growing the economy for their communities. That is the reality.

We are overseeing a transformation of this great economy into being a modern, progressive economy for the Asian century. It is about making sure that workers on a low base rate who work on public holidays are rewarded and appropriately remunerated. It is about making sure that we have highly skilled workers who are able to provide the best quality output they can provide to participate in the Asian century. That is what this is about, and that is why Grand Final Friday is so important. As a son of a small businessman and as a former small businessman, I commend the grand final holiday.

### Government performance

**Mr McCURDY** (Ovens Valley) — I rise to join the grievance debate and grieve for the people of this great state who have been lied to, manipulated and shown absolute disregard by this city centric Labor government. It rorted its way to government, it rorted its way to power and it rorted its way to a victory that was built on deceit. The Premier of this state should hang his head in shame. As the Coodabeens would say, he should DTRTAR — do the right thing and resign!

Some pretty famous people have grown up in the Wangaratta region. One of them was Ned Kelly. He was the last bushranger from that region, and I think he has met his match now. I am appalled at the levels Labor has gone to to gain an unfair advantage. In regional Victoria we love a good stoush, the rules being one on one, play the ball, not the man, but always be fair. But the Premier says he takes responsibility for each and every thing that occurs under his leadership and the Labor Party government. It is time the Premier made the call.

The definition of 'rorting' is to cheat, rip off, scam. To even think up this disgraceful plan is one thing, but to carry it through is absolutely inexcusable. We have heard what has happened. Let us recap. The Minister for Sport and others have signed casual work sheets to pay Labor Party hacks to do their dirty work. The Premier has destroyed the trust that anyone ever had in his leadership. It was not enough for him to con the ambos union and the firefighters to help him out at the election. The Premier made a decision, a decision that he said he would take responsibility for, and he has let the team down. My understanding is that some of the casual staff have never even met the so-called employer who signed the claim form. That is disgraceful.

The Victorian people had concerns with Labor's first stunt, the one about the contract not being worth the paper it was written on, not one dollar. Those concerns were confirmed with the fudged complaints against the Minister for Small Business, Innovation and Trade. Now Victorians know that the Premier has rorted his way to becoming the Premier. With any other product or service in the world, you would seek your money back. Well, Premier, show us the money.

Hillary Clinton recently said:

You show people what you're willing to fight for when you fight your friends.

The people of Victoria should look no further than the Labor Party. The factional fighting is threatening to blow the lid off this government. In the words of the famous Donkey in the *Shrek* movie — we all know who Donkey was:

I've got a dragon and I'm not afraid to use it! I'm a donkey on the edge!

There are a few donkeys who have been signing casual worker claim forms — and damn right they are living on the edge.

This government is focused on ports, warts and rorts. With ports, we know about the sale of the port; that is the key to its piggybank. In terms of warts, a wart is a

small, rough growth caused by a viral infection, and we know that has gone through the Labor Party. And the rorts are to take unfair advantage of a public service. It is never too late to apologise. We have covered ports, warts and rorts. Let us look at distort — that is, distortion of the truth! We hear those on the other side say, ‘We will reinvigorate country Labor’. That only Labor can support regional Victoria was the propaganda statement made before the election, but we know what Labor has done after the election. What happened in South Gippsland? There was no Labor — Labor went missing.

What about the Polwarth electorate, with the by-election coming up? Labor has gone; it is missing. And what about the South-West Coast electorate? Labor has gone; it is missing. That is not even missing in action; that is missing in no action at all. People in the Ovens Valley electorate are disappointed. They thought that if a local boy from Wangaratta makes it to the big stage, he would remember his grass roots. But no. He can remember only back as far as the CFMEU. For the benefit of the Minister for Sport, that does not stand for casuals for me and you. Here are some of the headlines that have been engulfing this dodgy Labor government: ‘ALP rorts for votes’, ‘Rorts report damns Dan’, ‘Cops call in on Labor rorts’ and ‘Time to fess up’. The people of Victoria are sick and tired of Labor rorting the system.

I want to go back to the movie *Shrek* that I mentioned a moment ago and the Donkey. We all know about the Donkey. There are some astonishing similarities here. We know about Shrek, the ogre who mopes around and tries to be in charge. And we know about the Donkey — well there are a few of them. Then of course there is Lord Farquaad. He wants to be in charge, but he knows he never will be. But looming on the horizon is Princess Fiona. Sometimes I think she might be calling the shots. The similarities are incredible — and do not let me go down the path of talking about Pinocchio and the Gingerbread Man. Are you catching what I am throwing? Are you picking up what I am putting down? All of these characters cannot live happily ever after together — just like Labor.

But they have one thing in common: they all agreed to rort together. Even the aspirational candidate for Morwell in the 2014 election, Jadon Mintern, is showing some excellent early spring form. In fact as weight for age goes, in the Rorting Handicap you would back him each way every day of the week, wouldn't you? Sometimes I think I would rather put it on the nose, though.

Let us put this rorting fiasco into perspective. Does anyone remember Ben Johnson, the 100-metre sprinter? He was a champion — until he got caught cheating. He had to give his medal back and was publicly humiliated. What about Rene Rivkin? What about Lance Armstrong? What about the New York Yankees baseball player, Alex Rodriguez? Do I need to go on? All these people cheated the system — and they all paid a heavy, heavy price.

Victoria will not stand by and let this rorting go unnoticed. We deserve better. Victorians deserve to know that their elected government can play on a level playing field, and I do not think that our current government can do that. I want to talk about expectations and about government leadership. Integrity, trust, confidence and creativity are four qualities that I look for in a leadership team. One out of four just does not cut the mustard: integrity — zero; trust — down the tube; confidence — doughnuts; creativity — thumbs up. They get a tick for that one, no problem at all. We should give them an elephant stamp; in fact, we should give them a white elephant stamp. But it takes more than dodgy creativity to run Victoria. We do not accept tanking, we do not accept deceit and we will not accept shady deals. They are dirty deeds but they were not done dirt cheap. There is no excuse; come clean or get out of office.

Twenty-five per cent of Victorians are regional people and they are receiving about 2.9 per cent of the infrastructure spend. This city-centric government thinks that Bendigo, Ballarat and Geelong are the entirety of the regions, but it is wrong. The strong country values that made our state what it is today have all been lost with this government, and it is still ignoring those community expectations. Look at the sacking of the water boards — what a disgrace — and loading them up with a majority of left-leaning mates and a sprinkle of conservative views to try to look like they are balanced. Labor is at war with itself. I ask: how would we have fared at the Battle of Long Tan on 18 August 1966 if we had spent half the time and resources fighting each other before we took on the enemy?

We need a government that fights for Victorians, not a government that fights against itself. Labor needs to own up, Labor needs to fess up and Labor needs to pay up. It should start by paying back the hundreds of thousands of dollars that it has rorted through the system! When Labor was in opposition, it hunted the then member for Frankston. Labor members stalked him, plotted and ferociously schemed to bring him down. Over how much money? At stake was \$1500. We are now talking about 1000 times that or nearly

\$1.4 million that has been rorted out of the system, and that is a disgrace. This government has paid out the ambos, it has now paid out its casual staff, and the tram drivers and train drivers are lining up to get paid out too. Labor is trying to buy its way out of this mess. Every day Labor is in government there is another scandal, another rort and more infighting, and it is time it woke up to itself.

Again I say Labor needs to own up and fess up, and it should pay up now. I say to those opposite, ‘Show some respect to the position you hold. Do it now before it is too late. Correct the record before it is too late and, as I say, pay up now’.

### Education

**Ms GRALEY** (Narre Warren South) — I am going to talk about education, and I think it is about time the member for Ovens Valley thought about returning to school himself, because his speech was unbelievably inaccurate and really did him a disservice. I will talk about education and grieve for the damage the previous Liberal-Nationals government did to the education system in Victoria. If we want to talk about cheating, ripping off and scamming, let us do so, because the coalition certainly cheated students, ripped off schools and scammed teachers. In real terms that means it let many education opportunities for Victorian students go by. As members opposite have continued their attacks on ambulance workers here today, they attacked the profession of teachers holus-bolus.

I also grieve and bring to the attention of the chamber that the opposition’s federal counterparts in Canberra seem to be continuing in their nasty little footsteps of cutting funding to education and playing politics with the future of education for students. If the member for Ovens Valley wants to see the money, then I would like to see the federal government’s money in education. I would like it to show us the money where Gonski and numerous other education projects are concerned. I can assure everyone in this house that this side of the chamber, the Andrews Labor government, is committed to ensuring that no matter what a child’s background, postcode, age or ability, everyone has the right to learn. That is why we mean what we say: we are fully committed to making Victoria the education state and to giving every one of our kids the best possible start in the best possible schools with talented teachers in every classroom.

I know that those opposite, members of the Liberal-Nationals coalition, are fond of rewriting history. I have sat here since the election victory, which they are now saying is somehow not real and did not

happen. It was very real, because the reason they lost the election was that they failed in so many respects, particularly in the field of education, and now they are trying to rewrite history. So that nobody is confused, let me put on the record the failure of the Liberal Party in government. It cut capital budgets by half. There was a 500 per cent increase in portables being ripped out of school communities and moved to growth corridors because — and this is one of the most telling facts of the failure of the previous government — there will not be one new school opened for the thousands of Victorians in the outer suburbs who have established new homes there and who want their kids to go to a good school. Not one new school will be opened in 2016, and that is a damning fact and a damning legacy.

But there is more. The previous government cut the education maintenance allowance (EMA). I looked at what was being said in past newspapers and I noticed in the *Berwick News* that Susan Magee from the Casey North Community Information and Support Service, in talking about the EMA, feared the changes would mean disadvantaged and vulnerable families would suffer. She said the payments were crucial in assisting low-income families with the crippling costs of school uniforms, books and associated fees. That is what the previous government took — the books, the uniforms and the fee payments out of parents’ purses — and made them struggle even more to give their kids the best education opportunities.

The previous government restricted the travel conveyance allowance. There were kids in my electorate who could not get on a bus to go to school because they could not afford to. It axed Free Fruit Friday. As I said before, it took the apples from the mouths of babes. It failed to build schools in the outer suburbs — in my case, Casey Central East primary school. That was replicated many times over in the outer suburbs. It cut funding to the Victorian certificate of applied learning (VCAL) — \$1.2 billion worth of cuts to TAFE.

I looked at more newspapers and found these headlines: ‘Creeping school cuts’ from St Francis Xavier Catholic College in Berwick; ‘Cash cuts hit schools’, Hampton Park Secondary College; ‘Still in need of help’, Narre Community Learning Centre; ‘Students in battle for VCAL funds’, Narre Warren South P–12 College; ‘Give us back the money’, Cranbourne Secondary College; ‘Students left in limbo’, Alkira Secondary College; ‘Drop-out fears’ from 15 principals; ‘Riled over VCAL cutback’, Kambrya College; ‘School bombshell — union pleads with government to resume building plans’; and there is more.

The history of the Baillieu and Napthine governments in education is truly deplorable. There is more, compliments of the 'fixer', the former federal minister for education Christopher Pyne. How quickly did Prime Minister Malcolm Turnbull move him on? He failed to provide the money to fully fund the Gonski agreement. That is a sign of how inept he was and how far out of control members opposite were in the education field. Even when the federal government gave them money to pass on to schools that were working very hard to achieve excellent results and improvements in their literacy and numeracy, the national partnership funding was not passed on.

Schools like Kambrya College and Fountain Gate Primary School are still waiting for Christopher Pyne's money to come from the former state Minister for Education's office into their budgets. Hundreds of thousands are disadvantaged because federal and state governments of the same complexion — the Liberal-Nationals coalition — could not work together for the benefit of schools in Victoria.

Do members think this is going away? I do not think so. We have a new federal Minister for Education and Training, Mr Birmingham. He will have a very hard job repairing the damage that the 'fixer' wreaked on post-secondary education in particular. I see that Mr Birmingham already has trouble with his own caucus colleagues. Over the weekend I picked up the Australian edition of the *Guardian* and saw the big headline 'Scott Morrison encourages states to let private sector run schools and hospitals'. With 2 minutes in the job as federal treasurer and 3 minutes in the job as federal education minister, they are already back to their old tricks of trying to privatise things and make user-pays principles apply to public schools.

I saw this headline: 'States put on notice over health, education savings'. There will be a meeting where they all get together and talk about how they can save money. Another headline states: 'Morrison tells states: fix health and education'. A good start in fixing health and public education would be to provide the money required under the Gonski agreement. We are still waiting to see where that money has gone. I concur with Michael Danby, the federal member for Melbourne Ports, who said:

It's very hard for people to find efficiencies within that massive cutback ...

They are asking us to do more with less and to pass on cuts to education and then asking parents, schools and religious institutions to pay for things that, quite simply, they cannot afford. I suggest that those opposite, if they are hanging out with their friends who occupy the

government benches in Canberra, have a chat to them about how they can assist Victorian families, students and teachers to deliver on the Gonski agreement in the out years.

**Ms Ryall** interjected.

**Ms GRALEY** — The member for Ringwood likes to interject. She is good at telling people how to run their own businesses.

**Ms Ryall** — Been there, done that.

**Ms GRALEY** — Yes, so have I, and I still do. The fact is that many of us do, and, as the member for Essendon pointed out, we run them successfully.

I have set the scene, and what a contrast it is to have a Labor government occupying the seats of power and being responsible for delivering a quality education for Victorian students. I will put on the record a number of the steps already taken to repair the damage done to the education system by the previous regime. We have expanded and fast-tracked the \$291 million public-private partnerships program, which will be the biggest one ever in Victoria. We have schools to build, and we will do that, bigger and better than ever. Not only have we funded our Gonski commitment for the term of this government; we have filled the \$850 million black hole left by the previous government. As I said before, I call on the new prime minister, who says Victoria is a great place to be, to bring his moneybags to Victoria and fund the next stages of Gonski.

Before the school holidays every principal in the state received extra money to run their schools. I remind those opposite that under the coalition over half of the state's 1500 government schools did not receive any equity funding. I have had a look at the list of the schools we are providing with extra money. They include Wodonga South Primary School, which got zero but under us will get \$200 000. Wheelers Hill Secondary College got zero, now \$140 000; Vermont Secondary College got zero, now \$105 000; Stawell Secondary College got zero, now over \$173 000; Mount Waverley Secondary College got zero, now over \$112 000; Leongatha Primary School got zero, now over \$123 000; Kew High School, represented by the member for Kew, a writer for the *Herald Sun*, has gone from zero to \$82 000; and Berwick Secondary College has gone from zero to \$271 000. I know that at Berwick Secondary College they are happy to be getting that extra money, because they told me so.

I also put on the record, as I mentioned at the outset, the serious damage inflicted on schools by the previous

government, sometimes in little ways but with significant consequences. We have re-established a fund to make sure that all kids can go on camps and excursions. We have given assistance for school uniforms and glasses. The feedback in my electorate is that breakfast clubs will be established in some of the most disadvantaged schools. If government can do anything, it should make sure that every kid enters a classroom with a full tummy so they can learn. My colleagues tell me that many schools are contacting them and applying to be part of the breakfast club program.

When Mr Morrison, the federal Treasurer, or some in the business community or other community organisations criticise schools, you often hear the refrain that schools are not set up to cope with the modern age or that they do not listen to what business needs for its workforce. I am proud that this government has committed to a fantastic program, and I am fortunate that one of the new tech schools will open in my area in Casey. I have been to a number of community engagement forums and business boot camps, and businesses of all varieties, from high-tech manufacturing to health and community services, are telling us exactly what they want kids to learn at school and the experiences they want them to have so they are well kitted up, resilient, prepared and creative problem solvers. These are the sorts of skills they want kids to have, and the new tech schools will be tremendous places where kids will get an amazing opportunity to experience things that are not normally available to them in a formal classroom. These are great steps being taken by this government.

Elliot Eisner is quoted in *The Education State* — *Schools Consultation Paper* as having said:

The major aim of schooling is to enable students to become the architects of their own education so that they can invent themselves during the course of their lives.

On this side of the chamber we are totally committed to making sure that every child in Victoria gets an excellent, equitable and fair education, that they get the best expertise from their teachers and that we have highly skilled professions. No matter where you live, what background you come from or what your age or experience, we are committed to making sure that the success you deserve will be available to you.

### Government performance

**Mr GIDLEY** (Mount Waverley) — I grieve for the sorry state of the Victorian government under the Labor Party and the consequences that has for the people of Victoria. Members of this government are now at war,

fighting each other rather than fighting for a brighter future for everyday Victorians. It is a government that has stripped millions of dollars from public services yet had its snout in the trough, paying Labor field officers left, right and centre. It is focused on taking opportunities away from Victorians rather than increasing them, because it has taken its eye off the ball. This government is making life harder, not easier, for Victorians to live and to achieve their dreams and aspirations.

This afternoon we heard the member for Hawthorn eloquently outline the enormous number of legal ramifications of the rotting and fraudulent practices undertaken by the Victorian branch of the Labor Party. Whether it is falsifying parliamentary forms, whether it is seeking to persuade people to sign forms indicating that they have done work they have not or whether it is deliberately deceiving and misleading the Parliament and the people of Victoria, it has been done for one reason only — for self-interest, for electoral gain and to get onto the Treasury benches and into the Premier's office and to get the white cars.

It is bad enough that we have had laws broken left, right and centre as a result of this fraud, but what does this mean for Victorians? It means that Victorians are missing out on the government they deserve, one that will put their interests front and centre now and for future generations. There is no better take on how concerning these issues are than what a Labor Party branch member in my local area said. He said to me, 'Michael, it is like a nightmare, and we do not know when it will end. It is like waking up in a cold sweat because we do not know when it will end'.

This gentleman made the comment that if this is consuming his time as a branch member, you can only imagine the time it is consuming in the Premier's office and throughout the government. Forget about improving public services, like keeping our trains and trams on track, and forget about focusing on the economy; all this government is focussed on is how to get out of the enormous mess it has gotten itself into. That is the consequence of the rotting and fraudulent practices of this branch on the focus of government.

Then we turn to the economic consequences and what this has cost Victorians — millions upon millions of dollars. All those millions of dollars could have been used in the interests of the state. Take payroll tax as one example. This government has increased the payroll tax take by 6.2 per cent at a time when unemployment is still high. That money could have been used for a greater reduction in payroll tax to ensure that Victorians have either a greater opportunity to increase the hours

they work or, for those who are doing the right thing and looking for other employment opportunities, a greater chance of finding new work. Payroll tax is a significant disincentive for employers, but rather than providing even one dollar of general payroll tax relief to help the state at a time when employment needs a boost, no dollar was given — but more than a dollar was used for the snouts in the trough and for the Labor Party to rot its way back into government.

Forget about the people who are doing the right thing and seeking to get a job, forget about the people who are doing the right thing and seeking to increase their number of hours and forget about the importance from a social capital point of view of people holding a job and a government working day in, day out to improve opportunities for Victorians — forget about all of that, because this government is completely consumed by the fraudulent and roting practices it has implemented, not to mention the economic consequences.

We know Victoria is not growing as quickly as we need it to grow to ensure that job opportunities exist. The Treasurer has conceded this himself — there is no question about it — and that is the reason that Victoria under this government is no longer the national powerhouse it once was. That money could have reduced unemployment, increased growth and provided greater opportunities for Victorians, and the fact that it is not being used in this way is a direct consequence of the fraudulent and roting behaviour of this government.

Putting aside a government that is self-obsessed and at war with itself rather than focusing on the priorities of Victorians, what else could that money have done? The insurance tax take has risen by 5.4 per cent. For members of everyday Victorian households going about their daily cause, seeking to get ahead by putting money into the piggy bank, the insurance tax take rose by 5.4 per cent in the last state budget under this government. The money that was rorted and fraudulently gained by the Victorian branch of the Labor Party could have gone some way towards minimising the increase in the insurance tax take for ordinary Victorian households. Likewise with motor vehicles, many Victorian households own at least one car, and some own two. In the previous budget the government jacked up the tax take on motor vehicles by 4.5 per cent.

What could this government have done if it were not so obsessed with having its snout in the trough and seeking to rot the system to take millions of dollars from Victorians? It could have set about reducing the tax take on households. That would have benefited so

many households across the south-east of the state and other areas of Victoria. The consequence of all those aspects has been less economic growth than would have otherwise been the case. We know that if there were a cut in payroll tax, we would have a subsequent increase in economic growth and brighter employment opportunities. We know the state would grow faster. We know that reducing the insurance tax take on motor vehicles below the level set by the government would have a stimulating effect on the economy, but you cannot do that when you are obsessed and at war with yourself like this government is.

You cannot do that when you are ripping millions of dollars out of taxpayer funds to pay Labor field officers rather than putting that money into public services. That is one of the things that concerns me most: it is one thing — and it is a despicable and deplorable thing — for laws to be broken in the way they have been, but it is another thing for Victorians to be missing out on services and on a government that is focused on its aspirations. Victorians should have these things, but instead the government is at war with itself and has such warped priorities.

If we consider what that funding could have provided, rather than leaving a project hanging and leaving sick kids to wonder whether they would have a helipad at the Monash Children's, it could have been used to confirm the helipad at the Monash Children's earlier and when the hospital needed it, not at 5 minutes to midnight when this government was under so much pressure to build a helipad that should never have been in question. The Monash Children's could also have had a dedicated emergency department with the money that could have been saved instead of it being poured to the snouts in the trough.

The Monash Children's could have had a dedicated emergency department as part of its rebuild, funded in part by the money that would have been saved if it did not go into the pockets of Labor field officers for political purposes. The government puts sick kids second but Labor Party interests and Labor field officers first. A consequence of that has been the \$177 million cut to funding for a second paediatric hospital, a project that should never have been in doubt, because this government is focused on being at war with itself.

