PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 24 May 2012

(Extract from book 9)

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

By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier and Minister for the Arts	The Hon. E. N. Baillieu, MP
Deputy Premier, Minister for Police and Emergency Services, Minister for Bushfire Response, and Minister for Regional and Rural Development	The Hon. P. J. Ryan, MP
Treasurer	The Hon. K. A. Wells, MP
Minister for Innovation, Services and Small Business, and Minister for Tourism and Major Events	The Hon. Louise Asher, MP
Attorney-General and Minister for Finance	The Hon. R. W. Clark, MP
Minister for Employment and Industrial Relations, and Minister for Manufacturing, Exports and Trade	The Hon. R. A. G. Dalla-Riva, MLC
Minister for Health and Minister for Ageing	The Hon. D. M. Davis, MLC
Minister for Sport and Recreation, and Minister for Veterans' Affairs	The Hon. H. F. Delahunty, MP
Minister for Education	The Hon. M. F. Dixon, MP
Minister for Planning	The Hon. M. J. Guy, MLC
Minister for Higher Education and Skills, and Minister responsible for the Teaching Profession	The Hon. P. R. Hall, MLC
Minister for Multicultural Affairs and Citizenship	The Hon. N. Kotsiras, MP
Minister for Housing, and Minister for Children and Early Childhood Development	The Hon. W. A. Lovell, MLC
Minister for Corrections, Minister for Crime Prevention and Minister responsible for the establishment of an anti-corruption commission	The Hon. A. J. McIntosh, MP
Minister for Public Transport and Minister for Roads	The Hon. T. W. Mulder, MP
Minister for Ports, Minister for Major Projects, Minister for Regional Cities and Minister for Racing	The Hon. D. V. Napthine, MP
Minister for Gaming, Minister for Consumer Affairs, and Minister for Energy and Resources	The Hon. M. A. O'Brien, MP
Minister for Local Government and Minister for Aboriginal Affairs	The Hon. E. J. Powell, MP
Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
Minister for Environment and Climate Change, and Minister for Youth Affairs	The Hon. R. Smith, MP
Minister for Agriculture and Food Security, and Minister for Water	The Hon. P. L. Walsh, MP
Minister for Mental Health, Minister for Women's Affairs and Minister for Community Services	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mr D. J. Hodgett, MP

Legislative Council committees

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr P. Davis, Mr Hall, Ms Lovell, Ms Pennicuik and Mr Scheffer.

Procedure Committee — The President, Mr Dalla-Riva, Mr D. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Ms Hartland, #Mr Leane, #Mr Lenders, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

Economy and Infrastructure References Committee — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Leane, #Mr Lenders, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

Environment and Planning Legislation Committee — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Legal and Social Issues Legislation Committee — Ms Crozier, Mr Elasmar, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

Legal and Social Issues References Committee — Ms Crozier, Mr Elasmar, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

 # Participating member

Joint committees

Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Mr Merlino, Dr Napthine and Mr Walsh.

Drugs and Crime Prevention Committee — (*Council*): Mr Leane, Mr Ramsay and Mr Scheffer. (*Assembly*): Mr Battin and Mr McCurdy.

Economic Development and Infrastructure Committee — (*Council*): Mrs Peulich. (*Assembly*): Mr Burgess, Mr Foley, Mr Noonan and Mr Shaw.

Education and Training Committee — (*Council*): Mr Elasmar and Ms Tierney. (*Assembly*): Mr Crisp, Ms Miller and Mr Southwick.

Electoral Matters Committee — (*Council*): Mr Finn, Mr Somyurek and Mr Tarlamis. (*Assembly*): Ms Ryall and Mrs Victoria.

Environment and Natural Resources Committee — (*Council*): Mr Koch. (*Assembly*): Mr Bull, Ms Duncan, Mr Pandazopoulos and Ms Wreford.

Family and Community Development Committee — (*Council*): Mrs Coote and Ms Crozier. (*Assembly*): Mrs Bauer, Ms Halfpenny, Mr McGuire and Mr Wakeling.

House Committee — (*Council*): The President (*ex officio*) Mr Drum, Mr Eideh, Mr Finn, Ms Hartland, and Mr P. Davis.. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Graley, Mr Wakeling and Mr Weller.

Law Reform Committee — (*Council*): Mrs Petrovich. (*Assembly*): Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe.