What else could that money have provided for everyday Victorians, putting aside all the laws that have been broken by this government? Rather than mothballing the police academy in Glen Waverley after a \$27.8 million upgrade, the money could have ensured we had more police on the street. Rather than

mothballing part of the academy — which you have done because you have not committed to recruiting and deploying additional police officers, which is unfortunately a fact — the money could have ensured that you did not break your election — —

**The ACTING SPEAKER (Ms Ryall)** — Order! I remind the member to speak through the Chair.

**Mr GIDLEY** — The government could have ensured that it did not break its election commitment on Victoria Police protective services officers (PSOs), but Victorians will now miss out on the safety and security they deserve at their local railway stations when PSOs are cut from evening services because this government will not fund them at every station as it ought to do and indeed as it committed to do before the last election. Public safety is being compromised because this government has been focused on keeping its snout in the trough and on its rotting and fraudulent practices rather than delivering additional police.

People's health has been compromised because this government, rather than focusing on building the hospital infrastructure of the future, has made cuts in areas at the Monash Children's hospital, such as to a dedicated emergency department there, and waited until 5 minutes to midnight to commit to a helipad, which should never have been in doubt at the Monash Children's.

What else? Look at the other districts around this state, whether it be Hawthorn, Malvern, Benambra, Burwood, Forest Hill, Kew or the Ovens Valley. Every district in this state is entitled to ask what it has missed out on and what the consequences are of this government having had its snout in the trough and using money to pay Labor Party field officers rather than putting those moneys into public services.

Every single Victorian has a right to ask what they have missed out on because this government has been focused on a war with itself. Whether it be the rising cost-of-living pressures, reduced employment opportunities, cuts to public safety and health services, Victorian Labor's deceitful narrative is always the same. It promises Victorians a golden mile but delivers them a barren wasteland of broken promises, guerrilla warfare and warped priorities. It is the same Labor, it is the same story, it is the same narrative time after time.

The government should have been focused on ensuring there are better public health services. The government should have been focused on ensuring that we had more police on the beat by recruiting and deploying more, as the previous government did by recruiting 1700 police

over that period of time. This government should have been focused on ensuring that transport services ran effectively, rather than giving us the industrial chaos that has been inflicted upon Victorians.

Whether it be the industrial chaos in the transport sector, cancelling legitimate contracts, cutting health services or ripping out millions upon millions of dollars of capital works in education — which Labor has done in many districts across this state — the fact is that this government has been focused on that. Whether it be the cancelling of stages 2 and 3 of Mount Waverley Secondary College, cancelling the rebuild of Brentwood Secondary College, cancelling the rebuild of Glen Waverley Primary School, cancelling the rebuild of Vermont Primary School or cancelling rebuilds in Ashwood and Hawthorn, it does not matter what it is, the story is still the same.

Victorians are paying the price for a government which is at war with itself. Victorians are paying the price for a government that has had its snout in the trough and put money into Labor field officers rather than into public health services. It is a government which is focused on ensuring that Labor comes first and Victorians come second. It is a government that went to the election and promised a golden mile but has delivered a barren wasteland of broken promises — a wasteland of guerrilla warfare; a wasteland about which a Labor Party member in my area said, 'Michael, it is like a nightmare that never ends. We just do not know when this Labor government is going to stop'. This gentleman wakes up in a cold sweat because he does not know when the nightmare will end.

Labor Party members say it to me in Glen Waverley and Mount Waverley; Victorians see it across the state in all of our districts; and I see it in Mount Waverley district. Acting Speaker, I have to say to you, I had far greater hopes and expectations for this government — and my expectations were pretty low — but, as I said, who would have thought that in under 12 months it would be at war with itself? Who would have thought the state would wake up every day to a government divided?

Its focus could have been on ordinary, everyday Victorians and the services they need and the job opportunities that could have been there had there been \$1 in general payroll tax relief — which it could have paid for over the forward estimates period — or \$1 cut from stamp duty or \$1 of land tax cuts across the board, but its focus was not there because it wanted to put the money into Labor field officers. Labor comes first and Victorians come second. It is a government that has taken its eye off the ball.

### Former government performance

**Ms WARD** (Eltham) — I am wearing blue and a bit of red today, but I should really be covered in black. I should be covered in black because of the grief I feel for what the Liberal Party has become, with its members running around like white rabbits screaming that they are late, they are late, they are late! They are late in coming to the realisation of why this community, why this state, threw them out of government nearly 12 months ago. They were thrown out of government because of what they do. They focus on the things that Victorians are not interested in. They do not focus on the things that Victorians care about like jobs, education, the economy, health care — the things that really affect people's day-to-day lives. They are consumed with silliness.

They are consumed with running around in circles bleating the same stuff day after day without focusing on policy. Where is their policy? They are still the same policy dead zone they were in the four years they were in government. It is an absolute death zone. They are the death star of policy. This is what the Liberal Party has become. They are a sideshow. We have Sideshow Guy carrying on — but over what?

**Mr Staikos** — Grumpy Guy.

**Ms WARD** — Grumpy Guy is carrying on over stuff that he has absolutely no real understanding of. Has he spoken about —

**The ACTING SPEAKER (Ms Ryall)** — Order! The member will refer to other members by their rightful titles.

**Ms WARD** — The Leader of the Opposition is running around in circles not knowing what he is talking about. He is certainly not talking about the things that Victorians care about, because today we are grieving; we are mourning for four lost years; we are grieving for what could have been; and we are grieving for the lost opportunities. We grieve for the young people. We mourn with the young people for the opportunities lost to them during the four years that those opposite ripped the guts out of TAFE, neglected education and ripped money out of health.

As everybody in this house knows, when the newly elected Labor government took office in 2014 business confidence was at a low, the Victorian economy was stagnant and many sectors were declining. The member for Essendon was right when he talked about the importance of the economy and how much we on this side of the house understand that. During the four years

that the people opposite were in power this state had a crisis in jobs, a crisis in TAFE, a crisis in training, a crisis in picking up skills, a crisis in health and a crisis in education. Unemployment in this state — —

**Mr Angus** interjected.

**Ms WARD** — I thank the member for Forest Hill for mentioning unemployment. Unemployment in this state was at 6.8 per cent.

**Mr Nardella** — How much?

**Ms WARD** — It was 6.8 per cent, the highest in the country.

**Mr Nardella** — Outrageous.

**Ms WARD** — Outrageous. Again I go back to what I grieve for. I grieve for a Liberal Party, whose members used to have ideas and policies. Now we have a policy vacuum. We had a policy vacuum for 4 years, and 12 months on it is exactly the same.

Youth unemployment was at 13.8 per cent, underemployment was rampant and the response of the Liberal Party and The Nationals in coalition was to continue to rip the guts out of TAFE, continue to grind TAFE into the ground and to neglect the hopes and ambitions of a host of young people, of mums wanting to go back to work and of professionals wanting to retrain. The coalition absolutely neglected them.

The regional areas that a number of our comrades over the road profess to care so deeply about were hit up twice as hard, with Bendigo recording a youth unemployment rate of 25.9 per cent — over a quarter.

**Mr J. Bull** interjected.

**Ms WARD** — That is right — one in four. Earlier this year the ABC reported:

Youth unemployment in Melbourne's northern suburbs is at its highest level since the 1990s, and the jobless rate is set to increase for the seventh year in a row this year — at more than 14 per cent.

Last year saw a dramatic decline in young people involved in vocational training, after cuts to TAFE by the previous government.

That is what we have got to work with, and that is why this government has absolutely invested in TAFE. This is why we are stepping up and being counted, and focusing on the things that really matter to the people of this state. We are not running around in circles like a white rabbit or a bunch of clowns. We are focussing on

the things that people really care about and investing in the people of this state. We are helping them to achieve their ambitions, their dreams and the things that they want to get out of their lives. This is what we are here for and what we want to achieve.

And what did those opposite do in our own backyard? They ripped apart Greensborough TAFE; they neglected it and closed it. They systematically destroyed TAFE. More than 600 students and staff had to find new places to study when that campus closed, and that was after a couple of years of neglect. Imagine what a thriving campus it would be now, which is exactly what this government is achieving. Members of this government are imagining what a thriving campus Greensborough TAFE will be, because that is exactly what we are rebuilding. We will be creating a thriving campus at Greensborough TAFE.

Under our comrades to my right, TAFE funding fell from \$733 million in 2011 to \$468 million in 2014 — a 36 per cent decline, which left many TAFEs at risk of financial collapse. TAFE's share of enrolments plummeted, bottomed out and went down, which left many TAFEs at risk of financial collapse. TAFEs were forced into mergers out of financial desperation. Campuses like Greensborough TAFE were closed, hundreds of courses were axed and fees skyrocketed. Thousands of jobs have been lost in TAFE institutions.

What did those opposite do for four years? They continued their rampage and their destruction of TAFE and did not fix it. These are the reasons Victorians turned away in droves from the former government. Those opposite can delude themselves as much as they like talking about people in T-shirts and about ambos and fireys campaigning against them and say that that is why they lost, but they lost because they were no good and did not do any good for this state. They did nothing in four years, and in the nearly 12 months that I have been in this place I have still failed to see those opposite do anything. I have still failed to see them come up with any real policy ideas, failed to see a focus on policy, on ideas and on the things that can reform and change and fix. It is astonishing how little those opposite care about ideas, policy and the future of this state, what the state can build and what this state can become.

We have a strong state when we have a strong TAFE sector and when people can get the skills and the training they need. When that is ripped away from them, we end up with the highest unemployment rate in the country and businesses diving. We end up with people not being able to get the employees they need, and businesses not thriving. The current funding model has made it very tough for TAFE in rural and regional

Victoria, and institutes are competing with each other for their market share. But I am happy to say I can take off the metaphorical black clothes that I put on when I began this speech, because the dark days are over.

**Mr Pesutto** interjected.

**Ms WARD** — That is right. The dark days are over. We are now in the sun. While I grieve for the four lost years under the previous government, I absolutely rejoice in the sunshine that has broken through with the election of the Andrews Labor government. I absolutely rejoice in the sunshine that is happening in our TAFEs, in the way that we are rebuilding our TAFEs and investing in them and in the fantastic work that is going on at places like the Lilydale and Greensborough TAFEs, where we are indeed getting on with fixing that damage. We have appointed project managers. KPMG is coming in and helping us work through the process at Greensborough TAFE. We have a community consultation group up and running, and we will be holding consultations very soon. We are working through how we can ensure that Greensborough TAFE will be the vibrant harbour of education, skills and training that we know it absolutely has to be.

With the booming growth that is happening in the north of my electorate and with the amount of activity that is happening in seats like Yan Yean, to close that institution was an absolute disgrace. Family upon family is moving into those communities, into new houses where infrastructure is still being built, and to rip away from them an institution that could help their kids get the skills and the training they need was an absolute disgrace and shows absolutely how little members of the Liberal Party and The Nationals care about the day-to-day lives of average Victorians — people in the suburbs, on the fringes of this city, people in rural areas — who need those skills and training opportunities available to them.

If those opposite did care, then they would not have ripped out the hundreds and hundreds of millions of dollars that they absolutely ripped out. A 36 per cent decline in funding is a massive amount of money. We are talking about TAFEs scratching around trying to find every spare coin they could to get essential courses to continue. Courses closed, opportunities were lost and kids were not able to study the things that they needed to, were not able to get the experience that they needed to get and were not able to get the skills that they needed to get.

For four years this went on, and that is why the people of this state said, 'No more. This has to stop. We do not want to live in a state that does not value education. We

do not want to live in a state that does not value skills. We do not want to live in a state that does not value training. We want a state that values all of those things, and that is why we will vote for a Labor government because that is what a Labor government will deliver’.

We are investing \$320 million in TAFE, and \$10 million of that will go to Greensborough TAFE. This is how we will be rebuilding TAFE. We have serious plans for and serious commitments to TAFEs, and this is what we are doing.

**Mr J. Bull** interjected.

**Ms WARD** — Indeed, member for Sunbury, we are getting on with it. We have a \$50 million TAFE Back to Work Fund for TAFEs to develop and expand courses that meet local industry needs and grow jobs. We have \$50 million to establish one-stop shop skills and job centres at TAFEs across Victoria, including Melbourne’s north-east. Skills and job centres will be the first port of call for students looking to start training, workers needing to re-skill, unemployed workers needing support for retraining and work placement and for employers, because this is what you need to do.

You need to continually invest in the people in your state. You need to make sure that people are getting the skills and opportunities they need and are not left behind. Victorians did not want to be left behind, and that is why they threw out the Liberal-Nationals coalition. They threw it out because it was not delivering, and we are.

The Andrews Labor government is getting on with it, and it is delivering. We are not getting sidetracked by the sideshow the people on my right, my comrades in arms, keep rabbiting on about. They keep rabbiting on about the things that do not actually matter to people in their day-to-day lives. Those opposite do not want to talk about jobs, do not want to talk about education, do not want to talk about training, do not want to talk about health care and do not want to talk about transport, because then they would actually have to do some work. The four years they spent sleeping, sprawled out on their couches —

**Mr J. Bull** — The long nap.

**Ms WARD** — The long nap, member for Sunbury; that is exactly right — taught them some bad habits. Their four-year term in government did not teach them how to be policymakers. It did not teach them how to respond to the needs of this state. It did not teach them how to do their jobs — how to actually represent their communities. They are still slumbering away, talking about stuff — —

**Mr Nardella** — Capt’n Snooze.

**Ms WARD** — Indeed, Capt’n Snooze, member for Melton. They need to get on with it. They need to focus on the things that matter. They need to talk to this Parliament and to the communities about the things people care about — things that make people’s lives better.

### Government performance

**Mr T. SMITH** (Kew) — I grieve for the state of the Labor Party, and I grieve for the Andrews Labor government, because the Andrews Labor government has become afflicted by chaos and dysfunction that we could not possibly have imagined 10 months ago, when they were elected! In 10 short months — —

**Mr Foley** — 11 months.

**Mr T. SMITH** — I have just been reminded by the member for Albert Park that it is 11 months. This government is falling apart at the seams. Sitting weeks now are like Groundhog Day. You turn up and read the *Herald Sun* and there is a new piece about some rort committed by some Labor hack in some little seat. You turn up and there is a new piece, every week, not briefed by us but briefed by them. It is like fishing in a barrel at the moment. This fails the pub test. You turn the page, and there is another one! They are falling apart at the seams.

An article in the *Herald Sun* quotes ‘Labor MP 1’ as saying:

We don’t know who we’ve employed, or what they’ve been doing ... People did wonder but we were told it was all okay ... There was no reason to doubt the advice coming from the leader’s office ... Everyone contributed — I reckon the vast majority did.

According to ‘Labor MP 2’:

He (Andrews) did ask for more ... But it was an individual choice.

That is clearly not a pool, is it, Acting Speaker? ‘Labor MP 3’ said:

Daniel was obsessed with the field campaign. I was very nervous about it, as it didn’t seem right, but we did it on Daniel’s orders. I never met the staffer I employed.

The same article quotes a ‘senior Labor figure’ as having said:

They got greedy. We had enough — we didn’t need more.

Then in July, addressing a Federation Square rally attended by 700 of these volunteers, the now Premier said:

You changed minds, you changed votes, you changed the government and you're changing Victoria. We are in this for the long haul, and we are not going away.

Yes — because we all paid for it! We paid for it, you pack of rorters! Not you lot, not the Labor Party, not the union movement — we paid for it!

**The ACTING SPEAKER (Ms Ryall)** — Order! Member for Kew! Through the Chair.

**Mr T. SMITH** — The Premier continued:

On 29 November 2014, you changed the way campaigns are run in this country —

That is the truth, because they cheated and they lied — —

*Honourable members interjecting.*

**Mr Pearson** — On a point of order, Acting Speaker, it is always a delight to see you in the chair. I am having trouble hearing the member for Kew. I was wondering if he could raise his voice a little more.

**The ACTING SPEAKER (Ms Ryall)** — Order! That is not a point of order; in fact it is frivolous.

**Mr T. SMITH** — Fleeting, petty bourgeois, member for Essendon — I mean, honestly. As I was saying, the Premier said:

... you changed the way campaigns are run in this country forever and you helped change a government. That's the Victorian way.

It is not the Victorian way on this side of the house, I can guarantee that. The Premier continued:

But we have more communities to organise. I can't do this without you and we can't do this without each other. If we don't build now, we'll have nothing to stand on in the future.

The home truths are these: the Labor Party lied, cheated and rorted its way to its election victory last year.

**Ms Ward** interjected.

**The ACTING SPEAKER (Ms Ryall)** — Order! The chamber was quite silent during the member for Eltham's contribution. I ask her to afford the same respect to the member for Kew.

**Mr T. SMITH** — I am, I suppose, a student of political campaigns, and last year I looked at Labor's campaign with some respect. I note that the

Government Whip is here. I looked at Labor's campaign, and I thought, 'Their ground game is pretty good — very good, actually. I wonder how they are paying for this. Is it just the union movement?'. I thought, 'No, it might not just be the union movement'. We saw them tweeting, we saw photos of young people in red shirts wandering around town canvassing, videos of phone canvassing and the like, and we saw them doorknocking. We were all wondering how they were resourcing this. I had assumed, as the gullible young individual I am, that this had been paid for by the Labor Party. Unfortunately it was not. It was clearly paid for by the taxpayer.

We are an hour and a half into the grievance debate, and not one of the members opposite has mounted a defence of the Community Action Network that all of us on this side of the house have talked about in every contribution we have made to the grievance debate this afternoon. The Premier's denials on these matters have been less than convincing — for example, he has said, 'It is just pooling'. We know it was not pooling because each individual MP pre-signed the casual employment forms that the member for Hawthorn has already spent quite a bit of time detailing. The thing is that if you pre-sign in bulk casual employment forms, you know full well that the likelihood of a fraud being undertaken is pretty high.

The thing I find so extraordinary in this whole saga is that the Premier's denials are simply, 'Nothing to see here. Move on'. There is no detailed response. He says it was just pooling, says campaigning was okay and says the rules were followed. What rules? Specifically detail them and explain to us in the opposition — representatives of the Victorian people, like government members are — and indeed to the press and to the public more broadly how these rules were not broken.

I have not seen any evidence yet that the rules were not broken. They were absolutely broken, and the government has not replied to any allegation by the opposition, News Limited press, Neil Mitchell, Jon Faine or any other commentator that follows state politics in Melbourne. There has been no detailed response whatsoever, yet we have reams of evidence from whistleblowers, unnamed MPs and the like who say this was a conspiracy by a multitude of Labor players in the lead-up to the last election to substantially rort the electorate officer system in a way that would benefit the Australian Labor Party.

I was not here over the last four years, but the former member for Frankston obviously took up a fair bit of airtime. As far as I can see, what has gone on here is not

entirely dissimilar to what the member for Frankston did, whereby he used a public vehicle for his own private gain. Here we have the Labor Party using public resources for its private gain to achieve an election result.

I have held some listening posts in my electorate, and the number of people who have recently asked whether or not the election can be recalled — as is the case in certain American states and possibly in the United Kingdom — was quite significant. I was quite surprised by the number of individuals who raised the idea of a recall with me because of the lies, cheats, rorting and misleading conduct by the Premier and by the now government in the lead-up to the last election. I suggested that that was not possible under our constitutional arrangements, but the shadow Attorney-General is here with me at the moment and it is something I think we should possibly look at in the future where clearly an election has been won under false pretences and clearly people have lied to the public.

**Mr Angus** — A systemic fraud.

**Mr T. SMITH** — Indeed there has been a systemic fraud on the electorate officer system. It is utterly disgraceful conduct. People should have the right to petition the Parliament and the government for a recall, because this was clearly an election victory based on a lie.

**Ms Ward** interjected.

**The ACTING SPEAKER (Ms Ryall)** — Order! The member for Eltham has had her turn.

**Mr T. SMITH** — We know this has been relayed to the highest echelons of the government and the Presiding Officers through a report undertaken by PricewaterhouseCoopers, which, for the record, is my former employer. The report clearly states that this would fail the pub test and would not stand up to the scrutiny of the Auditor-General. That is a very strong statement by the Parliament's internal auditors to the Presiding Officers. The police — the fraud squad — is investigating the practices of the Labor Party and possibly investigating ministers, ministerial staff and electorate office staff.

**Mr Pesutto** interjected.

**Mr T. SMITH** — Indeed we are reminded of TAFE-gate, but the key point is that we now have the police investigating the government for rorting the electorate officer system, which is designed to serve the electorates of each and every individual who serves in

this place. It is not intended that electorate officers work in electorates miles away from where the MP holds his or her seat, where in many cases, as has been alleged, they never met the individuals concerned and where it has been alleged that casual employment forms were bulk signed without the hours being put in by the employees themselves. This is very concerning. It goes to the heart of the way the offices of MPs are designed to serve their constituents. They are not there to serve political parties. We accept there is obviously some level of political work undertaken by electorate officers — —

**Mr Foley** interjected.

**The ACTING SPEAKER (Ms Ryall)** — Order! The member for Albert Park!

**Mr T. SMITH** — The key point here is that these electorate officers were hired to campaign en masse miles away from their seats, where there is absolutely no evidence that they undertook work for the MPs who employed them. I would love to see whether or not those individuals logged into the computers that were stationed at the electorate offices of the MPs who employed them and whether or not they sent any emails from those electorate offices. I am not sure that they actually did.

Walking up and down streets campaigning, canvassing, phone canvassing and doorknocking is not the role of an electorate officer. That is what campaign volunteers tend to do. This is the difference: we are the biggest grassroots political organisation in the country. We on this side of the house are members of a volunteer organisation. The members on the other side of the house are the paid hacks of the union movement and indeed that great collectivist organisation which is the Labor Party, which appears to be morally bankrupt when it comes to the use of public money.

In the small amount of time I have left I would like to turn to the grand final eve public holiday.

**Mr Foley** — Are you taking it away?

**Mr T. SMITH** — I would guarantee that we would not be making any more public holidays — I will give the member that.

Here is the point: the public holiday cost the state \$850 million, and unnecessarily so. Steve Plarre of Ferguson Plarre Bakehouses — which, as Fergusons, was the company that my great-grandfather founded in 1901 — said that it had to close 64 retail outlets, and trade was down 40 per cent on the previous year. We

have lost 7800 full-time jobs since Labor was elected in December 2014. You go to our near north — —

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Ryall)** — Order!

**Mr Nardella** interjected.

**The ACTING SPEAKER (Ms Ryall)** — Order! The member for Melton! I have called the house to order. I ask the member on my right to adhere to that.

**Mr T. SMITH** — Last Friday cost the state \$850 million. There should have been 400 000 people in the city. I do not know how many attended the grand final eve parade, but it was not what members opposite thought. It was nowhere near as good as what members opposite thought it was. The sort of spin and nonsense that came from the Labor Party about the grand final eve public holiday were ridiculous. It was totally unnecessary.

We have every business group in the state telling us that we do not need more impediments to growth. We are competing with our near north. New South Wales has a leader who actually understands business, not the political hack we have leading Victoria, who has never worked in the private sector and has never worked a day in his life outside the Labor Party. We have competition from New South Wales for the first time in two decades, and we are being left behind. Last weekend was the 23rd anniversary of the election of the Kennett government, a government which changed Victoria for the better forever and which brought confidence back to Victoria. That confidence is being destroyed by the lefties and lunatics on the other side of the house.

### **Polwarth and South-West Coast by-elections**

**Mr NARDELLA** (Melton) — Today I grieve for the good people in the electorates of Polwarth and South-West Coast for having to undertake a by-election due to the resignations of Mr Mulder and Mr Naphthine. These two by-elections are quite bizarre. Let me start. We had, ‘Daddy, Daddy, Daddy, can you get me a seat in Parliament please?’ from Tom Naphthine, asking his daddy to propel him into Parliament to replace him in South-West Coast. Tom Naphthine stood for preselection. Unfortunately he did not get it, because the whole preselection process was quite bizarre, including the intervention of Mr Michael Kroger.

**Mr J. Bull** — Oh!

**Mr NARDELLA** — Yes, Michael Kroger; it was extremely bizarre. He had a go at the preselection. I will explain what I am talking about. About 18 months ago, Michael Neoh joined the Liberal Party in South-West Coast. He was the anointed one to replace Denis Naphthine, and he was supported by Denis Naphthine. Everything was set up. Michael Neoh was a councillor, and he represented the people of Warrnambool. He was in all the photos with Mr Naphthine. He was Mr Naphthine’s bestie — they were joined at the hip for 18 months.

These two gentlemen had cheesy smiles, and they were synchronised every time they smiled. They gloated at each other. They were best of friends but then Exhibition Street stepped in — that is, Liberal Party headquarters in the middle of Melbourne. Michael Kroger, the president, the saviour of the Liberal Party, decrees a couple of weeks before the close of nominations that there has to be a woman preselected for South-West Coast because the Liberal Party does not have enough women in the Parliament. That is absolutely true.

Michael Neoh was snookered. He had spent 18 months in the party. They are very loyal, these people in the Liberal Party. He had a massive 18 months in the Liberal Party because he was the anointed one. He had the cap and the baton. Denis was running behind him and putting the baton to him, and he grabbed the baton. Then Michael Kroger whacked it out of his hand. He could no longer have the baton, and he was snookered by the people in Melbourne. He was absolutely going to lose. He was done for. What did he do? He did not even nominate for the Liberal Party. He did not even put in his form because he knew that he was done over by the city folk on Exhibition Street. So much for democracy — this is a long-term member of the Liberal Party. He was in there for 18 months! He is nearly a lifer — he had nearly been in there for life — but he has been snookered.

What happened next? The Leader of The Nationals went, ‘Knock, knock, knock. Michael, we want you. You’ve been so loyal to the Liberal Party and they’ve knocked you off. You’ve been in there for 18 months. We will have you now’. What did Michael Neoh do? He said, ‘Thank you very much. I’ll be your bestie now, Leader of The Nationals, and you’ll be my bestie. That naughty Denis Naphthine — we don’t want him anymore. I want to be to be in the National Party’. So he has become The Nationals candidate for South-West Coast and we have this immense chasm — this division, this animosity — between the two parties.

The ex-Premier of Victoria, Denis Napthine — this bloke who was going to save the Liberal Party after the disaster of the two and a half years of the Baillieu premiership in this state — was then steamrolled by the Melbourne-centric head office. His hand-picked candidate was poached by the VicNats, or the National Party, or the Country Nationals or whatever they call themselves today; they are still trying to make up their minds about where they are going.

That is when Tom Napthine stepped in. He said, ‘Daddy, please give me a seat. I really want to be a member of Parliament. I am so loyal to the Liberal Party. I have just joined, so please, Daddy, please, Denis, make me a member of Parliament’, but the former Premier could not do that either because Michael Kroger said it had to be a woman. This stalwart of the Liberal Party, Tom Napthine, had actually paid his money to become a member of the Liberal Party the day that he put in his nomination form — and he probably paid his own money — but he was snookered as well. He could not get his daddy’s seat anymore.

It gets more bizarre. A woman candidate had to be preselected because Mr Kroger, the doyen of Toorak, had decreed that the candidate for South-West Coast, for Portland and Warrnambool, had to be a woman. The Liberal Party had one in the field. She was very experienced. She had been a member of Parliament and a country mayor, so she had represented country Victoria not only in the local council but also in the Parliament. This is a bit bizarre. She was actually a long-time member of the Liberal Party. It was not just a case of her saying, ‘I’ve paid because I want preselection’, or ‘I paid 18 months ago because I am the anointed one’. This woman was a long-time member of the Liberal Party, but unfortunately she was not wanted; Michael Kroger did not want her. Donna Petrovich, the perennial candidate, was dumped.

**Ms Spence** — The failed candidate.

**Mr NARDELLA** — The failed candidate, the perennial candidate, was dumped, so they had to find another woman who had to beat Donna Petrovich in preselection. They had no-one locally, so those opposite went out and talked about how the Liberal Party is the biggest volunteer organisation in Australia. They got this woman, Roma Britnell. Was she a long-time member of the Liberal Party? Before she put in a form for preselection she actually had to join the Liberal Party! This loyal member of the Liberal Party had to join the party before she could actually run for preselection. She joined to become a parliamentarian.

She tried to get on a farmer board to increase her off-farm income but was not successful. Now there was an opportunity. I will tell you a secret, Speaker, about why she wants to become the member for South-West Coast. She wants the off-farm income. That is right; she went for a position on a board but did not get it, and this is her way of getting that off-farm income. She is only after the money. Further, she was not even wanted by the local members of the Liberal Party. There were the three councillors who had knocked off Michael Neoh from Warrnambool City Council, but the Warrnambool branch of the Liberal Party supported the country person out there. She might be the perennial candidate but she is a hard worker, Donna Petrovich — —

**Ms Edwards** — Who?

**Mr NARDELLA** — Yes, ‘Who?’. We know who she is; she was a member of this Parliament. However, the good people of the Warrnambool branch did not want Roma Britnell at all; they wanted Donna, but she got knocked off by the city-centric Melbourne head office of the Liberal Party. Who are The Nationals running for these two seats? Mr O’Brien is running.

**Ms Edwards** — Not another O’Brien!

**Mr NARDELLA** — Yes, David O’Brien. He used to be in the upper house. This bloke ran for the South-West Coast electorate at the 2006 election. He went really well. The Nationals vote in South-West Coast in 2006 dropped by 7.3 per cent! That is how bad this bloke was. They did not even want him. Later he got into the upper house, but he was defeated by one of the following three groups: the Shooters and Fishers Party, Vote 1 Local Jobs or the Greens political party. He was not even good enough as a standing Nationals member to get re-elected. Why is David now running for Polwarth? Because The Nationals have lost party status.

As a bit of a refresher for members, you need 11 members in this house and the other house to have party status, but The Nationals party is on the nose. These are the people who do not believe that country townships and cities should be joined up with water pipelines and channels, like the super-pipe to both Bendigo and Ballarat. The Nationals leader opposed the super-pipe to Ballarat during the 13-year drought. He wanted everybody to leave Ballarat and Bendigo. That is the lunacy of The Nationals, and that lunacy meant that in Shepparton they actually lost a seat after the intervention of federal Nationals member Barnaby Joyce. He went to SPC and said, ‘That’s a Liberal Party problem for Sharman Stone from the Liberal Party to deal with. I’m from The Nationals party. I don’t want

anything to do with saving SPC. It's irrelevant to me'. That is the reason the member for Shepparton is in this Parliament today. The Nationals are just hopeless. They do not represent country Victoria whatsoever.

There has been a reversal of roles. The Liberals have preselected a farmer candidate, and The Nationals have preselected a city candidate. We see a war between the Liberal Party and The Nationals. When Robert Doyle became the Leader of the Opposition back in 2002 he said, 'Hang onto your hats!'. Remember that? And we are all hanging onto our hats because of the division between the Liberal Party and The Nationals. They might all skip down the road holding hands, but the division is there and it is real.

They have running partners, they have dummies, out there at South-West Coast. They really are concerned about losing that seat to an Independent. Swampy is running out there at the moment.

**An honourable member** interjected.

**Mr NARDELLA** — From *Oddball*. I reckon Swampy would be a fantastic member of Parliament. He would come in here without any fear or favour and represent those good people of South-West Coast. If they make it marginal and get rid of the Liberals, who have done nothing for years, then they might have a chance. That is why I grieve.

**Question agreed to.**

## DISTINGUISHED VISITORS

**The SPEAKER** — Order! It gives me pleasure to welcome a former Speaker of the Legislative Assembly, John Delzoppo. Welcome.

## PUBLIC HEALTH AND WELLBEING AMENDMENT (NO JAB, NO PLAY) BILL 2015

*Second reading*

**Debate resumed.**

**Ms EDWARDS** (Bendigo West) — It gives me great pleasure to rise to speak today on the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015. It is not very often that an important bill like this comes before the house and we have an opportunity to debate the importance of exactly what the bill stands for, which in this case is the public health and wellbeing of the whole of our community.

As we know, vaccinations save lives. Being the mother of four children and having had them all immunised — and most of my friends also had their children immunised when they were younger — I understand the importance of it. My children did not come down with any of the diseases that are so well known, like polio, measles or whooping cough, which is a particular concern at the moment. I would have felt extremely guilty as a parent if my children had not been immunised, not only because I was not protecting them but also because if they had not been immunised, I certainly would not have wanted to expose them to the broader community and to other children they were mixing with. The potential for infection and the transmission of disease would have been extremely high. As a parent it would have been extremely hard for me to live with any kind of guilt because my children had not been immunised.

There is now significant science to justify that immunisation is important. Parents need to be aware of the science and to choose to vaccinate their children. Vaccinations have without doubt reduced the incidence of disease across the world. It is amazing how a simple vaccine can create years of immunity. Vaccines protect a child from disease by allowing their body to perform a 'practice run' in protecting itself against germs so that if and when the real version of the disease appears, the child's body has already built the defences it needs to stay healthy. When a child becomes sick their body makes infection-fighting antibodies, and once they recover those antibodies serve as 'watchmen' for that particular disease and remain prepared to fight the disease should it reappear. Vaccines trigger the same immune response as when the body encounters a disease, without causing illness.

If left totally to chance, a child's first exposure to a disease may be from a germ too strong for their tiny body to fight. Before we had vaccines, many children were hospitalised or died as a result of infectious diseases. The same germs still exist today, but parents now have the ability and choice to protect their children. To repeat, the vaccine-generated antibodies stay in a child's bloodstream and are prepared to fight off infections for months, years and even a lifetime. If and when a child is exposed to the actual infectious disease, these antibodies will recognise and attack the germs, destroying them and preventing or greatly weakening the illness.

Newborns are immune to some infections because they have received antibodies from their mothers; however, that immunity begins to fade in the first months of life. For that reason, it is very important to follow an immunisation schedule for young children. Also keep

in mind that children do not gain any immunity from their mothers against some of the infectious diseases covered by childhood vaccines, including whooping cough and hepatitis. That is another important reason to have a child immunised.

When I was researching vaccination across the world I came across an interesting article in the *Boston Globe* written back in February 2015. During the debate on this bill today I have heard members opposite argue that parents need to have some measure of choice when it comes to vaccinating children. I have to say that those statements are ironic, because in many places around the world that choice about vaccination is not whether to have it or not — rather, it is a life or death decision. Consider the most recent front in the vaccination battle, which is measles. The *Boston Globe* article states:

Last month more than 100 people in 14 states were diagnosed with the disease. The source of the outbreak was traced back to Disneyland in California. Since tourists from around the world visit the amusement park, it led to fears that infected patients could spread the disease and put many more people at risk — and not just those who aren't vaccinated.

The United States eradicated measles in 2000. However, as the *Boston Globe* article notes:

... the disease is making a comeback, due in large part to the rise of an antivaccination movement that encourages parents not to vaccinate their kids, based on the discredited theory that vaccinations can cause autism or other health maladies.

That theory is an absolute nonsense. I was having a conversation earlier today with the member for Wendouree, who has an autistic son. She was horrified and shocked that these types of ideas are still out there. There is no science to prove that autism is in any way caused by immunisation. Some people continue, however, to regurgitate the discredited notion that vaccines can cause things like profound mental disorders in children, as the article points out:

With this kind of junk science being thrown around ... it's small wonder that 2014 had the highest number of measles cases in more than two decades.

The irony of all this is that people are choosing to leave their kids vulnerable to easily preventable diseases, and we are seeing firsthand not just here in Australia but around the world why vaccines matter. They matter because they save millions of lives every year. In 2000 approximately 500 000 children around the world died from measles, but after an initiative that was launched to distribute the vaccine to developing countries, the death rate fell dramatically to about 150 000 in 2011. In 1990, 10 per cent of the world's children died before the age of five. Today it is 1 in 20.

According to the Bill and Melinda Gates Foundation, which has become a global leader in vaccine distribution, by 2030 that number will be 1 in 40, and almost all countries will include vaccines for diarrhoea and pneumonia, both of which also prey on children. One of the most important advances made by the Global Vaccine Alliance, which is responsible for the vaccination of nearly half a billion children each year, is the development of a pentavalent vaccine that combines five separate immunisations in one shot. The science is progressing rapidly around immunisation and protection, particularly for children in Third World countries.

All of this makes the politicisation of the issue that much more troubling and, frankly, difficult to understand. With all we know about the success of vaccines, it is hard to imagine a more irresponsible act by anyone in public office than seeding doubt about the importance of vaccinations. It is also important to remember that this is an issue about more than just the parents who choose to ignore the science of vaccines. It is about every single child. The effectiveness of, for example, the measles vaccine relies on something called herd immunity. While the vaccine is 95 per cent effective, it does not eliminate the virus, so the more people in the herd who are immunised, the less chance that the disease can be easily transmitted. However, if fewer people are vaccinated, it increases the chance of the disease spreading and potentially infecting those who are too young for the vaccine or cannot take it for medical reasons.

Without a doubt the science is very clear that vaccinations work. It was disappointing in the last term of Parliament when the former government ended the free whooping cough vaccine for mothers who were pregnant. We have seen an increase in the number of whooping cough cases across Victoria. This legislation makes it more important than ever that young children who are about to attend kindergarten or childcare facilities be immunised accordingly. This is about protecting the whole of the community. It is not about protecting individuals or one child here and one child there. It is about protecting every single child so that here in Australia and Victoria we can say that we led the way in making immunisation a global thing so that every child was protected from all the infectious diseases we know are out there.

In the 1950s polio was a major disease afflicting many children, and it was horrific, but the polio vaccine that every child now receives, or should receive, has almost eradicated polio from Victoria. In fact I do not recall hearing of any cases of polio in Victoria in recent years. Similarly outbreaks of measles are few and far between,

and that is because we are getting on with making sure that every child is vaccinated against infectious diseases that are present in the country.

**Ms STALEY (Ripon)** — I am going to begin my contribution with some brief remarks noting that some of the things the member for Carrum said are wrong. She is wrong in suggesting that the Liberal Party is opposing the bill. She is wrong again when she says that the Liberal Party is pandering to the antivaxers. Neither of these statements are true. They are false and without foundation. The Liberal Party supports vaccination. No person in the Liberal Party gives any credence to the antivax movement.

I rise to talk on the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015, and I have three main points that I want to make in my time. The first is to reiterate my and my party's strong support for vaccination. The second is that I want to talk a bit about the libertarian case for compulsion in vaccination. Finally, I would like to talk a bit about the problems with new section 143C(1)(e), which relates to the exemption for healthcare card holders.

I will begin with a paper I came across during my research. It is by F. E. Andre, R. Booy and others, dated this month, so it is very current. It is a peer-reviewed paper that is a summary of all the benefits of vaccination. I will quote from it. It begins by saying:

Vaccination has greatly reduced the burden of infectious diseases. Only clean water, also considered to be a basic human right, performs better ...

... independent experts and WHO —

the World Health Organisation —

have shown that vaccines are far safer than therapeutic medicines.

This paper cites a research paper by Jenifer Ehreth, and states:

Ehreth estimates that vaccines annually prevent almost 6 million deaths worldwide.

That is why we are here. That is why we support vaccination. Vaccination prevents 6 million deaths, and we need to be part of that.

The paper then goes through some of the additional things that vaccination brings. It talks about herd immunity, and I will talk about that a bit later, so I will leave that part out. It says that vaccines will also protect against diseases related to the target disease. For example, measles vaccination protects against

complications such as dysentery, bacterial pneumonia and malnutrition. The paper notes:

Infective agents cause several cancers. Chronic hepatitis B infection leads to liver cancer. Vaccination against such pathogens should prevent the associated cancer ...

The most famous instance of this occurring in Australia is in relation to cervical cancer with the use of human papilloma virus vaccines against serotypes 16 and 18. This should remove over 70 per cent of the global cervical cancer burden — a huge achievement.

The paper concludes:

Reducing global child mortality by facilitating universal access to safe vaccines of proven efficacy is a moral obligation for the international community as it is a human right for every individual to have the opportunity to live a healthier and fuller life.

There can be no doubt that vaccination is good. In fact, it is a public good.

That brings me to the second part of my contribution. I want to talk a bit about how you can be what one paper would call a bleeding heart libertarian yet support compulsion in relation to vaccination. At heart it is because vaccination refusal is morally wrong. People are not liable to be interfered with simply because they are making an unhealthy choice — but this is not simply making an unhealthy choice; this is putting others at risk. The first thing, and you see this in the United States quite a lot, is that libertarians will stand up and say, 'I get to control what happens to my children'. In relation to a lot of laws I would agree with them, but not in relation to vaccination. The reason is that children's treatment — and in this case vaccination is a treatment — should be determined by what is in the best interest of the child, and that means them getting vaccinated.

There is a continuum within libertarian thought that if you support any intervention by the government you have to be some sort of statist person. But if you use that argument, you are not a libertarian but an anarchist. It is a ridiculous argument to say, 'Everything that restricts liberty is wrong', because that would preclude all lawmaking, and libertarianism does not call for no laws at all. Libertarians believe in freedom, but as Jake Novak from the US tells me:

... we don't believe you have the freedom to kill someone else's children or give them a serious illness.

One of the interesting things about vaccination is that, if we use vaccination as a gold standard for what counts, what in public health do libertarians support? We support vaccination. You can then judge other public

health interventions against that and you will find that none of them are as effective, or make the kinds of contribution that vaccination does. To conclude this section, herd immunity is a classic public good and that means it will be underprovided unless there is compulsion. That is why people opt out, because they will free-ride. This is a classic public good and libertarians should stand up and agree with this.

In my final 3 minutes I will address the problem with the exemptions for healthcare card holders. If we think about why they might be there, one of the reasons given is that low-income people might not have got their act together to get their kids vaccinated. But the evidence does not show that. If you look at cohort 3, the 60 to 63-month-old vaccination rates, Ararat, Central Goldfields and Northern Grampians — all in my electorate — are 95-plus per cent vaccinated. As members of this house would know, they all have very high levels of social disadvantage. They are groups with very low socioeconomic status, yet they get vaccinated. But let us have a look at who is not vaccinated. That would be those outside the 85 per cent to 90 per cent rate in Melbourne. I do not think it is the people in the high-rise; I think it is the people in Carlton North.

At very low rates we also have the Shire of Mount Alexander, which is Castlemaine and Hepburn.

**An honourable member** — University professors there.

**Ms STALEY** — That is right. I am very fortunate to be the member for half of Hepburn, and I can assure the house that the good citizens of Clunes and Creswick are vaccinated. It is the western side that gets vaccinated, but I am not sure that Daylesford does. I think we have to say the people who are not getting their children vaccinated are not the poor or the disadvantaged. This clause that exempts people shows a view of learnt helplessness. The government is saying that low-income Victorians cannot do this themselves, but the evidence shows they can. The barriers to vaccination that show up in this data in relation to distance — that is why there are lower vaccination rates in some of the more rural areas at early ages — are overcome once you get further in, and that is because those councils have got past the barriers of distance.

There is absolutely no reason to broaden the exemptions from vaccination to, on one hand, take away the conscientious objectors — which I agree with — but, on the other hand, to say, ‘But low-income people and healthcare card holders cannot be vaccinated’, and then give them a sort of pack to go and

get vaccinated if they feel like it. That is not what those people believe. They want their kids vaccinated; they get their kids vaccinated. The Labor Party is wrong in exempting them in this way. However, like the rest of my party, I will not oppose the bill.

**Mr CRISP (Mildura)** — I rise to make a contribution to the debate on the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015, better known as the no jab, no play bill. The Nationals in coalition are supporting this bill. The purpose of the bill is to make sure that all parents and guardians who enrol their child in early childhood services in Victoria are required to provide evidence that the child is fully immunised for their age, on a vaccination catch-up program, unable to be fully immunised for medical reasons or within an exclusion category. This bill will take effect from 1 January 2016 and apply to all early childhood education and care services in Victoria providing child care, kindergartens, occasional care and family day care.

A child cannot be enrolled unless they are fully immunised. A child can be enrolled if they have a medical exemption. There are fines for non-compliance. This legislation does not apply to enrolment in primary or secondary school outside school hours care — being after care, before care or vacation care — occasional care services on offer, care for less than 2 hours a day and less than 6 hours a week and playgroups. Nothing will change with this legislation for parents whose children are fully immunised because existing legislation already requires immunisation to be provided on enrolment of children in early education and child care.

There are lessons to be learnt from the statistics, and I will spend some time looking at them. When we look across Victoria we see that a great deal of our state is vaccinated. About 85 per cent of our children up to one year old are vaccinated and this grows into the low 90s for children aged two to five. However, there are a number of ways to dissect some of these figures. Although we do lag in year 1, we then improve and I take some heart from that improvement.

I note that in Mildura in my electorate we have a number of agencies working very hard to get vaccination rates up. If you look at the vaccination rates in local government areas within my electorate, being Mildura, Swan Hill, Buloke and Yarriambiack, you will see that Buloke tops the poll with 100 per cent vaccination, Mildura is at 96 per cent, Swan Hill is at 93 per cent and Yarriambiack is at 95 per cent. I think these are good results.

I congratulate the Mildura area because I know we have some pockets of disadvantage, particularly within our Aboriginal community, but the Mildura District Aboriginal Service, better known as MDAS, has worked very hard over recent years with a number of other partners — local government and the other health services — to improve the vaccination rate in that potential area of disadvantage within the Aboriginal community. With Mildura's 96 per cent, I think we are doing a very good job in areas of disadvantage. The desired level is 95 per cent. I note that Swan Hill has a bit more work to do, and I know work is being done on that.

Then we get to why 95 per cent is a desirable figure. It comes down to herd immunity, which has been much talked about. It is worth spending some time talking about this effect and how it works. Herd immunity is a form of indirect protection from infectious disease. It occurs when a large percentage of a population are immune to an infection, therefore providing a measure of protection for individuals who are not immune. There are some people whose immune systems are compromised, who do not respond to vaccination or who for other reasons cannot be vaccinated, so it is important to achieve that effect.

In a population where a large number of individuals are immune, chains of infection can be disrupted, which stops or slows the spread of disease. The greater the proportion of individuals in a community who are immune, the smaller the probability that those who are not immune will come into contact with an infectious individual. Individual immunity can be gained from herd protection, but let us not forget about vaccination. Individuals can also become immune by having had and recovered from a disease. This is important and has led to the elimination of a number of diseases over time, which has strengthened our community.

There are a couple of things to remember. Herd immunity applies only to contagious diseases and not to those that are not transmitted from one individual to another. Tetanus is an example of an infection that is not contagious, so herd immunity does not apply to that. It is important in this debate that people are not deluded into thinking that herd immunity provides protection from everything. People need to have tetanus vaccinations and boosters over time.

A number of individuals depend on herd immunity because they cannot develop immunity for medical reasons or cannot be vaccinated. Newborn infants are an obvious example, as they are too young to receive vaccines. There are a number of individuals who have an immunodeficiency as a result of HIV/AIDS,

lymphoma, leukaemia, bone marrow cancer, spleen issues, chemotherapy or radiotherapy. It is common that people lose immunity through cancer treatment. Vaccines are not useful to those people because they are in a state of immunodeficiency. That is the importance of herd immunity, which is an effect that some people overlook in making their decision not to vaccinate. It is important that everybody who can be vaccinated is vaccinated in order to achieve that effect. The desired vaccination rate of 95 per cent is a safe level for those individuals who cannot be vaccinated or have compromised immune systems.

However, epidemiologists and others, including studies from the University of Oxford, suggest there is a problem that in real populations unvaccinated individuals are not evenly distributed and there will be pockets — and this was pointed out by the member for Ripon — where herd immunity will not be as effective as it could or should be, and that leads us to exemptions. I have some concerns about the breadth of the exemptions in this legislation, particularly when looking at the pockets where there could be outbreaks of disease that could affect newborns or those whose immune systems are compromised. Those people who choose not to vaccinate need to take a long, hard look at themselves and work out in their own minds what their responsibility is to the rest of the population in the decisions they make, because others will be compromised. Although they are a low percentage overall, because of the pocket effect they are placing themselves and others at risk by failing to immunise if they can.

This is a step along the way towards better protecting our population, having a healthier population and delivering cost benefits to our economy. Let there be no doubt that vaccination is a major economic driver in our health system. It enables us to move resources into other areas, where we can pursue better standards of health and life expectancy for our population. To me it is a matter of common sense. For those who cannot vaccinate there are exemptions, but those who are unable to be vaccinated need to be protected by the rest of us doing the right thing. I commend the bill to the house.

**Mr RICHARDSON** (Mordialloc) — It is a pleasure to speak on the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015. Bringing a child into this world is a great privilege and a great responsibility. To care for, love, nurture and educate a child as they develop and begin to understand the world around them is truly special. Until a person reaches an age where they have the capacity and ability to make their own decisions, parents and guardians are charged

with being custodians of the interests of that child. They are required to always act in the best interests of their children, a requirement clearly set down as a fundamental principle in our laws and by our judiciary. This principle is paramount in everything we do.

The overarching intention of this bill is to ensure that more children become vaccinated. We have heard members talk about the international standard that Australia is heading towards — the 92 per cent — and the desire to go to 95 per cent and achieve herd immunity. While Victoria's vaccination rates are great by international standards, they have flatlined in recent years. The bill applies to over 3200 services regulated by the Department of Education and Training that support more than 260 000 children and include kindergartens, long day care, family day care and occasional care services. I am proud to be part of a government that is getting on with this job and acting decisively to protect all children in Victoria.

The member for Broadmeadows made significant points about the ongoing politicisation of science, and I will touch on this area because it is a central element of the debate. In a contribution to the debate by Dr Ian Musgrave, a senior lecturer in pharmacology at the University of Adelaide, he made reference to a Winston Churchill quote to give context to the challenges of science in the vaccination debate. Churchill said:

A lie gets halfway around the world before the truth has a chance to get its pants on.

This is telling at the present time, when advances in technology, particularly the internet and smart devices like iPhones and iPads, have drastically increased the volume and ease of access to information. Highly sophisticated information that was once confined to libraries, peer-reviewed journals and universities is now freely accessible. This is a tremendous advancement. People are free to access information and access ongoing research that aims to answer some of the most difficult questions posed by science. However, there is a troubling downside to technological advancement. The ease of circulating and accessing information has allowed untested and unsubstantiated claims to be put on the World Wide Web masquerading as fact, while in reality it is merely fiction and propaganda.

In his contribution Dr Musgrave considered the misinformation that circulates during debates on vaccinations and the severe misinformation in the community. As an expert in his field he sampled a series of statements across various media channels over a 24-hour period at the peak of the debate. He then set to work on challenging these statements that were passed off as fact. These statements included: 'Why

should we inject our kids with ... brake fluid?'; 'Why are we injecting our kids with mercury?'; 'Why are we still giving kids smallpox vaccine when smallpox is extinct?'; and, 'But we don't need vaccines, these diseases were going before vaccines'. In each and every circumstance, he was able to counter the claim from an individual with a scientific justification underpinned by irrefutable fact. Unfortunately Dr Musgrave and many of his learned colleagues are not available when media outlets, social media sites and blog sites place unfettered views out in the public domain masquerading as fact, when in reality it is simply misguided and deeply inaccurate opinion.

We also see this through a change in media culture, primarily brought about by technological advancement and the 24-hour news cycle. Too frequently we see so-called commentators offering views that are merely opinions on a range of matters. That is all well and good, and people are obviously entitled to their opinions, but where this gets murky is when a commentator's opinion is used to contrast with an expert in a particular field as if their assessments and findings are of equal weight. The commentator might have a flawless communications background while the scientist might have a learned background of 30 years in their field of expertise and have been published in many peer-reviewed journals, and yet they are given equal weight. Moreover, today there is barely any motivation for a journalist who is already on a deadline and cramming to complete further stories to go the extra mile to critique or evaluate this information. Instead it is easier to throw each name into the article with relevant quotes and leave it there.

We see this all too often in the debate around the science of climate change. Federal politicians charged with the responsibility to act in the best interests of our nation demonise scientific bodies like the CSIRO and its motivations for its findings on the damaging effects of climate change. Meanwhile these commentators work away on their iPads and iPhones, which are underpinned by wi-fi networks created by that same body, the CSIRO. Go figure!

Dr Musgrave concluded his contribution of answering mistruths about vaccinations by saying, rather optimistically, that:

Truth (and science) may take time to get its boots on, but those boots were made for walking, and the journey has just begun.

However, the constant undermining of scientific research, as well as the reverse onus of proof being on scientists to disprove fast-moving, unreasonable and factually baseless claims, needs to stop, and in

situations like the need to vaccinate children it is a life or death matter.

I will touch briefly on another notion put forward in this debate about the human rights of children. I was recently contacted by an individual who was opposed to the government's policy, and in doing so they made reference to the *United Nations Convention on the Rights of Children*, in particular article 28, which is the right for all children to an education. The individual went on to say:

... your vaccination legislation is depriving my child of a basic human right.

As you might imagine, I vehemently opposed this notion on a number of grounds, replying:

I simply cannot agree with your contention, and I am firmly of the view that vaccinations save lives, protect children and protect families.

We know that the rights underpinned in such conventions or legislative systems cannot be read in isolation, expect of course the overarching right to life. In this convention there are numerous articles that directly correlate and interact with the right to education in article 28, including article 3, which says that everyone concerned with children should work towards the best interests of each child; article 4, which says that governments should have those rights available to all children; and article 6, which states that children have the right to live a full life and that governments should ensure that children survive and develop healthily. This clearly provides a direct requirement for governments, including the Victorian government, to act in the best interests of children to protect their health and wellbeing, which is why the Labor government has introduced the bill into the house and is so vehemently supporting it.

It is also important to recognise the obligations the convention places on parents to act in the best interests of their children, including article 18, which states that both parents share responsibility for bringing up their children and should always consider what is in the interests of their children; article 24, which states that children have the right to good quality health care; and article 27, which says that children have the right to a standard of living that is good enough to meet their physical and mental needs. These articles provide a strong requirement for governments and citizens to always ensure the best interests of their children, which is exactly what this Labor government is doing.

We must also consider the approach of our legal system and the interpretative principles of our courts in our

approach to the protection of children. The Australian Law Reform Commission states:

... The fundamental principle in international and Australian law concerning children is that all decisions made and actions taken should be in their 'best interests' ...

...

... The Family Law Act requires the court to have regard to 'the need to protect the rights of children and to promote their welfare' in any matter with which it deals under the act. The best interests of the child is to be the paramount consideration ...

Furthermore, in our own jurisdiction, the Victorian Charter of Human Rights and Responsibilities Act 2006 mandates that all legislation accord with this notion, stating:

Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

With the avalanche of evidence of the need to vaccinate our children a parent refusing to fulfil this basic requirement of protection of their child from these life-threatening diseases could be found to be not acting in their own child's best interests. As we all know, were it not for substantial advancements in vaccinations and medicines Australians and Victorians would not have the quality and longevity of life that we hold dear and true today. The Labor government has implemented a policy that is determined to ensure the protection of children and their health and wellbeing. I commend the bill to the house.

**Mr T. SMITH (Kew)** — It is my pleasure to speak on this important piece of legislation for the betterment of all Victorian children. This bill to an extent corresponds with my philosophy and the philosophy of the Liberal Party because it concerns the sort of society we want to see in Victoria. This view was espoused by John Stuart Mill in *On Liberty* when he said:

That the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others.

This bill seeks to ensure that all Victorian children are immunised. Immunisation has been a post-Enlightenment fundamental since 1796, when Edward Jenner invented the inoculation for smallpox. The fundamental principle being supported by both sides of the house is that no Victorian child ought to be unvaccinated because of the risk it creates for other children. The simple point I am making is that the exemptions Labor has put into this bill jeopardise the health and wellbeing of too many subclasses of children

in this state and therefore the majority of the mainstream.

The exemptions in this bill in new section 143C create seven new categories of exemption, including children evacuated from their usual place of residence, children in emergency care or children in the care of an adult other than a parent due to illness or incapacity. They also include children who are descended, identified or accepted as an Aboriginal or Torres Strait Islander; children who are in the care of a parent who has a healthcare card, pension concession card, veterans gold card or veterans white card; and children who are one of a multiple birth of triplets or more; or in further circumstances determined by the secretary as warranting exemption.

I am very concerned about these exemptions because I see no rational justification for them. On 3 February 2014 the Labor Party announced in its policy that there would only be two exemptions: children who are medically prevented from being immunised for whatever reason and a conscientious objection. However, on 16 August 2015 it announced that it would not support a conscientious objection, which I welcome, but there were seven other categories of exemptions, which I have already detailed. The federal coalition government has led the way in ensuring that all Australian children are immunised. The commonwealth government has announced changes known as 'no jab, no pay'. It announced that from 1 January 2016, subject to the passage of legislation, families will no longer be eligible for family assistance payments if their children up to the age of 19 are not fully immunised or if they do not have an approved medical exemption.

It is clear that it is the bipartisan position of the two major parties that all Australian children should be immunised. We are not opposing the bill, despite the fact that there are seven exemptions that we frankly do not understand being there. They should not be there. I fear that this is a bit of a cop-out. We on this side of the house are very passionate about ensuring that all Victorian children are immunised. I sympathise that there are possibly certainly groups in society that may not have the wherewithal to provide for immunisation for their children, but immunisations are free and, as my friend the member for Ripon has already articulated, the classes of people in our society who tend not to immunise their children do so by choice and in some respects are very educated and do so more for a political and cultural reason than a socio-economic reason.

As the member for Ripon articulated, the people who live in the local government area of Melbourne have some of the lowest rates of immunisation in our state. Essentially this forms the setpiece of a cultural argument around parents deliberately not choosing to immunise their children for these crazy, voodooesque, non-scientific beliefs that it somehow damages their children. However, it simply damages the rest of us. Hipsters, tree huggers, oddballs and the like do not immunise their children; people in the mainstream do immunise their children. It is a shame that my little friend over here is not in the chamber.

I put on the record my utter contempt for parents who do not immunise their children. It is scandalous. It is dangerous. It endangers the rest of us, and frankly it is an indulgence that should simply not be allowed for any reason bar medical necessity. It is counter to modernity to not immunise your children. The first immunisations occurred eight years after the European settlement of this country. It is a fundamental of the Enlightenment and the basis of science to inoculate your children. Immunisation, and indeed medical science, has enabled society to grow through the 18th and 19th centuries in such a way that we cannot possibly imagine being without it. It is fundamentally one of the reasons why the West dominated the rest of the world through the 19th century; it is because we were miles ahead of the rest of the world with regard to defeating diseases that had plagued humanity for a millennium or more. It seems to me that certain cultural relativist types, soft left types and green types who permeate our inner cities are essentially — —

**Mr McGuire** — What about global warming?

**Mr T. SMITH** — I note that the comment by the member for Broadmeadows is trying to draw analogies between climate change and immunisation, but this is far too important an issue to start dragging that sort of politics into. The politics is a distraction from this really important debate. We have science going back hundreds of years supporting the requirement for immunisation. The fact that educated people in our society do not do that is simply an outrage. I hope that these exemptions can be reviewed in the upper house. I do not see any need for them except, as I said, for medical necessity. The Enlightenment brought a fundamental change in Western thinking. It was a fundamental change to the health and the growth of our society. It democratised our society. It enlightened our society. It increased the life span of the members of our society by decades.

As I have already said, the reason for that was largely the beginnings of immunisation for diseases like

smallpox. The fact that there are certain people in our society who refuse to accept that science and refuse to accept the moral basis for why kids are immunised is simply beyond the pale. Although I am disappointed that the bill does not go as far as it should, I welcome it, and I hope that it can be amended in the other place.

**Ms BLANDTHORN** (Pascoe Vale) — It was a very important election commitment by the Andrews Labor government that we are speaking to today. I am very pleased to be speaking in favour of this bill. It has been suggested by some opposite that the bill is not true to the election commitment; however, to the extent that the bill differs from what was our election commitment, it is stronger than that commitment was. The government makes no apologies for protecting the health and wellbeing of our children in the strongest possible way.

The bill aims to increase the vaccination rates for children throughout Victoria. The rate of immunisation is currently sitting at 92 per cent for children aged under five years; however, this rate needs to be boosted to at least 95 per cent for herd immunity, as many speakers before me have mentioned, in order for it to be effective in preventing the spread of dangerous diseases such as whooping cough. Children do need to be fully immunised, up to date with their vaccinations and age appropriately vaccinated before they are allowed to attend child care, and the government has expanded the policy to include kindergartens with the intention of protecting more children.

The bill differs from Labor's election commitment in that it is stronger, and the government makes no apologies for that. The bill is not applicable to services such as out-of-school-hours care, vacation care programs or casual occasional care, such as creches at shopping centres and gyms et cetera. However, from 1 January 2016 parents will be required to present an Australian childhood immunisation history statement, and this will be applicable to over 260 000 children in Victoria who attend more than 3000 early childhood services. We have heard inconsistent positions from those opposite in relation to the exemptions, which are clear and limited. Again, as I said, members of the government make no apology for that.

Circumstances of vulnerability and disadvantage in children and families are provided for in the bill. In these circumstances, such as difficulties accessing immunisation providers, the child will be able to enrol in child care and kindergarten without up-to-date vaccination on the following conditions — and there are clear protections around these exemptions. For a child who has been attending a service for a period of

16 weeks, the service will take reasonable steps to obtain the immunisation status certificates for the child. The bill includes a provision for the Secretary of the Department of Health and Human Services to provide guidelines specifying the circumstances in which the criteria will apply. Throughout the period of 16 weeks the care providers are expected to work with families to confirm progress in the child vaccination schedule, or alternatively provide information on how immunisations can be accessed and resources about immunisations. As I said, there are clear protections around these exemptions.

Children with certain medical conditions or allergies who cannot have certain vaccinations will still be able to enrol in child care and kindergartens provided they have the certificates of medical exemption from a certified immunisation provider, which is appropriate. Children who have relevant conditions or allergies that lower their immunity, anaphylactic reactions, diseases such as leukaemia, cancer, HIV/AIDS and having treatment which otherwise would lower their immunity, such as chemotherapy, also can be exempted.

These are clear and important exemptions, but what is not exempted is conscientious objection. Again, members of the government make no apology for it. It is not applicable when we are talking about vaccination. Anyone who is prepared to claim otherwise has the luxury of being able to promise the world and the luxury of being able to tell people whatever they want to hear. They have that luxury because they are not in government and they are not responsible for public health and wellbeing. The public health and wellbeing of the broader community has to take precedence over the antivaccination movement. Dr Dean Robertson, an emergency doctor in northern New South Wales, said:

Individual choice works for haircuts and handbags, but not for preventing infectious diseases that kill kids.

A couple of people have mentioned the Scrutiny of Acts and Regulations Committee report in relation to this bill. Indeed the committee asks the Parliament to consider whether there was a less restrictive alternative. As was said by a fellow member of the Scrutiny of Acts and Regulations Committee earlier today, rights only exist so far as they do not infringe on other people's rights and they are not absolute.

To people who made submissions to me and to the Scrutiny of Acts and Regulations Committee, I will again use the words of Dr Dean Robertson, who said:

Childhood vaccination has never been about one child and one needle, about a parent's right to decide in isolation. It is a community responsibility, a responsibility that objecting

parents shirk. Vaccination is about keeping all our children safe.

When we consider vaccination rates and the rates of the antivaccination trend, it really is quite alarming. According to research by the National Health Performance Authority, 77 000 Australian children are not fully immunised, and in 32 geographical areas where children are fully immunised the incidence of disease was 85 per cent lower in at least one of the recorded age groups. Commonwealth Department of Health statistics show that thousands of parents have continued to lodge conscientious objections year on year.

Dr Steve Hambleton, president of the Australian Medical Association (AMA), said:

Anybody who spreads an antivaccination message is hurting our children.

At the end of 2014 it was reported that just over 93 per cent of Victorian children had received their mumps, measles and rubella vaccine, but pockets of Melbourne are now dipping below this rate. Brunswick and Coburg — and Coburg is in my electorate of Pascoe Vale and Brunswick is in a neighbouring electorate — topped the list in the metropolitan regions for having children below the appropriate rate of immunisation. The National Health Performance Authority data reveals that 8.5 per cent of Brunswick five-year-olds are not properly immunised, and federal Department of Human Services figures show that 92.5 per cent of Victorian five-year-olds are fully immunised, in line with the overall figure but lower than that in Tasmania, the ACT and New South Wales. As I said, in Brunswick 8.5 per cent of five-year-olds are not properly immunised. We do need to achieve herd immunity, where a significant proportion of the population is immunised against those diseases in order for the vaccines to be effective.

In preparing for the debate on this bill, I thought about this issue a couple of weeks ago when I opened my mail at home. I had received a letter from UNICEF Australia addressed to people who support that organisation seeking funds for vaccines in Third World countries. The letter states:

There is nothing worse than watching your child suffer. If you're a parent you'll know.

Francisca knows that all too well. Her little boy Joel is desperately ill.

Just 14 months old, Joel has measles. And now an associated brain inflammation called meningitis. Every few moments his body stiffens and spasms. His little face screws up in a grimace from the pain, but he's too weak to cry out.

'I never thought I'd say this', says his mother, 'but I wanted him to cry. At least when he was crying I knew he was still alive'.

Joel's head turns from side to side as if he's confused. He can't understand why he can no longer see.

Yet all this pain and suffering could have been avoided if only Joel had been vaccinated.

Here in this chamber today we are debating an issue that in Third World countries people are literally dying for.

So why hadn't Joel received his vaccinations?

The reason is so simple it will break your heart.

Joel and his mother Francisca and her two other children live in ... Angola. Their home is a long way from the health clinic where Joel could have been vaccinated. It takes four different buses to get there, and the round trip costs \$10.

'But I didn't have enough money for the bus fares'. Francisca said sadly.

The letter goes on to say:

As measles is now so rare in Australia, many people have forgotten what a devastating disease it can be.

Joel's future looks grim. If Joel's story tells us anything, it is just how serious that problem is. I look at families in Australia and think how lucky we are that vaccines are so easily available, yet here we are in this chamber debating whether or not children should have to be vaccinated when children in Third World countries are dying every day because they cannot get vaccinated and do not have that choice.

Disease rates have jumped by more than 50 per cent in the last year, with children aged under one year old being the most affected by the increased rates. AMA president, Dr Steve Hambleton, says that parents are becoming lax because they do not realise how bad these diseases are.

In conclusion, vaccination rates are dipping. We in Victoria have a problem in relation to children not being effectively vaccinated because parents feel that they have the right to conscientious objection. As I said, rights only exist insofar as they do not infringe upon the rights of others. When we look at the Third World example, we see that we are debating an issue that we take for granted. The weight of evidence tells us that we ought to be vaccinating all of our kids at all of their milestones, whether it is for whooping cough, measles, mumps or rubella. We know that these vaccinations save lives. It is simply irresponsible for people to ignore the science and choose not to vaccinate their child. The government wants to ensure as many as children as

possible are immunised, and makes not apology for that. To not vaccinate your child is unsafe. It is unsafe for that child and for other children.

**Ms SULEYMAN** (St Albans) — I am very pleased to rise to speak in support of the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015. This bill is vital in ensuring that we can protect our children and the community from contagious diseases. The bill is aimed at boosting immunisation rates across the Victorian community. There is no doubt that vaccinations save lives. They protect our children from infectious diseases and serious and potentially life-threatening illnesses. Not only do they protect our children, but they also protect the wider community. If more children are immunised, there is less chance of infectious diseases spreading.

Whilst the current rate of immunisation for children under five years of age in Victoria is around 92 per cent — one of the highest rates in the world, may I say — more can be done to ensure that all children are protected. In order to halt the spread of contagious diseases, such as measles, it is recommended that there be an immunisation rate of at least 95 per cent of children under five years of age.

This year alone there have been close to 3000 notifications of whooping cough infections in Victoria, compared to 1800 last year. These numbers are concerning and alarming. I note that this increase may be due to those opposite, while in government, cutting the free whooping cough vaccination for parents and newborns, a program that, thankfully, has been reinstated by this Labor government. The Andrews Labor government is getting on with protecting children and, most importantly, protecting the community.

Our children deserve the very best start in life on every level, including health. This bill will ensure that from 1 January next year all parents and guardians who are seeking to enrol their child in early childcare education, such as kindergartens, will be required to provide evidence that the child is fully immunised, on a vaccination catch-up program or is unable to be fully immunised for medical reasons alone, such as the child having an allergy to the vaccine or having a suppressed immune system. These provisions will provide an incentive for parents to ensure that their child is vaccinated.

Currently there are over 53 000 children who attend stand-alone kindergartens in Victoria. The expansion of the no jab, no play policy to kindergartens and children's centres shows that this Labor government is committed to protecting public health and the wellbeing

of every Victorian in our community, including young children and infants. I know that this bill will be welcomed, in particular by my electorate and kindergartens and childcare providers that provide essential services for young ones, such as Keilor Downs Childcare Centre, Sunshine Kindergarten and St Albans East Preschool. They are integral to the early education and development of kids. These services and providers are dedicated to ensuring that every young child in our community has the best possible start in life.

We have a responsibility to safeguard kindergartens and childcare centres by introducing this bill. The no jab, no play policy is fundamental. This is about ensuring that every child is protected from disease and also that childcare workers can get on with the job of teaching and caring for our children. The bill will make it easier for kindergarten enrolments to occur as long as a child is up-to-date with their vaccinations two months before they start.

I am very pleased to note that in the west, in the area of Brimbank, the recent figures show that over 91 per cent of two-year-olds are fully immunised — one of the highest immunisation rates in the state. However, there is much more we can do to ensure that the public health and wellbeing of our community is given priority over the objections of the antivaccination movement. In my experience, seeing my niece and nephew attend kindergarten and school, knowing that they are fully vaccinated and protected makes me extremely confident. I know that every parent and carer will feel extremely safe knowing that their child is fully vaccinated once they are at their kindergarten or childcare centre. But there are those who refuse to vaccinate their children and send them off to child care anyway. I think that is a very irresponsible move, not only for the child but also for other children, infants and pregnant women. Those sorts of incidents put the community at risk. It is irresponsible, it is dangerous, it increases the spread of preventable diseases and it is clearly a matter of life and death.

As at June over 7000 children in Victoria were not vaccinated due to conscientious objection. That is a staggering number. I am very happy to see that this bill removes the exemption for conscientious objectors, which will help ensure that as many children as possible are vaccinated and that children can get on with enjoying life and, most importantly in the early stages of life, developing without the risk of contracting a preventable disease. Again, these sorts of issues are life-and-death matters. The scientific evidence is overwhelmingly in favour of immunisation, and to reject that evidence is, frankly, reckless. We have heard a number of speakers today talk about that

irresponsibility and the fact that parents may put their children at risk by not immunising them at an early age.

Medical advancements have led to modern medicine and public health, including the eradication of many diseases, such as smallpox, and the decline in the number of cases of polio, which is extremely rare these days. That is thanks to medical research and the fact that so many medical breakthroughs have occurred in this area.

To conclude, I support this bill. It is a responsible bill. We have an obligation to protect every child in our community. We made a commitment at the election and the Andrews Labor government is keeping its promises. This bill is critical. These reforms are necessary and essential to protect what is most precious to us — that is, our children. I commend the bill to the house.

**Debate adjourned on motion of Ms SPENCE (Yuroke).**

**Debate adjourned until later this day.**

## VICTIMS OF CRIME COMMISSIONER BILL 2015

*Second reading*

**Debate resumed from 16 September; motion of Mr PAKULA (Attorney-General).**

**Government amendments circulated by Mr PAKULA (Attorney-General) under standing orders.**

**Mr PESUTTO** (Hawthorn) — I appreciate the house amendments the Attorney-general has circulated. I will take some advice and give them some consideration, but they do not look controversial. It is not the best to be given amendments on the run, but I appreciate what my colleague indicated to me a moment ago.

I rise to speak on the Victims of Crime Commissioner Bill 2015, and the coalition will be supporting this bill. The place of victims in our criminal justice system is really only a recent phenomenon. Down the ages victims have not really played any active role in the justice system apart from being witnesses and assisting prosecutors with criminal proceedings. In Victoria the introduction of a more active role for victims commenced in 1994 when the then Attorney-General, Jan Wade, introduced victim impact statements. Slowly but surely since that time victims have been — rightly,

I think — given more of an active role in the criminal justice system.

What pleases me about being able to support the bill before the house is that it comes off the back of a number of reforms over the years since that time, especially a number of reforms that my predecessor, the honourable member for Box Hill, introduced when he was Attorney-General. He had a very genuine commitment to ensuring that victims have an active role in the criminal justice system.

We need to do this at a number of levels, because it is not only about trying to provide comfort to victims and assisting them through the trauma of criminal proceedings and the trauma they suffer at the hands of offenders whatever the crimes may be, with some being less serious but others being heinous; it is also about public confidence in our justice system and about ensuring that our work to assist victims translates into justice policy in a way that goes as far as possible to making sure every member of the Victorian public has confidence that our laws are strong, that the resources needed to administer and enforce those laws are at a level that help us meet those objectives, that people rightly believe they have as much security as any civilised society can best procure and that they have a justice system that will apply proper criminal sanctions on those who deem it fit to break the law in sometimes tragic circumstances.

We are all familiar with recent cases like the Jill Meagher tragedy and the devastating tragedy of Masa Vukotic earlier this year. These lead all of us to think about what we can do to better provide solace, comfort and guidance to victims, but also to show the Victorian public we are responding to whatever doubts they may have from time to time about our justice system. For these reasons it is pleasing to be able to join with the government and support this bill.

Before I turn to the bill, I will make a couple of comments about the work of my predecessor and can do so in the spirit of support for this bill. I go back to 2012 when the then Attorney-General announced a number of key reforms. First of all was an obligation on prosecutors to consult with victims before sentence indications. This was to ensure that when courts are considering possible sentences and sentencing ranges for those accused who are considering pleading guilty, it is appropriate that victims be consulted and their views taken on board. Those views will not be determinative. I do not think anyone countenances the view that we ought to have a system where victims can provide determinative input into those sorts of decisions, but it is important to give them a role before

the event where sentencing indication hearings are concerned.

Back in June 2012 the Attorney-General also announced reforms that would make it easier and more efficient in terms of offenders being required to pay compensation to their victims and indeed make it easier for victims to seek compensation, particularly by not requiring them to make a formal application in a criminal proceeding. Usually that is done at the end, after criminal liability is determined and after sentencing has been considered and determined. Sparing victims what is often a harrowing experience of having to turn up to court to make an application in the presence of an offender who may have committed a fairly violent offence, or something of that kind of magnitude, was an important reform. Another important reform was relaxing some of the evidentiary burdens on victims in substantiating their claims to recover losses that they had sustained because of the criminal wrongdoing of others.

Back in June 2012 the then Attorney-General also announced — and it is relevant to this bill — the formation of the Victims of Crime Consultative Committee to advise, research and write on victims issues. Today we have the enactment of that reform, which I will come to in a few moments. That was an important reform, bringing together some of the best minds to work on how we can attain some of the objectives I talked about earlier: providing comfort to victims and making sure that the criminal justice process is as manageable as it can possibly be in what are sometimes the most harrowing circumstances.

At that time the then Attorney-General also announced the formation of a grant scheme which would help victims groups. It would enable them to apply for a share of \$50 000 in grants to help them complete the work that they undertake to help victims. As we know, there are a number of victims groups and victims advocates in the community who are working very hard to provide much-needed support and assistance to victims at a very difficult time in the lives of these people.

There were four key reforms in June 2012 which did enhance the role of victims. Throughout the last term of government there were too many reforms to mention in my remarks here today, but suffice it to say that there were a large number of reforms which in a very indirect but deliberate way were about victims and trying to ensure that we have as few victims as possible. Those matters were dealt with in the sentencing reforms we introduced, including those relating to parole and bail. We undertook other measures to toughen up that

regime of laws to better deter wrongdoing in our community and to ensure that those who engage in wrongdoing — and I am talking here for the most part about very serious wrongdoing — face sentences that the community would consider adequate. That is important. As I said at the outset, the work we do in respect of victims is important not only to provide direct assistance and support to them but also to instil public confidence in the justice system. Those many reforms, from baseline reforms to increases in minimum sentences to the introduction of community correction orders, were all very important measures in that very deliberate way I have mentioned.

Some reforms are worth mentioning in terms of their direct focus on victims. One was part of the Crimes Amendment (Abolition of Defensive Homicide) Bill 2014. It was an omnibus bill that focused mainly on abolishing the offence of defensive homicide, which had been proven not to work as originally intended. But one of the reforms in that bill, which became law, was to introduce into section 135 of the Evidence Act 2008 a provision allowing a court to refuse to admit evidence if its probative value would substantially be outweighed by the danger that the evidence might unnecessarily demean the deceased in a criminal proceeding for a homicide offence.

Of course this is not going to mean much to the deceased — sadly, events have overtaken his or her particular position — but introducing that provision is very important: firstly, to deter victim blaming by the accused and their counsel; and, secondly, to recognise and respect the traumatic circumstances that the survivors of that victim may be wrestling with at a particularly difficult time in their lives. That was a reform that I wanted to mention in my remarks today.

There were a number of reforms to address family violence and to do a lot more to assist and ameliorate the position of victims of family violence. A number of those are important to mention. First of all, there were reforms to empower police to issue family violence safety notices 24 hours a day, 7 days a week. Previous to this reform police could only issue those notices outside the hours of 9.00 a.m. to 5.00 p.m., and it was important to victims to extend those hours. We also provided in 2014 that family violence safety notices would be able to operate for five days instead of only 120 hours, which enabled longer protection for victims and more time for them to take advice and other steps that they might need to take before attending court.

We also introduced laws to allow interim intervention orders to become final orders without the need for a further hearing, which is a very important reform to

assist victims. One of the most harrowing things that a victim has to contend with, having in many cases made the courageous decision to alert the police or law enforcement authorities, is that there is then the stark realisation that they have to front up to court. As we know, in many courthouses around the state women and children will turn up to court and they will be standing within metres of in many cases estranged partners or violent offenders, which is a particularly difficult exercise. This reform enabled the court to make final orders without the need for a hearing if, as in those 30 per cent of cases, the subject of those safety notices does not bother to turn up to court. Not only does that enable the earlier disposition of such matters, but obviously it spares them being in the physical presence of those offenders.

We also, in the interests of victims, introduced reforms to lift bans on the reporting of family violence intervention orders when the reporting of charges and convictions for breaches of those notices was relevant. It enabled victims, usually women, to have the right, if they wished, to authorise the publication of such information. That was at the prerogative of victims, which was another key reform.

I refer to another reform from last year, the new sexual offence laws, which did away with the old defence that enabled many accused persons to escape accountability by arguing in the case of sexual offences that they considered it reasonable in their own subjective mind to believe consent was forthcoming. We introduced reforms to change that so that the test of reasonableness was an objective one, not a subjective one. Again, this was another reform that was important to victims, particularly female victims.

Another key reform related to that was the introduction of a course of conduct charge for repeat offending, again understanding the reality that victims have, often after many years of abuse and intimidation, to not only find the courage to alert authorities about the commission of such crimes but also to submit themselves to a harrowing process. In many cases where related offending has been repeated, particularly in child sexual abuse cases where the abuse may have taken place over many years, the obligation on the prosecution to prove each particular instance of the offence was onerous. In government we recognised that the introduction of a course-of-conduct charge for repeated offending would make it easier for repeated and systematic sexual offending to be proved without having to establish the evidential basis for each and every separate offence. Again, this was a key reform in the interests of victims.

In October last year — some two years after the formation of the Victims of Crime Consultative Committee — the then Attorney-General, the member for Box Hill, announced that Victoria would have its first commissioner for victims of crime with the role of ensuring that the rights and needs of victims would be recognised and respected across all government agencies and that support services would be provided so that victims could readily find the information published by the commissioner and get in touch with appropriate support services. The commissioner was intended to be an advocate for the interests of victims of crime in their dealings with government agencies and to provide advice on how the justice system could be further improved to meet the needs of victims.

Mr Greg Davies was appointed as the inaugural commissioner for victims of crime, and I think he was a most eminent and suitable appointment. I hope that once this bill passes and commences operation the government will give strong consideration to his continuation in that role. He is an experienced, seasoned advocate who has worked closely with victims. He has an unusually deep and abiding experience in law and order and justice matters. I think he is perfect for this role, and I hope he continues in it.

Before I turn briefly to some key provisions of the bill I want to mention the reference which the previous Attorney-General gave to the Victorian Law Reform Commission to undertake a detailed inquiry into the role of victims in the criminal trial process. That important piece of work is underway. The commission's work continues, but it has released some papers in the meantime. Again, this is an important reform which capped off quite a number of reforms. I will mention some others quickly before turning to the bill. They were: creating an additional position on the board of the Sentencing Advisory Council for a victim member; extending the hours of operation of the victims of crime helpline from 8.00 a.m. to 11.00 p.m., seven days a week; and providing funding for an additional 6000 victims to receive a range of support services, including access to counselling; along with the sentencing and parole reforms I mentioned earlier.

Again, I am happy to be able to stand here off the back of these reforms and announce our support for the bill. We think the bill is faithful to the establishment both of the office of the victims of crime commissioner and the Victims of Crime Consultative Committee. There are just a few things I would note. The commissioner holds office for five years, with eligibility to be reappointed for a further term of five years. Again, we are happy to support that.

In terms of the functions and powers of the victims of crime commissioner, we support him or her being an advocate for the recognition, inclusion and participation of, and respect for, victims of crime by government departments and bodies responsible for conducting public prosecutions and by Victoria Police. Another important function of the commissioner is carrying out inquiries on systemic victim-of-crime matters. The commissioner will have a broad brief because the term 'systemic victim-of-crime matters' is obviously a broad one. We think that is expansive enough to ensure that the victims of crime commissioner will have the discretion he or she needs to pursue all matters identified in terms of victims.

We note that the commissioner is to be provided with the employees that are necessary, and that is dealt with in clause 16 of the bill. We hope and trust that that will be forthcoming and that the commissioner will have all of the resources necessary to meet the objectives and functions which are to be given to that office. The bill details how various government agencies and offices are obliged to provide the commissioner with access to information, obviously within reason. We think that is appropriate. Those matters are dealt with in clauses 17 to 20. We think the other provisions of the bill are fairly self-explanatory, certainly in relation to inquiries. We have no objection to those provisions as they stand. We think they give the commissioner a broad enough brief to be able to pursue those matters, and they are dealt with in clause 23.

I want to mention clause 25 of the bill because it provides that the commissioner may provide the Attorney-General with a report of an inquiry conducted by the commissioner into a systemic victim of crime matter and that the Attorney-General may, with the agreement of the commissioner, publish the report or cause the report to be tabled in each house of Parliament. The opposition supports that provision but hopes and expects that where the commissioner does produce reports, he or she will provide those reports, and that it would only be in the most exceptional circumstances that such reports would not be made publicly available. I can understand that there may be parts of reports that may traverse sensitive or confidential matters, but we hope and trust that that will be more an exception than the general rule.

Turning to the Victims of Crime Consultative Committee, we see those provisions as fairly straightforward, and I do not propose to go through those provisions. As I said at the outset, I will consider the house amendments. They appear to look uncontroversial, but I will look at them and advise my

colleague the Attorney-General if we have a different view.

**Mr CARROLL** (Niddrie) — It is my pleasure to rise to speak on the Victims of Crime Commissioner Bill 2015. I welcome the contribution by the member for Hawthorn and acknowledge that the previous government put the commissioner into this position. The government is now codifying and putting the relevant legislation around that role as well as formally recognising the Victims of Crime Consultative Committee.

Firstly, the member for Hawthorn rightly raised that recently he was handed some house amendments by the Attorney-General. I managed to have a quick conversation with the Attorney-General, who has assured me and asked that I pass on to the house that the house amendments are very much non-controversial. If anything, they are just some consequential amendments that came about through some consultation with the Supreme Court.

Essentially the amendments will make it clear that a reserve judicial officer can be appointed as a member of the Victims of Crime Consultative Committee. These amendments are in response to a matter raised by the Supreme Court. I believe the Chief Justice was privy to some of this consultation. The court was concerned that under the bill as it had been drafted it was unclear as to whether a reserve judge could be appointed as a member of the committee.

Clause 38(2) lists the current judicial members of the committee, which include judges of the Supreme and County courts, a magistrate of the Magistrates Court, a coroner of the Coroners Court and a magistrate of the Victims of Crime Tribunal. The list does not presently specifically include reserve judges, reserve magistrates or reserve coroners, which are fairly common. These amendments will make it very clear that a reserve judge, magistrate or coroner is eligible to serve as a member of the committee. That should allay any fears in terms of the house amendments.

Like the member for Hawthorn, I would also like to pay my respects to my predecessor as the member for Niddrie who is also a former Attorney-General. The legislation we have before us today has come about from a long line of reforms. The former Attorney-General and member for Niddrie, Rob Hulls, introduced the Victims Charter Act 2006, which provided for the rights of victims in relation to matters concerning the justice system.

We hear of the high-profile cases. When you are elected to Parliament as a local member you do not think about the criminal justice system in that role, but on several occasions now I have had family members come to speak to me about it. One family member actually wrote a book on her experience of the criminal justice system following her son's death. She never expected the pretty much adversarial nature of the court process and the almost lack of understanding that can sometimes be involved after a family member has tragically passed away through horrendous circumstances.

Nothing quite prepares a family member — when they have never been in court before and that is their first experience — for seeing the offender in the dock and the defence counsel representing that offender and the prosecution performing their role. I can only imagine what it must be like. In a couple of circumstances I have dealt with people in relation to whom the crimes occurred 20 years ago, and yet the family members are very much still dealing with them.

Having a victims of crime commissioner and a consultative committee is very important. Through this process victims and their families will essentially have a place to go where they can be recognised for what they have been through and get an understanding of where they can seek assistance. However, in his second-reading speech the Attorney-General made it very clear that the role of the commissioner will not be to search in every nook and cranny to investigate every case where a victim of crime or family member believes there has been a miscarriage of justice, but rather to have an approach where, in working with the consultative committee, they can gain an overview of the criminal justice system to see if there are any gaps where future reform may be needed. The commissioner will also be required to prepare an annual report highlighting some of the work they have done.

The previous government appointed Mr Greg Davies as the state's first victims of crime commissioner. He has had an extensive history with Victoria Police, and many people would know that he was a high-profile secretary of the Police Association. He is fulfilling the role, but this legislation will essentially help him to get a better understanding of it. The Minister for Police is in the chamber today. He works very closely with the victims of crime commissioner, Mr Davies, and the government of the day going forward, no matter of which persuasion, will always be very keen to support Mr Davies in his role and to ensure that any injustices he comes across in terms of a matter are addressed accordingly.

There was one part in the second-reading speech of the Attorney-General that I want to highlight, because it is important we codify exactly what the role of the victims of crime commissioner is, which is what this legislation is about. The Attorney-General said:

Our intention is that the commissioner will focus on the big-picture issues that affect significant numbers of victims. The commissioner's role will extend beyond the consideration of the actual trial process and into the broader victims service system.

The commissioner will of course receive complaints from individual victims of crime. These individual complaints will assist the commissioner to identify the issues that are affecting victims of crime, and to target his inquiries at the right issues. Where possible the commissioner will provide advice and information to individual victims of crime.

When you look at what the Andrews Labor government is doing, though, you see that there is the victims of crime commissioner and there is also the Royal Commission into Family Violence. Last night I received my *Law Institute Journal*.

**An honourable member** interjected.

**Mr CARROLL** — It does become essential reading when you are speaking on justice bills, I have to say. This one is not about the Attorney-General. Probably more importantly, its cover says:

Every week in Australia a woman is murdered by her partner or ex-partner

When talking about victims of crime there can be no greater focus than on family and family members involved in domestic violence. The Andrews Labor government has Australia's first minister responsible for the prevention of family violence and has established a royal commission, which the Premier as opposition leader sought to establish. Even as opposition leader he committed to implementing every recommendation that comes out of that royal commission. Marcia Neave, the commissioner, is doing her work at the moment, and the recommendations of the royal commission will come through.

I was reading the *Law Institute Journal* last night. There is a very good article in it headed 'Let the sentence fit the crime' that goes through a series of Court of Appeal precedents in the area of family violence and talks about some of the cases. Some of them are truly harrowing, and it is something I am learning more about every day. The break-up of a relationship can send some men wild. They cannot handle the break-up, they rob their former partner and they physically and emotionally abuse them. I commend the Law Institute

of Victoria for the work it has done in this article to highlight this.

I finish by saying that this legislation is essential to give codification to the role of the victims of crime commissioner and the consultative committee. In my role as Parliamentary Secretary for Justice I welcome working with Mr Davies and the consultative committee. I think the Attorney-General has done a good job. The bill has bipartisan support. Going forward, I believe this is an essential role in which we are following other states and jurisdictions.

**Mr McCURDY** (Ovens Valley) — I rise to make a brief contribution to the debate on the Victims of Crime Commissioner Bill 2015. As the member for Niddrie said in his contribution, this is essential legislation. The member for Hawthorn has established that we in the coalition will be supporting this bill and, with his level of expertise, has gone into a lot more detail than I intend to. To go through some of the finer points of the bill, it sets out the membership of the committee, including a chairperson, the commissioner and judicial members. It sets out the functions of that committee, including providing a forum for and promoting the interests of victims of crime and advising the Attorney-General.

It establishes the Victims of Crime Consultative Committee and covers the functions and the powers of the commissioner, which include own-motion inquiries and systemic victim of crime matters as well as reporting to and advising the Attorney-General on those matters. Furthermore it discusses the terms and conditions of the commissioner's appointment, including a five-year maximum term duration with a limit of two terms, which I believe was mentioned by the member for Hawthorn in his contribution.

As I said, the coalition supports this bill, which affects all of us. My community in the Ovens Valley in north-eastern Victoria is not immune to crime and the resultant activities stemming from crime. The bill establishes the commissioner and the committee, and it was the previous government's privilege to appoint Greg Davies as Victoria's first commissioner for victims of crime in October last year. It is encouraging to see the current government support this decision. The victims of crime commissioner is an important advocate for victims of crime in their dealings with government agencies and within the wider community as well.

The commissioner's role is to ensure that the rights and needs of victims are recognised and respected across all government agencies, that support services are

coordinated effectively and that victims are able to access appropriate support and advice, and also to provide advice on how the justice system can be further improved to meet the needs of victims. Importantly, the bill grants the commissioner broad powers to initiate own-motion inquiries into systemic victim of crime matters and to access relevant records where appropriate in conducting those inquiries and reporting to the Parliament.

The Victims of Crime Consultative Committee brings together representatives of victims, the courts, police, the Office of Public Prosecutions and the adult parole board to provide a forum. It is important for that cross-section to be heard and to promote its interests and identify ways in which the justice system can work better for it. These initiatives form part of a broad suite of reforms, including the creation of a dedicated position on the board of the Sentencing Advisory Council.

This is a frustrating area to be working in. The term 'victims of crime' describes people who have been caught up as direct and indirect victims of crime. That happens in all of our communities. There are groups in the north like PALS — People Against Lenient Sentencing — and I understand their concerns. In the late 1990s in places like Wodonga, Wangaratta and Shepparton there was a reduction in sentences on appeals, a reduction close to 100 per cent. In fact 93.5 per cent of appeals over an 18-month period led to reduced sentences in the County Court in Wangaratta, and that was a concern for that group. You can understand why victims of crime have concerns about the justice system at times. If nothing else it highlights that there is no silver bullet when it comes to victims of crime. In this place we need to make laws that reflect current community standards and to keep working towards getting better outcomes. With that brief contribution, I commend the bill to the house.

**Ms THOMAS** (Macedon) — It is my pleasure to rise to speak in the debate on the Victims of Crime Commissioner Bill 2015 and in doing so I welcome the contributions to date and note that the opposition is supporting the bill, which is very pleasing. I will speak briefly about the bill and then talk about my motivation for wanting to speak on it, but I start by saying that the Andrews Labor government absolutely recognises the harm suffered by victims of crime and is committed to doing whatever it can to improve their experience within the criminal justice system.

The Commissioner for Victims of Crime is an important independent voice advocating for victims of crime in their dealings with the criminal justice system

and government agencies. This bill very importantly formalises the role as that of an independent commissioner with clearly stated functions and powers. The bill also ensures that the Victims of Crime Consultative Committee can continue to provide victims with the opportunity to be heard by government and within the criminal justice system. As has been noted, the previous government created this role but did not put in place formal functions or a purpose for the office. This bill seeks to provide structure and a framework to drive the work of both the commissioner and the consultative committee. Certainly we want to put these in as strong a framework as we can — hence we are putting them in a legislative framework.

As the member for Niddrie noted, the role of the commissioner is to look at and seek to understand some of the systemic challenges in our system faced by victims of crime. Like the member for Niddrie, I too have had the experience — a new experience for me, having only recently been elected to this place — of meeting with people who have been victims of crime and who feel that the system has let them down. I will talk in particular about the parents whose son was tragically killed in 2009 in an accident on Black Forest Drive in Woodend. I will not go into too many details of the case but it is a case that is on the public record and was reported in the *Herald Sun*.

The family who came to see me felt that they and their son were on trial. That was their experience of the justice system. Their son was killed. He was riding a motorcycle, and he hit a car. The person driving the car did an illegal U-turn. He crashed into the car and died. They felt that their son was on trial and that at every step of the way the justice system was seeking to vilify him. In one sense it is an outcome of our adversarial system — that defence counsel has to do everything they can to defend their client. However, the unwitting victims in this case were the family members, who not only lost their son but had to endure a puzzling and hostile process. While that is an individual case, I believe it points to some of the systemic challenges our justice system faces — that is, it is an adversarial system with a focus on the accused being given every opportunity to demonstrate their innocence. As a consequence of that, there are some unwitting victims.

I will pick up on another point made by the member for Niddrie — that is, the government's focus on family violence. I am proud to be a member of a government that has appointed the first Minister for the Prevention of Family Violence and established Australia's first Royal Commission into Family Violence.

Not long ago I took the opportunity to visit the Kyneton courthouse in my electorate to observe the way in which proceedings ran on that day. I was struck by the inadequacy not just of the physical environment of the Kyneton courthouse but of the system itself to deal with issues like family violence. As we have heard, with family violence cases there are either existing or former intimate partners in a courtroom having to explain what has been going on in their lives in very personal and excruciating detail. I know our courts are working hard to ensure that the affected family members are protected in that setting, but there is much more we can do.

I look forward to the outcome of the Royal Commission into Family Violence. I am sure there will be ways in which the recommendations of that commission and the victims of crime commissioner can intersect to make sure we have a justice system that better protects the interests of victims of crime.

The victims of crime commissioner will deal with systemic matters, and I will provide a few examples of what the commissioner might inquire into. Examples might include where police or prosecuting authorities fail to pursue charges or drop charges before trial or accept a plea to a lesser charge without the victim understanding why; where victims do not feel informed about the progress of a charge through the courts or understand the outcome; where a court refuses to receive a victim impact statement or refuses to receive some essential parts of the statement; where prosecuting authorities are rude, disrespectful or dismissive of a victim; or where a victim services organisation fails to assist or provides inadequate assistance to a victim or victims. How the commissioner will respond will depend on the particular circumstances of each example and, to some extent, on whether the matter is isolated or appears to be a systemic issue.

Let us be clear that it would be inappropriate for the commissioner to intervene in decisions made by courts or independent agencies such as Victoria Police or the Director of Public Prosecutions. However, he or she can assist victims to get information and understand why decisions are made. In response to an issue raised by an individual, the commissioner could provide detailed advisory information to the victim concerned or refer them to another service, such as the Victims Support Agency. The commissioner might also consult, liaise with or refer to other bodies such as Victoria Police, the Director of Public Prosecutions, IBAC or other authorities to ensure that the existing justice and victim support systems are responding as effectively as they can to that individual's needs at that time. Again,

the commissioner might need to consider whether the issue is indicative of a systemic problem.

While we have much to be proud of in our justice system, there is much more we can do. The scourge of family violence challenges us to think about the structures we have in place and to ask whether they are best able to serve the needs of our community and the contemporary challenges faced by our justice system as we become increasingly aware of issues like family violence that in the past have been swept under the carpet and hidden from public view. This is an important bill, and I am glad it is receiving support from all sides of the house. On that note, I commend the bill to the house.

**Mr MORRIS** (Mornington) — I am pleased to support the Victims of Crime Commissioner Bill 2015. This is a bill of barely 25 pages. It is one of those rare bills that will, upon its passage — and I am sure it will have a successful passage — give effect to a new principal act. That does not happen very often. It is succinct in form but substantial in consequence. The policy initiative of the coalition government to which the bill gives effect was certainly of substantial consequence, and this bill is equally so.

I pick up the Attorney-General's commendation in the second-reading speech of Greg Davies, APM, the serving commissioner. The Attorney-General thanked him for the work he had already done, and I echo those thanks and also thank him for the work he is currently doing. I hope he has the opportunity to continue doing this work for some years to come, because he is doing it exceptionally well.

It is interesting to look at the related legislation: the Victims of Crime Assistance Act 1996, which was a Kennett government initiative, and the Victims' Charter Act 2006, which was a Bracks government initiative. Now we have this bill in which an initiative of the Napthine government is being placed on a statutory basis by the present government. There is some symmetry of support there. It is a statutory basis that appears to be entirely consistent with the coalition's policy and the original coalition initiative, and I welcome that.

When the bill was before the Scrutiny of Acts and Regulations Committee earlier this week, it was supported in the way bills are normally supported in the committee, with the words, 'The committee makes no further comment'. That is not a usual situation when we are talking about victims of crime and all the complexities that go with that, so that is a good thing as well.

The bill falls into two main parts, although it has five parts: part 2, which establishes the office of the victims of crime commissioner; and part 3, which establishes the Victims of Crime Consultative Committee. Then there are the usual parts of preliminaries, amendments to other acts and regulation-making powers. I observe in passing in terms of those regulation-making powers that clause 47 is, perhaps not unusually, a broad provision. However, in the context of this bill it is not excessive, and I am certainly not raising any objection to it; I am simply making the observation.

Returning to parts 2 and 3, the meat of the bill, part 2 establishes the victims of crime commissioner. Division 1 consists of the standard provisions relating to the appointment of the commissioner, which originates with a recommendation from the Attorney-General and a Governor in Council appointment for a term not exceeding five years and with eligibility for an appointment for a further five years to provide some continuity. I think this is an important measure to make sure that there is turnover in personnel, because there is nothing more effective than fresh eyes when approaching an office like this. There are other provisions, including the usual things about paid employment, the opportunity for an acting commissioner and so on.

Of more importance, though, are the matters covered in division 2 of the bill, which sets out the functions and powers of the commissioner, which are essentially divided into two aspects, one of which is the issue of advocacy. In particular it refers to advocacy around the recognition, inclusion, participation and respect of victims of crime, particularly by government departments, by the public prosecutions area and by Victoria Police — in other words, by those areas involved in enforcing the law, ensuring that those bodies have appropriate respect for victims of crime.

The second aspect is the opportunity to carry out investigations into the system itself and into matters affecting victims of crime arising from the system. This includes an opportunity for the Attorney-General to request information and seek advice on the needs of victims of crime along with other powers that ensure that the commissioner has the power necessary or convenient to perform the functions under the act. There are then some of the usual clauses regarding authorised persons, staff and so on, the most important of which, I think, is reference to the commissioner having the capacity to require access to records, in particular records from the Chief Commissioner of Police and the Director of Public Prosecutions. Those are important matters now being placed on a statutory

basis and therefore beyond any doubt at all. Appropriate reporting arrangements are also included.

Part 3 of the bill establishes the Victims of Crime Consultative Committee to provide a forum for victims, provide advice to the Attorney-General — although hopefully not advice conflicting with any views expressed by the commissioner — and to promote the interests of the victims of crime. All of those things are consistent with the role of the commissioner. In terms of the make-up of the committee, there are some provisions included about the chair, but more important are the provisions around the membership, particularly the requirement that both judicial members and victim representatives sit on it. The committee will include judges from the Supreme Court, the County Court, the Magistrates Court, the Coroners Court and the Victims of Crime Tribunal and up to seven people who are victims of crime, who will be appointed to represent the interests of all victims of crime. I think that is pretty good coverage, considering the intent of the committee. There are then few other clauses regarding the committee's proceedings and conduct.

As I said at the beginning of my contribution, this is a slim bill but one of potentially substantial significance. I conclude by observing, as I did at the start of my contribution, that this is placing on a statutory basis a coalition initiative. It brings together representatives of victims, the courts, the police, the Office of Public Prosecutions and the parole board to provide a forum for victims of crime to be heard, to promote their interests and to identify ways in which the justice system can work better for them. That is certainly something the coalition put a lot of effort into doing in the last four years, between 2011 and 2014 — trying to make the justice system work better for others. We legislated a broad suite of reforms. We dedicated a position on the board of the Sentencing Advisory Council for a member with frontline victim support experience, we extended the hours of the victims of crime helpline, we provided additional funding for 6000 victims a year to receive support, and we introduced major sentencing and parole reform agendas. This bill builds very handily on those reforms, and I am certainly very pleased to support it.

**Mr McGuire** (Broadmeadows) — Crime damages individuals and society. Any policy in relation to crime must recognise the seriousness of the conduct from the point of view of the community first, then the individual. We need to punish offenders who have hurt people by criminal action, and we need techniques to reduce the damage. Sometimes maximum sentences are appropriate to send the message that certain behaviour will not be tolerated. On a few occasions the crimes are

so heinous that the punishment of life without parole is appropriate, and in this category I cite Russell Street bomber Stan Taylor, Dupas and Denyer.

That is the perspective from the criminal justice system. Then we look at what else needs to be added and what other issues we need to address. I think the Parliament and the Andrews government have analysed these issues well in recent times. If we look at the category of putting women and children first, the royal commission into domestic violence and its consequences, established by the Andrews government, is now underway. I think that inquiry is changing attitudes just because it is occurring. If we look at the work of the last Parliament, which continues into this Parliament, we had the *Betrayal of Trust* report, which resulted from a bipartisan approach that looked at and addressed the systemic failures over generations of dealing with victims of crime, who in many cases were powerless and voiceless.

This bill prescribes in legislation the position of the victims of crimes commissioner, a role which was created in October 2014. The purpose of the bill is to provide clarity to the functions, powers and obligations of the role, as well as to establish its terms and conditions. The commissioner will act as a unique voice for victims, advocating to government departments and agencies for the recognition, inclusion and participation of victims of crime in the justice system. I think this is really important, given that we now understand the system failed victims, particularly people coming out of child abuse, and that it takes more than 20 years after the events for people to even be able to address the issue or to take some action on it. That is the average length of time that was revealed by the *Betrayal of Trust* inquiry. This bill is timely and it should help victims of those crimes to be able to better deal with, if not resolve, the events and get a measure of redress.

The commissioner's prime focus will be to address these systemic victim issues and report to the Attorney-General. The commissioner will also be responsible for advising government departments on how the justice system can be improved to better meet the needs of victims. We are finding that these are complex and complicated issues, which makes it difficult for people to reconcile what has happened to them over time. In order to ensure the commissioner's independence from the Attorney-General and the government, the commission will be a special body under the Public Administration Act 2004. This will preserve the commissioner's ability to critically evaluate services delivered by the government and any legislation which impacts on victims of crime. The bill also prescribes in legislation the role and functions of

the Victims of Crime Consultative Committee and sets out the terms and conditions of the role of the chair of the committee, as well as its membership.

I note the appointment of Bernie Teague, one of our most eminent jurists, who was the first solicitor to be appointed a Supreme Court judge in Victoria. He has had a long and distinguished career. He was also on the Adult Parole Board of Victoria for a long period of time and was one of the commissioners inquiring into the Black Saturday bushfires. He has had a long and distinguished performance in public duty and is regarded right across the community for his eminence. It is a very good appointment.

As we are looking at systemic issues and problems, I think it is incumbent on the Parliament and the government to look at the different issues that lead to crime. If we are going to be tough on crime, we also need to be tough on the causes of crime. If we want to reduce the number of victims of crime, we need to address the causes of crime. In many cases these are historic, economic and political and we need to have a whole-of-government approach — in fact the three tiers of government coming together — to develop a more cooperative federalism to address some of these issues.

I note in my contribution that the Victorian Ombudsman, Deborah Glass, has said that we should be putting a lot more effort into preventing prisoners from reoffending after they have been released. The increase in prisoner numbers really comes at a large cost to Victoria. I have noted in the contributions by opposition members that there has been a lack of looking at the causes of crime. It is no use only having a narrowing and a punishing perspective, you need to be looking at these other issues as well, because in the end that will address systemic issues. Deborah Glass has reported that the most disadvantaged areas of Victoria continue to be over-represented in the state's soaring prison population. This should come as no surprise. This is not late-breaking news. She says that half of Victoria's prisoners come from 6 per cent of postcodes.

In using this data, the Victorian Ombudsman was restating the well-evidenced link between disadvantage and offending. These postcodes come from a report into disadvantaged areas by Catholic Social Services Australia and Jesuit Social Services released earlier this year. The *Dropping off the Edge 2015* report also found that a quarter of Victoria's prisoners come from just 2 per cent of the state's postcodes. The 6 per cent of postcodes identified by the Ombudsman's office are some of Victoria's most disadvantaged according to the *Dropping off the Edge 2015* report, experiencing high

rates of unemployment, criminal convictions and family violence.

We know that these particular issues have been historic in the way that Melbourne and the state of Victoria have developed. I also want to note the recent assessment that the red zones for guns and people with guns are in the northern and western suburbs.

We have to take a bigger picture view on how we address these issues, and that is why I say it is incumbent upon us to look at this situation systemically. I see that the new mechanism provided will enable police to make reports on issues. If we want to reduce the number of victims, the report I would call for would be one that brings together these analyses and looks at what the causes of crime are and what can be done to reduce them, because obviously that will reduce the number of victims.

As part of this we have to ask where the jobs and opportunities are and where the education system is. We have to look at rebalancing the criminal justice model. If we are going to continue to build bigger police stations, grander courthouses and more prisons, are we also going to invest in attitude, education and opportunity — the attributes that largely determine where we all end up in life? This is a historic issue. We know where the areas are; they are known and understood. The question is: how do we come together and work out how we can address the problem? It has to be done beyond the political system because the political system works against this proposition. That is the problem.

Governments change, and we have had conservative government in Victoria and a conservative government federally. The problem becomes all of the cost-cutting measures, and that is what has happened. The better investment is to try to take a preventive approach and provide better opportunities through jobs and through giving people lifelong learning and making them feel connected rather than disconnected. I commend the bill to the house.

**Mr GIDLEY** (Mount Waverley) — It is my pleasure to join the debate on the Victims of Crime Commissioner Bill 2015. The bill is important because it recognises the unfortunate but necessary work that needs to happen both to reduce the impact of crime in our community but also very importantly to address the needs of victims of crime. It is for that reason and a number of others that the coalition supports this bill. We are pleased that it will enshrine in legislation the victims of crime commissioner and the Victims of

Crime Consultative Committee. I note that both were initiatives of the previous coalition government.

They are important aspects because I cannot imagine the impact that a crime has on a victim for the rest of their life, particularly in relation to a number of very serious matters. It would be rare for a day to go by when a victim of a crime would not in some way, shape or form feel the repercussions of that crime. It is very welcome that the Parliament is ensuring that this bill is debated and that both the victims of crime commissioner and the Victims of Crime Consultative Committee will be established in legislation.

The victims of crime commissioner will be an important advocate for victims of crime in their dealings with government agencies and within the wider community. That is important because although there is no doubt that all governments try to improve service delivery, governments can still at times operate with a silo mentality, regardless of their best intentions. The fact that the victims of crime commissioner will be an advocate for victims of crime in their dealings with a range of government agencies is important, but it is particularly important when we consider what those victims may be going through.

The victims of crime commissioner's role is to ensure that the rights and needs of victims are recognised and respected across all government agencies, that the support services are coordinated effectively and that victims are readily able to access appropriate support and advice. The commissioner's role is also to provide advice on how the justice system can be further improved to meet the needs of victims. That is an important aspect because even a government with the best intentions has to operate within a broad bureaucratic framework that can often operate in silos. I have no doubt that the victims of crime commissioner will assist in breaking down some of that. If this legislation assists victims of crime in even a small way, then that will be an enormous success when we consider what victims may have been through.

The bill grants the commissioner broad powers to initiate own-motion inquiries into systemic victims of crime matters and also to access relevant records where appropriate in conducting those inquiries and reporting to the Parliament. This provides flexibility for the commissioner to be able to do their important job and report to the Parliament and the legislature. Last October it was the privilege of the former Liberal-Nationals coalition government to appoint Greg Davies, APM, as Victoria's first commissioner for victims of crime, and it is encouraging to see that the current government has supported that decision.

The bill also establishes the Victims of Crime Consultative Committee, which will bring together representatives of victims, the courts, police, the Office of Public Prosecutions and the parole board to provide a forum for victims of crime to be heard, to promote their interests and to identify ways in which the justice system can work better for them. As I said, if there is one group in particular that is at the forefront of my mind when considering the need to continually improve our criminal justice system, it is victims of crime, some of whom have been through some of the most horrific circumstances that hopefully none of us will ever have to go through. The establishment of that committee was another initiative of the coalition when in government, and again coalition members are pleased to see that it is supported by the current government.

In this debate not only is it important to recognise what this bill does in establishing the victims of crime commissioner and the victims of crime consultative committee, but it is also important to acknowledge the community's expectation that the Parliament will do everything possible to reduce crime. That is because of both the direct and indirect costs and consequences for both the individual in the community and society as a collective. That is one of the key reasons I was such a strong and passionate advocate for the previous coalition government funding the recruitment, training and deployment by Victoria Police of 1700 additional front-line police officers. It is also one of the reasons why I was — and will remain — a passionate advocate of proactive frontline policing by local officers, because that frontline local policing by officers has a significant impact not only on reducing crime but also on the feeling of community safety in a local community.

As a really good example of that, members of the previous coalition government stopped the closure and sale of the Mount Waverley police station because we felt it was important that that station remain in operation for the local Mount Waverley community so that patrols would be undertaken by local front-line police officers rather than officers from another area within the Monash police service area who may not have had local knowledge. The retention of the Mount Waverley police station was consistent with the view that front-line local policing is so important not only in preventing crime but also in maintaining the intangible feeling in a local community that community members have a degree of safety because of police patrolling.

I was pleased to visit that police station last week with the shadow Minister for Police to have a look at the return that that \$1.5 million has delivered. That funding has not only prevented the closure and sale of that station but also meant that when victims of crime go to

that police station they have a room where they can sit down with officers and have a sensitive and private conversation with whatever support they need, rather than having to do so in an area that is not cordoned off from the public. I think that is very important. When I visited that station last week, I could see it was a great dividend from that \$1.5 million that victims of crime would have an area in that station that was much more appropriate for them, in addition to the latest safety and security measures being available at the police station to protect local police doing their job, in particular in the current environment.

It is another reason I was a passionate supporter of the \$27.8 million upgrade for the police academy in Glen Waverley. That upgrade meant a couple of things. It meant that a master plan was put in place for the academy and that Victoria Police had the capacity to recruit, train and deploy 1700 extra officers. In addition, the upgrade particularly addressed crime prevention through the training of those 940 additional protective services officers (PSOs).

Whilst I acknowledge there are different views on those PSOs, I emphasise again as a strong and passionate advocate for my local community the importance of the frontline policing that those officers at Jordanville, Mount Waverley, Glen Waverley and Syndal stations perform from 6.00 p.m. until the last train to ensure not only that crime is prevented but also that passengers getting off those services have the capacity to be greeted at the local station and be escorted to their car.

I have had a number of residents come up to me and speak about this in the last month, in particular a young female university student who highlighted the importance in her mind of seeing the PSOs when she gets off the route 703 bus from Monash University to Syndal station. It does not matter what time it is or if she has a later lecture, she feels great confidence about going to her car when the PSOs are there. As I have said, that is a tangible outcome that highlights the importance of reducing crime and also supporting a feeling of public safety.

As I said, this is something I have been a strong supporter of in trying to save the Mount Waverley police station from closure and getting it upgraded and in supporting the upgrade of the Glen Waverley police academy — that \$27.8 million for the recruitment, deployment and training of those extra 1700 officers and the 940 protective services officers. I know members in this place have heard me talk about this before, but it is so important that there be PSOs at all four of those stations in my electorate at any time there

are evening or early morning trains, and I will keep advocating for that on behalf of my community.

**Mr PEARSON** (Essendon) — I am delighted to make a contribution in relation to the Victims of Crime Commissioner Bill 2015. The victims of crime commissioner bill looks at providing recognition to victims of crime in the justice system. Basically it ensures that victims of crime have the opportunity to make a contribution in terms of the development of policy in this space. As has been previously outlined, the inaugural victims of crime commissioner was appointed last year, and Mr Greg Davies, APM, has been an effective advocate for victims of crime across many Victorian government agencies. This bill formalises his role and establishes the victims of crime commissioner as a Governor in Council appointment with clearly stated powers and functions.

This is a really important initiative because it is about making sure that a degree of certainty is provided, both for the victims of crime commissioner and the Victims of Crime Consultative Committee. The committee has existed since 2013 and consists of representatives of the courts, the legal system and victims of crime. This is really important because it makes sure that there is a formal mechanism in place for victims of crime to have their voices heard within the criminal justice system and within government. That is incredibly important, because in a policy sense you try to make sure that you have as many stakeholders heard as possible in terms of the development of public policy.

I remember that Rob Hulls, a former Attorney-General, used to say that the very worst ministers he came across in his time were ‘CBD’ ministers, and CBD stood for ‘captured by his or her department’. There is always an inherent risk that when ministers seek advice only from their departments on a particular issue the quality of that public policy is very narrow. The other and probably greater risk is that the bureaucrats know very clearly that they have the minister captive, so the quality of the advice that is provided to the minister is diluted. David White, also a former minister, always used to say that unless you had the willingness and disposition to push a public servant down an open lift well, you would get eaten alive. This bill is important because it provides that level of contestability to make sure that ministers are not just captive and dependent upon a single stream of advice but must use multiple sources of advice.

It is important that victims of crime have their voices heard, and this bill is important because it formalises those arrangements. Again, making the victims of crime commissioner a Governor in Council

appointment provides a degree of certainty that that position will stay in place for a defined period of time and that that person cannot be summarily dismissed because of the whim of a minister or a government.

As I indicated, this is a very important piece of legislation. Again, the fact that the Governor in Council appointment lasts five years is also important because when you have four-year fixed terms in the Victorian Parliament, those five-year appointments then straddle an election. The bill also makes sure that the commissioner can be appointed for one further term but that no single commissioner can hold office for more than 10 years. Again, that is an appropriate measure. There is always an inherent risk that if people stay for too long in a role, they become stale and become resistant to change, new thinking or new ideas. The idea of making sure that the victims of crime commissioner can hold the position for no more than 10 years is a very good one.

This is about making sure that the victims of crime commissioner and the consultative committee not only listen to victims but also have the ability to inquire into and report on a broad range of systemic issues across the justice system that affect victims in a range of circumstances. Having that broad remit is quite important because the reality is that public policy ebbs and flows. Issues that might be relevant and pertinent now may be less so in time to come. Similarly, you will have issues flare up which you would not have seen coming. Being able to ensure the victims of crime commissioner has the capacity to make those inquiries and report on a broad range of issues is really important. It is important that the commissioner will be able to receive complaints from individual victims of crime but will not be able to inquire into individual cases. This is important because you do not want a blurring of the lines.

The reality is that for a specific case raised with the victims of crime commissioner it might well be that the Ombudsman, Chief Commissioner of Police or Director of Public Prosecutions is the more appropriate body to investigate that case. You would not want the victims of crime commissioner tripping over these other bodies or institutions to inquire into these matters, nor would you want a duplication of resources. This is about a more efficient discharge of issues and concerns from a public policy perspective, and it is about making sure the victims of crime commissioner has the capacity to look at emerging trends or themes to identify the storm clouds on the horizon that might be emerging as potential issues so we can ensure that public policy makers are best informed on what those issues may be and can address them accordingly as they see fit.

An important aspect of this bill is that it provides an explicit power to the commissioner to carry out an inquiry on any systemic victim of crime matter. This inquiry may be the result of a specific request or the commissioner's own motion. It is about trying to empower the commissioner to be able to have that freedom of movement in the policy space to make those inquiries and to improve public policy. Many members would recognise that for too long victims of crime did not have a voice or that their voice was not clearly heard. It is important that the concerns of victims of crime are not heard in an ad hoc, haphazard way based upon a particular moment in time, a particular grievous or heinous case or because someone picks up that issue and runs with it. This bill is about trying to make sure formalised channels are in place so people can raise their concerns and have a direct voice in the development of public policy.

The bill is a very important one. The commissioner may provide the Attorney-General with a report of any inquiry they do, and the Attorney-General may then, with the agreement of the commissioner, publish the report or table the report in Parliament. That is important because it is useful to make sure the Parliament as an institution has got a degree of visibility in some of this work. It is important that matters in relation to confidentiality are dealt with fairly and appropriately as part of that relationship.

The bill indicates that the commissioner's office will not be required to provide financial reports pursuant to the Financial Management Act 1994, but financial aspects of the operation of the office will be provided as part of the financial reports of the Department of Justice and Regulation. That is a sensible initiative, because you would not necessarily want the victims of crime commissioner to have to create, devise or inherit a bloated bureaucracy in order to discharge their functions and issues. This is about making sure you have got a nimble appointee in place to respond to those issues that arise as they see fit. You would not want them to be weighed down by onerous reporting requirements when they have got the capacity to get on with the task before them.

As you would expect, the commissioner is going to deal with a number of sensitive documents. That is only fair and reasonable, and there are safeguards in relation to the provision of personal and private information. It is a very good piece of legislation before the house that is about making sure victims of crime have a voice and there are appropriate checks and balances in place. I commend the bill to the house.

**Ms McLEISH** (Eildon) — I rise to speak on the Victims of Crime Commissioner Bill 2015. I am pleased to have the opportunity to speak on this bill and provide my support of it and that of the coalition. The bill very clearly sets out two main purposes: to establish the office of the victims of crime commissioner and to establish the Victims of Crime Consultative Committee. These have already been operating, and this bill will now enshrine both of these roles in legislation. I am pleased to see this because it is an important area.

I note that prior to debate commencing on this bill the Attorney-General very quickly circulated a number of amendments. On the surface those circulated amendments seem to be fine and amend clause 38 to insert reserve judges, reserve magistrates or reserve coroners into the membership of the committee. I understand this amendment was drafted following feedback from the judiciary, so whilst we need to have a look at it a little bit further, on the surface it looks quite okay.

I also want to comment on the bipartisan support over the decades with regard to victims of crime. The Victims of Crime Assistance Act 1996 was first brought into play by Jeff Kennett in his time as Premier, and the Victims' Charter Act 2006 was brought in by former Premier Steve Bracks. The Napthine government established the role of the crime commissioner and put together the consultative committee, and I commend the work of the former Attorney-General, the member for Box Hill, on his role in bringing this about. We now see the current government putting this into legislation. That very clearly demonstrates that over a very long period of time the importance of the rights of victims of crime have been appropriately recognised.

Earlier the member for Macedon talked about how in our adversarial system victims of crime sometimes feel as if they are the criminals rather than the victims. I will come back to that. As I said, one of the key purposes of the bill is to establish the role of the victims of crime commissioner. This was an office that the Napthine government introduced. The first victims of crime commissioner, Greg Davies, APM, was appointed in October 2014. Greg is a retired police senior sergeant and former Police Association Victoria secretary, and he is very well known. His reputation is outstanding. He is an entirely credible and effective victims of crime commissioner. I strongly suggest that the government consider extending his appointment following the passage of this bill, because he has been terrific.

Greg's experience of dealing with victims in his role as a senior sergeant is invaluable. He understands the bureaucracy of criminal justice and the issues and challenges involved with it, as well as the barriers that victims of crime meet in pursuing their cases.

The Victims of Crime Consultative Committee is also being established in law through this legislation. This committee was formed in 2013 and has been going for a couple of years. It has been a forum for victims of crime and members of the justice system to consider improvements to policies and practices. We want to make the system better for victims. If any policy areas or systemic matters become apparent, this committee can add them to its agenda. The chair of this committee was initially former Supreme Court Judge Philip Cummins, and it is now Justice Bernard Teague. Both those men are of outstanding calibre.

One thing I want to note in regard to the role of the victims of crime commissioner is that the term is limited to five years. The commissioner can be reappointed, but for only a maximum of two terms. Having that 10-year limit is a really good thing. It ensures that there is a turnover of personnel and that we do not have the same person in the role for 20 years, which risks them becoming stale. Fresh eyes are often a good thing.

The role has explicit powers, including the ability to undertake either an own-motion inquiry or an inquiry in response to a specific request. That request does not have to come from a victim of crime. The commissioner has powers to inquire into systemic victims of crime matters. Sometimes it is not the victim of crime who speaks up. Somebody might advocate on their behalf. The victims of crime commissioner can follow up that advocacy because there are a lot of challenges involved in navigating any bureaucracy, particularly the justice system, it. People find it difficult to deal with governments and bureaucracies, especially if they have not had previous experience with them. When you are a victim of crime your psychological state is often fragile, so somebody else may advocate on your behalf. It is terrific that the victims of crime commissioner can act without the impetus for this coming from the victim.

I want to talk a bit about the people who have been the victims of crime. Very often these people feel that the system has let them down. If their case goes to trial and they have to prove their case in the adversarial system, they have to defend their position as the victim while the person being prosecuted tries to prove their innocence. That can be extremely distressing for the victim. I was previously a registered psychologist, and

as a result, I understand and know that people who have been victims of crime suffer all sorts of consequences. Some of them deal with it more easily than others. For someone who might only be only a borderline copper, a court proceeding might be something that will tip them over the edge. They may have a more dramatic reaction than somebody who has more robust coping skills. It is extremely important that people who are a bit more fragile are supported by the system, because they can be particularly vulnerable. When you are feeling vulnerable and as if the world is against you, it is important that you have people on your side and that you know that they will represent you and put your case forward.

If the same effects can be observed over time in many victims of crime, hopefully we will have a system in place to pick up those issues and improve the process so that victims feel supported and are less worried in times when they are at their most fragile. Victims of crime can include people who have suffered from a variety of crimes, including the most heinous of crimes and incidents of having their home broken into and/or being attacked. Crimes with the greatest effects on the victim can include family violence and sexual violence, including rape. Many rape victims have struggled and suffered over many years. In court proceedings they can be made to look like it is their fault. As a woman, I am happy to stand up for victims of rape and to make sure that they are supported, but there are also families who have been subject to horrible abuse.

Enshrining these roles in legislation is a good thing. I am proud to support this legislation, and I commend the bill to the house.

**Ms WARD** (Eltham) — I rise to speak on the Victims of Crime Commissioner Bill 2015. This is an important bill, which establishes the office of the victims of crime commissioner and sets out the roles and functions of the Victims of Crime Consultative Committee (VOCCC). It is incredibly important that not only is the role of the victims of crime commissioner adopted but that it is also enshrined in legislation, which explicitly states the role of the commissioner and the ways in which the commissioner serves the law.

The commissioner will have powers to refer particular cases to the Ombudsman, the Chief Commissioner of Police, the Director of Public Prosecutions and the Independent Broad-based Anti-corruption Commission. The commissioner has quite a bit of power and a strong advocacy role to play in ensuring that the voices of victims are heard — that they are able to get across their frustrations, unease and concern as well as perhaps

the possible things they can see, the circumstances subsequent to the crime and how they have been treated.

Importantly the legislation ensures that the role of the victims of crime commissioner and VOCCC will be enshrined in legislation — not appointed from government to government but ongoing. Also importantly the commissioner will be independent of the Attorney-General and the government. We need somebody who can be focused on victims, their circumstances and their experiences, not worrying about what the government of the day or the Attorney-General may be thinking or feeling. Greg Davies is the current commissioner. He was appointed in October 2014, and he is doing an excellent job. I thank him for the work he has done thus far in representing the needs of victims.

VOCCC has been in place since 2013. It was established to provide a high-level consultative forum in which victims of crime could discuss issues with representatives from across government and relevant departments. It has a broad reach in the information that can come in and in the consultation process that it embarks on. It includes a chairperson, the commissioner, five judicial members, a legal practitioner from the Office of Public Prosecutions (OPP), a member of the Adult Parole Board of Victoria, a police officer and representatives of victims support services. For me most importantly the bill also provides for the appointment of up to seven victims of crime.

It is incredibly important for victims of crime to be participants in this process — to put forward their own experiences and have their voices heard. They will also have empathy for other victims who come before them seeking their assistance, advice or advocacy, and will be able to speak with them from a similar background, a similar experience. It is also important that victims of crime are given the opportunity to work with the OPP, a member of the adult parole board and judicial members so that they can also see circumstances from a different perspective, so that they can not only have a conversation from their own experiences and their own background but also learn more about the process, why things may turn out the way they do and why the judicial process may follow the path it does.

A greater understanding of our judicial system and the role it plays will help victims understand how the process works and help them to feel more comfortable, hopefully, with the process. VOCCC will consult with victims about proposed legislation, policies and services. The composition of the commission will be excellent and will be able to provide exactly that.

One thing I learnt during my research on this bill was that it builds on the Bracks government's Victims' Charter Act 2006. It does not surprise me that in 2006 the Bracks government was already embarking on this journey to help the voices of victims be heard, because it is absolutely part of Labor's narrative, which is to represent people, to pursue fairness and look after people — to look beyond punitive measures and at other ways we can help victims and also help perpetrators of crime to understand what they have done.

We have seen this already with the current government, which introduced the Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015 and embarked on the Royal Commission into Family Violence. This is a government that is following a Labor tradition of being proactive in addressing the causes of crime, helping victims manage the aftermath of crime and also looking at various ways in which we as a community can work through and eradicate crime from our households, communities and cities.

The harm that can be done to victims of crime should not be underestimated. It is incredibly important to recognise the rights of victims of crime. The Victims' Charter Act 2006 contains the principles of the United Nation's Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which was adopted in 1985. In it the United Nations stated:

Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

I am really glad that this Labor government is continuing to move forward to address just that. The government is focused on providing a number of things for the people of Victoria, including justice and redress, and on listening to people, hearing them and giving them a voice.

Respect is tremendously important, particularly to victims, as is understanding. It is vital that victims be heard. It is important to note that someone has been victimised and that action has been taken; that victims are not invisible, not used solely as props for witness statements or within court. It is important to acknowledge that they are worth more than that. The government must take them and their experiences seriously. That is exactly what we are doing by introducing into legislation the victims of crime commissioner and the Victims of Crime Consultative Committee.

It is also important that this legislation helps victims take back some of their power and control regarding the aftermath of the crime — that the crime does not own them, but they have the opportunity to start to own their experience and take a positive approach as they work through the aftermath of the crime, not only working towards resolving what has happened to them but being proactive about how to improve experiences for other people, improve the judicial process and move forward and continue to have a positive relationship with the broader community.

As I said earlier, it is good to see that Labor is continuing to push forward with positive legislation that has real outcomes for people and that addresses and responds to their concerns. We are listening and we are continuing to act in a way that helps people, that really puts forward proactive solutions that are not solely focused on punitive measures, on locking people away and forgetting that a crime ever happened or that something so negative occurred. It is really important to acknowledge crime and the effects of crime and to work through processes that can help people manage what has happened to them as victims of crime. The legislation before us will help do that.

The Attorney-General has done a great job in putting this bill together, and I commend him for the work he has put into it. There is an ongoing conversation that the Labor Party and Labor governments are having with the community in which we say: 'All of you are worth something. All of you have something to contribute to our community. All of you deserve to be listened to. All of you will have an opportunity to be heard'. This is the thing that people desperately need: they need to be heard. When they have something to say that is so terribly important, as it is in these instances with victims, they need to be heard and to be respected. This is exactly what Labor is doing. It is again putting forward how much it respects the people of our community and providing opportunities for them to be heard in the community and more broadly. I commend the bill to the house.

**Mr ANGUS** (Forest Hill) — I am pleased to rise this evening to speak on the Victims of Crime Commissioner Bill 2015. At the outset I note that the coalition supports this bill, and that is primarily because it is implementing some of the initiatives of the previous coalition government. The bill establishes in legislation the victims of crime commissioner and the Victims of Crime Consultative Committee. It is part of a broad-ranging suite of measures that the previous government initiated to address a range of law and order matters and crime matters more generally in Victoria.

The victims of crime commissioner is an important advocate for victims of crime in their dealings with government agencies and within the wider community. The role of the commissioner is to ensure that the rights and needs of victims are recognised and respected across all government agencies, to ensure that support services are coordinated effectively and that victims are readily able to access appropriate support and advice, and to provide advice on how the justice system can be further improved to meet the needs of victims.

Like most people in the chamber, I have been a victim of crime a number of times, but the most spectacular one for me was when one day my motor vehicle was stolen. I was walking down a footpath in Carlton when I saw exhaust fumes come roaring out of the exhaust pipe of my motor vehicle. I thought, 'Gee, my wife's giving that a good old rev', and then I realised I had the car keys in my pocket. So I ran over — the car was front end to the kerb — and, looking through the back window to the mirror, eyeballed the offender, who then backed straight at me at high speed. He did a U-turn a metre in front of me, and I looked him in the eye as he went dragging off — in my car.

**Mr R. Smith** — Did you get the licence plate?

**Mr ANGUS** — I got the registration number — yes, I did have that. I thank the member for Warrandyte. Anyway, it is quite a tale which I have not got time to tell now. Suffice it to say, the police were notified. I got a call in the early hours of the next morning from what was then D24 to say, 'Your vehicle has been recovered. It is down in Richmond. It looks okay to drive'. I ended up going down there, and it was not okay to drive. They had ripped off the cowling from next to the steering wheel and disabled the windscreen wipers, and it was raining cats and dogs. I had to wait for a tow truck, which finally came. I got home, and the rest is history.

The next day I was down at the St Kilda Road police complex looking through mug shots for the fellow I had seen who had stolen my car. Lo and behold, I did not see him but I did see a photo of the tow truck driver. I thought, 'Goodness me!'. I did not know what he was in there for, and I did not bother asking because I was very grateful to have been safely delivered home even though I had seen him in the book. It was a very interesting scenario and story for me. It caused a lot of inconvenience and problems. That was a minor incident in the overall scheme of things; nevertheless it was a great inconvenience as well as being quite expensive, given the damage that was done to my vehicle. Clearly the commissioner and what is being enacted with the bill will deal with matters far more serious than that.

The bill provides the commissioner with a broad range of powers to initiate own-motion inquiries into systemic victims of crime matters and to access relevant records where appropriate in those inquiries, and it requires the commissioner to report to the Parliament. I note that earlier this evening the Attorney-General came into the chamber with some amendments that he will be moving to the bill. On the sheet he distributed I can see five specific proposed amendments. When I looked at them after receiving them just before commencing my contribution I thought, 'That's really problematic because it shows a lack of preparation by the government and a lack of attention to detail'. Government members have come in and tried hard, but they have not got it quite right and have just missed, so they have had to come in and mop up the mess they have made with the errors in this bill. As I said, there will be five amendments in relation to the membership of the committee, and those amendments have been distributed for members to see.

The previous government was progressing down this line. It had the privilege of appointing Greg Davies, APM, as Victoria's first commissioner for victims of crime, and that was in October last year. It is good to see that the current government is continuing to support that decision.

The victims of crime consultative committee brings together representatives of the victims, the courts, the police, the Office of Public Prosecutions and the parole board to provide a forum where victims of crime can be heard, to promote their interests and to identify ways in which the justice system can work better for them. The committee was another initiative of the coalition when in government, and we are glad to see it is being supported by the current government.

These initiatives were part of a broad suite of reforms that were undertaken by the coalition, including the creation of a dedicated position on the board of the Sentencing Advisory Council for a member with front-line victim support experience along with a range of other initiatives.

**Business interrupted under sessional orders.**

## ADJOURNMENT

**The DEPUTY SPEAKER** — Order! The question is:

That the house now adjourns.

**Ms Kealy** — On a point of order, Deputy Speaker, sessional order 14 states:

If the minister responsible is not present in the house to respond to issues raised by members under standing order 33, the minister will provide a written response to the member who raised the matter within 30 days.

I have an outstanding adjournment matter that I directed to the Premier on 19 August with regard to a commitment made by the Premier to Andrew Farran of Yiddinga and the people of Edenhope regarding Lake Wallace. I know the Premier has been quite busy with other factional matters and some roting matters going on recently, but I would like a response to be actioned.

**The DEPUTY SPEAKER** — Order! I will refer the matter to the Speaker to write to the Premier. I ask members to not embellish their points of order.

**Mr R. Smith** — Go and tell him.

**The DEPUTY SPEAKER** — Order! No, I shall not go and tell him.

### **Beleura Hill coastal track**

**Mr MORRIS** (Mornington) — I raise an issue for the Minister for Environment, Climate Change and Water regarding the Beleura Hill coastal track. The action I am seeking is that the minister provide funding through her department to undertake sufficient works to stabilise the path, repair damage from a landslide and get the track open and functioning again. The cliff path rises from the eastern end of Mills Beach, and that is effectively the northern end of the Mornington beaches. It traverses the cliff and emerges again at Caraar Creek Lane.

Late in 2014 there was a significant landslide that required the closure of the path. The path is closed, but people have persisted in using it because it is a long-established, much-loved and — an overused word, I know, but it is — iconic path. Interestingly I have in front of me a letter dated 14 March 1922 from a Mr George Nicholson to a Mr George Tallis, who at that stage was at Her Majesty's Theatre in Melbourne. It says:

The foreshore committee, having inspected the locality, are satisfied that not only a useful footway for property owners is possible, but that a very pleasing walk for the public can be constructed, and in view thereof, they are willing to construct the footway and pay £35 towards the cost, provided property owners contribute the balance £45 (the estimated cost being £80).

As I said, late in 2014 a landslide occurred. A packed public meeting very shortly afterwards heard that some locals had been using the path for 65 years. The meeting also heard from the council, and I am certainly aware that there had been longstanding drainage issues,

particularly from some houses in the area, which the council had been working through.

My understanding is that subsequent to that public meeting the council has undertaken a lot of work and basically addressed most of the underlying stormwater management issues, but of course now there is the need to carry out the capital works. Sadly it is going to cost a lot more than £80 or \$160. The council is seeking \$150 000 from the Department of Environment, Land, Water and Planning from the coastal environment program. I am seeking the support of the minister in obtaining those funds and ensuring that the works proceed and that they do so in a timely manner.

### **National disability insurance scheme**

**Mr HOWARD** (Buninyong) — I raise an issue for the attention of the Minister for Housing, Disability and Ageing. The action I seek of the minister is that he come to Ballarat in the near future to host a forum to share advice about the rollout of the national disability insurance scheme (NDIS) in the Ballarat and Central Highlands regions and to answer questions from interested community members.

The reason I am seeking that the minister come to Ballarat is that I am very pleased, as are so many people, that last month the Premier signed a historic agreement with the Prime Minister regarding the full rollout of the NDIS for Victoria and announced funding for the next three years to support that. This will mean that with the final rollout of the NDIS the state government will be contributing \$2.5 billion per year to the scheme to match the federal government's \$2.6 billion in funding. This more than doubles the funding for the support of people with disabilities and will cover some 105 000 Victorians who will benefit from the scheme.

Most significantly from my point of view in terms of the rollout, it was announced that the Ballarat and Central Highlands regions will gain the full benefit of the NDIS from the start of 2017. This is great news for people with disabilities and their families in my region. They will see this service being rolled out. They will see a change in the way disability services are delivered so that they will be in a position to choose the services they require to support their particular needs.

Obviously there are numerous questions that people with disabilities and their families may have with regard to how they make these decisions and how the services will operate. They may want to learn how things have worked with the pilot scheme that has been running in the Barwon region. Certainly the minister

responsible, Minister Foley, would be an appropriate person to have come to Ballarat to explain how the service will operate when it opens in January 2017 in our region and to answer the many questions people might have. I look forward to the minister's positive response in regard to this request.

### **South Gippsland Highway realignment**

**Mr D. O'BRIEN** (Gippsland South) — My adjournment matter is for the Minister for Roads and Road Safety. I seek that the minister fund the Black Spur realignment on the South Gippsland Highway in next year's budget. The Black Spur section is the area between Koonwarra and Meeniyan along the South Gippsland Highway, and it is a particularly dangerous stretch of the highway. Over the last five years there have been some 13 reported accidents, a number of them involving truck rollovers. There have been 32 people impacted upon and four serious injuries.

The realignment of this section of the highway has been in the planning stages for some time. Last year the previous coalition government provided \$211 000 in concert with the federal government for this planning. I understand that VicRoads has now completed the business case for the project. Community information sessions on the business case were held a couple of weeks ago — unfortunately while we were sitting here in Parliament. I believe the cost is now \$51 million, which I appreciate is a significant amount of money, but this is a very important stretch of the road. It links the region's dairy and livestock industries and also the oil and gas sector at Barry Beach and Port Anthony. Some 5000 vehicles travel on this section of road daily, including around 800 trucks. South Gippsland Shire Council estimates that at least 7 per cent of all Victorian milk product is transported along this section of highway between Leongatha and Yarram.

The Black Spur section of the road is an area that was built in effect around the Tarwin River, so it is a winding, narrow stretch of road that is quite steep on either side. The proposal is for a realignment that will feature two bridges spanning about 100 metres over the Tarwin River valley, which will shorten the existing Black Spur section of the road by about 1.1 kilometres. More particularly it will provide a safer and more efficient journey for the benefit of our industries and also tourism.

The South Gippsland Highway has many stretches in need of resurfacing as well, and this will not be helped by an additional 40 truck movements per day caused by a proposed new landfill at Leongatha South. This proposal is generally not supported by the local

community. There is a public meeting about it at Koonwarra tonight, and I am sure that no-one will be supporting it at that meeting. I am an apology at that meeting of course because I am here.

The Black Spur realignment is an important project. It is well supported by the local community and by the South Gippsland Shire Council. It is one of four or five priority projects for the South Gippsland shire. I have spoken to the minister, and I understand that he has visited this section of the highway on his way to Wilsons Promontory in the past. I invite him to visit again but more particularly to give serious consideration to the business case and ensure that this project is funded in next year's budget.

### **Yuroke Youth Advisory Council**

**Ms SPENCE** (Yuroke) — My adjournment matter is for the Minister for Youth Affairs. The action I seek is for the minister to attend the final meeting for the year of the Yuroke Youth Advisory Council. The students of the council have been working on a report covering issues they have identified as problematic in our community, and they have developed some recommendations for responding to these issues. The council is made up of some very talented and passionate students from a range of different schools throughout Yuroke. The four main issues raised were bullying, public transport, vandalism and school resourcing. These students have been working together this year to get a better understanding of issues that concern them and to advocate for solutions. I know that the students would immensely appreciate the minister receiving their report and providing them with her feedback.

### **Dromana Secondary College bus service**

**Mr DIXON** (Nepean) — I raise a matter for the Minister for Public Transport regarding school bus services for Dromana Secondary College. The action I seek from the minister is that she ask Public Transport Victoria (PTV) to urgently respond to Dromana Secondary College regarding its need for a new bus. This has been quite a saga. The issue was first raised with me in October last year because it looked as if 40 families from the school would be eligible but unable to access bus services. The school wrote to me on 30 January this year and on the same day my office followed up with PTV to see what the process would be and what its thoughts were.

The school transport unit from the department subsequently visited the school in March to work out a solution, and it agreed there was a need for another

school bus service for Dromana Secondary College. In the meantime, the school year had started and the children needed to be transported to the school at a cost to the community and donors of \$110 000. That money has been donated by donors and contributed by the school so that the children of those 40 families can attend school at Dromana Secondary College this year.

I raised this issue with the Minister for Education on 25 March this year. He responded in April saying he would follow up with a further response. In May the school council approved the application for a further bus service, which is part of the process that it was asked to go through. After having not heard anything, in late July the school followed this up and was told that the Department of Education and Training had lost all the paperwork. It asked the school to start the process again, which it subsequently did. In September the school council again endorsed all the processes for a school bus for those 40 families.

Even though that has been resubmitted to the department, the ball is now in PTV's court as far as the education department is concerned. As far as Dromana Secondary College is concerned, it has been quite silent about this. We are nearly at the end of the fourth term of this year, and we would like an answer from PTV because obviously the need has been established and a new school year is fast approaching.

### **Police custody officers**

**Mr PEARSON** (Essendon) — My adjournment issue is directed to the Minister for Police. The action I seek is for the Minister for Police to pass on to the Chief Commissioner of Police the strong interest from members of the Horn of Africa community in applying to be police custody officers and a request for Victoria Police to facilitate further information on the application process to interested members from the Horn of Africa community.

I am fortunate to have such a wide and diverse electorate, and the Horn of Africa community comprises a significant proportion of the suburbs of Ascot Vale and Flemington. Providing opportunities for members of the Horn of African community with real and meaningful employment is a key area of interest of mine. I would therefore ask that community leaders be provided with the opportunity to meet with Victoria Police to discuss this matter further.

### **Climate change**

**Ms SANDELL** (Melbourne) — Today I wish to raise a matter for the Premier. I start by sending my

thoughts and hopes to all those facing fires across Victoria today. My dad was a firefighter with the Department of Sustainability and Environment. Growing up in regional Victoria, our summers were filled with fun and freedom but also with something quite scary: fire. I know what it feels like to wait for your dad to get home at night and see him exhausted and emotional after long, hot days filled with danger and stress. I know this week has been and will be tough for many Victorians facing over 100 fires raging across the state, yet it is not even November.

I commend the government for employing more firefighters and note that the Premier has acknowledged that the fire season has started early this year. The emergency management commissioner, Craig Lapsley, has said that such high temperatures and wind speeds have never been seen this early in the year. They are probably the worst fire conditions in Victoria's history. The stories I am hearing from Lancefield and around the state today are heartbreaking and gutwrenching. I thank all our those in our emergency services who are keeping people safe during this tough time.

On top of these fires we are seeing some other worrying signs. Crops are failing in western Victoria, dams are dry and the Wimmera and Glenelg rivers could stop flowing completely over summer. There is even talk of turning the desalination plant on so we have something to drink. That is why, as well as fighting the fires and keeping people safe, we also need to talk about how we can reduce these extreme conditions in the future, and that means talking about prevention and climate change. I want to know that our government is doing everything it can to keep people safe and also to help fight these problems at the cause not just at the symptoms.

The Bureau of Meteorology and CSIRO have said that average temperatures across Australia are now 1 degree warmer than they were in 1910. This has led to more warm weather and extreme heat, an increase in extreme fire weather and a longer fire season. We are seeing that play out right now in Victoria. Unless we drastically reduce our greenhouse gas emissions, the extreme conditions we are seeing now could become the norm, and that is really scary. I commend the Andrews government on its positive statements on renewable energy and on employing more firefighters, but we need to do more than just talk or take small actions. We need big commitments, and unfortunately we need them urgently.

**The DEPUTY SPEAKER** — Order! I ask the member to detail the action she is requesting of the Premier.

**Ms SANDELL** — Yes, I am getting to that. We cannot just pay lip-service to climate change. We must realise that breath freshener will not stop a smoker getting lung cancer; only quitting cigarettes will do that. We must commit ourselves to doing everything in our power to address climate change, including weaning ourselves off brown coal. If we do not, we are doing Victorians a disservice. The action I am seeking is that the Premier increase his government's efforts across all departments to take bold, ambitious action — not just small steps — towards dealing with climate change and weaning us off coal.

### **Private midwives pilot program**

**Mr DIMOPOULOS** (Oakleigh) — I wish to raise a matter for the attention of the Minister for Health. The action I seek is that the minister visit my electorate to discuss the private midwives pilot program that was committed to prior to the last election. I would also appreciate any update or information she is able to provide regarding this very welcome addition to the health sector in Victoria.

I am pleased to say she is in the chamber for this adjournment debate. Prior to the last election, Labor made the pledge to allow private midwives to visit public hospitals to provide birthing services. This would be done as part of a two-hospital location pilot program, where expectant mothers could be the private patients of eligible midwives at public facilities. Prior to this, an expectant mother could not give birth to her child with her own midwife. As the now Premier said at the time of the announcement:

Women deserve the option of continuous care from the one midwife — from the very beginning, through labour and birth and to the weeks beyond.

Further, this policy would reduce pressure on busy maternity wards at public hospitals and it would reduce costs. I note that the minister has been an incredibly proactive advocate for health, not only across Victoria but also from my own perspective in the south-east region of Melbourne.

**Mr J. Bull** — Great minister!

**Mr DIMOPOULOS** — She is a great minister, absolutely. I have joined the minister on numerous occasions in the region dealing with issues like the proposed Victorian heart hospital, the Monash Children's hospital and welcoming new nurses. I look forward to meeting with the minister again, and I would welcome any information she can provide me with on this important topic and welcome her to my electorate anytime.

### **Bayside scout halls**

**Mr THOMPSON** (Sandringham) — The matter I wish to raise is for the attention of the Minister for Youth Affairs. The action I seek is for the minister or her representative to visit scout and guide halls in the bayside region of Melbourne to review the upgrade that has been undertaken already as a result of the former government's investment of \$5 million in scout halls and to ascertain what future needs might be able to be addressed. I understand that Scouting Victoria is prepared to meet on a dollar-for-dollar basis reinvestment in these important infrastructure facilities.

Scouting has had nine years of continuous growth, and there are some 16 000 youth and over 5000 leaders contributing to scouting in Victoria. Scouting provides structured programs to youth aged between 5 and 25 years, and leaders can start from the age of 18. Scouting is youth-led with adult support. I acknowledge the important contribution made by district leaders such as Simon Marks, who is the assistant chief commissioner for the development of scouting in Victoria, and group leaders including Catherine Gulliver and Marlene Gale, who are cub scout leaders from 1st Elwood; and Nick Bywater, Martin Stuart and Graeme Bonser, who are scout leaders from 1st Hampton.

There are a number of cub scouts, scouts, venturers and leaders from the bayside district who take a keen interest in making a constructive contribution to the local community, including in the areas of Elwood, Brighton, Beaumaris and Sandringham. I pay tribute to the long-established traditions and good work, where skills such as community service, bushcraft and first aid are taught. These become lifelong skills that can make an active difference in serving local communities.

A number of members in this chamber would be aware that a former Treasurer of Victoria became a Queen's Scout through his involvement with scouting in Gippsland and as a member of the Paynesville sea scouts.

Scouting has over 100 years of history and tradition in Victoria, and one aspect of that is the development of facilities. Whether they be in the high country or the suburbs of Melbourne, some of these facilities need to be upgraded. There is an element of council-led restructure of facilities to optimise best outcomes, but there is also a need for ongoing reinvestment. I invite the minister or her representatives to look at the outstanding work that has been undertaken in the southern region of Melbourne and to evaluate what potential there is to drive the ongoing development of

scouting, along with other youth development organisations, so that we can make Victoria a great place in the future.

### **Thomastown electorate sporting clubs**

**Ms HALFPENNY** (Thomastown) — I ask the Minister for Sport to visit the electorate of Thomastown to see firsthand the great work being done by the many sporting clubs in the area. I will highlight a couple of the clubs. The Preston Lions Football Club does great work not just in working towards achieving a place in the finals and lifting itself into the next division but also in the work it does in the community. The club has junior numbers that are growing rapidly, and it recently piloted a Koori football program that was very successful. The club is in an area of Reservoir that has a big deficit of land for recreational use and open space, yet it has generously invited the community to use its facilities and amenities so the community can share that place. It is a very generous act.

Another example of a sporting club I would like the minister to visit is the Aquajets, which is a swimming club with many dedicated parents, other helpers and coaches doing great work in the swimming scene. The club organises an annual swimming carnival and has a great fitness program for when the kids are not swimming. It has a lot of facilities and state-of-the-art ideas to make sure that swimmers are in shape both out of the water and in the water, as well as a number of health programs and nutrition education. When the minister comes to the area he will be impressed not only with the work these sporting clubs do within their sporting fields but also with the great contributions they make to the area in general.

**The DEPUTY SPEAKER** — Order! Before I call the Minister for Health, I ask members to request an action at the beginning of their contribution, after detailing the minister of whom the action is being requested. I ask this because if there is a problem, we will have enough time to try to deal with it. If an action is requested at the end of a contribution and does not conform with the customs, practices and precedents of the house, then it can be ruled out. Also, an interruption by the Chair can affect the flow of a member's contribution. Sometimes members run out of time and may have their matter ruled out. I advise members to keep that in mind so the whole session runs more smoothly and there is not as much angst.

### **Responses**

**Ms HENNESSY** (Minister for Health) — I thank the member for Oakleigh for raising his matter and for

his continued support and advocacy particularly for health issues but also for all other matters in his community. He is doing a terrific job. As the member for Oakleigh outlined, before the election we made a commitment that a Labor government would allow private midwives to access public hospitals for the purpose of providing birthing services. This provides greater options for expectant mothers and comes with all the other benefits the member for Oakleigh eloquently canvassed, including a reduction in demand for other maternity services. The process will begin with a pilot program at two public hospitals, and I look forward to announcing the details of that soon. In the meantime I would be delighted to visit Oakleigh and discuss our commitment with members of the community. Again, I thank the member for raising this important issue and for his ongoing advocacy in his community.

**Mr FOLEY** (Minister for Housing, Disability and Ageing) — I thank the member for Buninyong for raising his matter, and I assure him that I look forward to visiting his community and the disability service organisations and all the participants in those organisations, their families, their carers and those who love them to establish what they need to do over the next 12 months, before the national disability insurance scheme (NDIS) rolls out in his community as part of the three-year rollout strategy that will by then have commenced across the state. It is pleasing when every now and then there is an issue that unites the Parliament and all Victorians and Australians. This is about making sure that we deal with people with disabilities in a fair and modern way and put them at the centre of running their own lives through a choice and control system that funds them accordingly and in a whole new way.

We should not underestimate the scale of the changes associated with the NDIS. The change from the existing state-based system, with its block funding and its queue for services — once you are in the queue, you wait your turn until such time as the funding gets to you in that queue — to an insurance model system based on a risk assessment of your life, with funding that will be attached to you as the participant in services, will fundamentally reshape how people with a disability interact with the services that currently support them and their carers who support them. They will need to look to the learnings in the Barwon area as to the scale of changes we are talking about.

I look forward to working with the member for Buninyong and all members in this place as we get around the state over the next three years to make sure that the scale of these changes is understood, welcomed

and embraced not just by people with a disability, their families and their carers but also by the wider community so we can make Victoria a genuinely inclusive community for people with a disability.

**Mr NOONAN** (Minister for Police) — Before I deal with the matter raised by the member for Essendon, I place on the record that today is a very sad day for Victoria Police. It was confirmed this morning that a member of Victoria Police was killed on the way to work. Our thoughts as a Parliament are very much with the member's family and colleagues. I have spoken with the member for Gippsland South, and I know that members of his community more broadly will be doing it pretty tough in coming days. We never like to lose a member, wherever they are, but when these things happen it is appropriate for the Parliament to reflect and express its condolences on what is a tragic event.

I thank the member for Essendon for raising his adjournment matter about his community, in particular his constituents from the Horn of Africa, who populate such areas as Flemington and Ascot Vale, and their strong interest in potentially becoming police custody officers. This is not the first time the member has raised these sorts of matters with me — in fact I have had the pleasure of visiting the Flemington police station with him, where we had a terrific discussion with both local police members and representatives — leaders, really — of the African community. It was a terrific morning tea, and what we take from those sorts of discussions is the fantastic work Victoria Police and community leaders do behind the scenes and away from the public eye to build very positive relationships that lead to positive outcomes from a community safety and community engagement point of view.

One of the more positive aspects of the discussion we had was to learn how far some of those members of the community have come from the Horn of Africa. Many arrived in Australia with a complete distrust of police based on their own experiences of travelling from their various countries, but they have reached a point at which their respect for the work of Victoria Police has come so far that some of them are very keen to look at future employment opportunities with Victoria Police as an organisation.

I know that Victoria Police is aware of the importance of diversity and of the need to better reflect the diversity of the community it serves amongst its ranks of both sworn police and the public service workers who support the work of our sworn police. I understand that Victoria Police makes it its business during training to ensure that police members are employment ambassadors for their organisation so that people, not just in the member for Essendon's community but

across the state, expect that part of the role of members of Victoria Police and those who work for the organisation will be as ambassadors. To that end I think this is a very positive reflection of the organisation. I will forward the matter raised by the member for Essendon tonight on to the Chief Commissioner of Police, and I am sure that he will be pleased to understand that constituents in the member for Essendon's community are very interested in a potential career with Victoria Police.

**Mr PAKULA** (Attorney-General) — The member for Mornington raised a matter for the Minister for Environment, Climate Change and Water regarding funding for the Beleura Hill coastal track.

The member for Gippsland South raised a matter for the Minister for Roads and Road Safety about the funding of the Black Spur realignment of the South Gippsland Highway.

The member for Yuroke raised a matter for the Minister for Youth Affairs regarding attendance at the Yuroke youth affairs council.

The member for Nepean raised a matter for the Minister for Public Transport about school bus services for Dromana Secondary College.

The member for Melbourne raised a matter for the Premier regarding increased efforts to deal with climate change.

The member for Sandringham raised a matter for the Minister for Youth Affairs seeking that she or her representative visit scout and guide halls in Bayside.

The member for Thomastown raised a matter for the Minister for Sport seeking that he visit her electorate to view sporting clubs. I will pass all those matters on.

**The DEPUTY SPEAKER** — Order! The house is now adjourned.

**House adjourned 7.34 p.m.**