Outer Suburban/Interface Services and Development Committee — (*Council*): Mrs Kronberg and Mr Ondarchie. (*Assembly*): Ms Graley, Ms Hutchins and Ms McLeish.

Public Accounts and Estimates Committee — (*Council*): Mr P. Davis, Mr O'Brien and Mr Pakula. (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris and Mr Scott.

Road Safety Committee — (*Council*): Mr Elsbury. (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson.

Rural and Regional Committee — (*Council*): Mr Drum. (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr O'Brien and Mr O'Donohue. (*Assembly*): Mr Brooks, Ms Campbell, Mr Gidley, Mr Nardella and Mr Watt.

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 W. R. Tunnecliffe

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

Acting Presidents: Ms Crozier, Mr Eideh, Mr Elasmar, Mr Finn, Mr O'Brien, Ms Pennicuik, Mr Ramsay, Mr Tarlamis

Leader of the Government:
The Hon. D. M. DAVIS

Deputy Leader of the Government:
The Hon. W. A. LOVELL

Leader of the Opposition:
Mr J. LENDERS

Deputy Leader of the Opposition:
Mr G. JENNINGS

Leader of The Nationals:
The Hon. P. R. HALL

Deputy Leader of The Nationals:
Mr D. DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Leane, Mr Shaun Leo	Eastern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lenders, Mr John	Southern Metropolitan	ALP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

CONTENTS

THURSDAY, 24 MAY 2012

Thursday, 24 May 2012

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.33 a.m. and read the prayer.

ENVIRONMENT AND PLANNING REFERENCES COMMITTEE

Environmental design and public health in Victoria

Ms TIERNEY (Western Victoria Region) presented report, including appendices, extracts of proceedings and minority report, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Ms TIERNEY (Western Victoria) — I move:

That the Council take note of the report.

I am pleased to table the Environment and Planning Reference Committee's report on the inquiry into environmental design and public health in Victoria. In doing so I note that there is a minority report. As is the practice, I have only just been furnished with a copy of that report this morning. I have not had an opportunity to examine it, and I may or I may not make comment on it at a later stage.

My purpose is to go to the actual business of the inquiry, because that is what the stakeholders and the witnesses are interested in. The committee received its terms of reference for the inquiry in April last year, and they are outlined on page 5 of the report. The committee received 63 written submissions and heard verbal submissions from 61 witnesses. The terms of reference enabled professionals in the areas of public health and environmental design, planners, local government, government departments, community organisations, academics and interested individual members of the community to put their case. The general topic is one that all of us experience in our daily lives, and we are all driven by wanting to ensure that we live in a more sustainable, healthier, affordable, accessible and connected living environment,

This report examines some of the complex contributors to public health and wellbeing and how they can be influenced by urban planning and the design of places in which Victorians live. Through the findings and recommendations of this inquiry the Victorian government has the opportunity to improve the quality and design of the built environment in ways that promote and encourage positive health outcomes for all.

The committee was encouraged by the high level of public interest in the inquiry. It was opportune that the Planning Institute of Australia held a joint built environment and health promotion sector forum at the Municipal Association of Victoria building early in the inquiry, which assisted the committee in an informal sense in gaining an understanding of the general framework from which a number of organisations were working. It was an excellent opportunity to meet a range of individuals who have a real passion in this area. All of them were eager to take the next step beyond their own experience as practitioners and beyond the research that had been conducted over a period of time.

Apart from the individual submissions, several joint submissions were also received. The included a submission from the Obesity Policy Coalition, which comprises the Cancer Council Victoria, the Victorian branch of Diabetes Australia, VicHealth and Deakin University, and another from the Alcohol Policy Coalition, which comprises the Australian Drug Foundation, the Australian Heart Foundation, VicHealth, Turning Point Alcohol and Drug Centre and the cancer council. A further joint submission came from Physical Activity Australia, the Victorian Local Governance Association, Planning Institute Australia, the Victorian Council of Social Service, SunSmart and the City of Port Phillip. All these organisations have been working in this area for some time, and they are all singing from the same song sheet.

We collectively simply cannot do nothing in this area. The evidence is overwhelming, and we must be proactive in linking the built environment to public health in legislation, policy and guidelines, as well as in combating chronic disease, developing active transport networks and ensuring there is adequate public space. The public health and planning community is at the forefront of the policy space. It is now time for the government to grab the baton and demonstrate its leadership. Health and wellbeing cannot continue to be an optional extra.

It is opportune that the planning act is being reviewed, and I hope the government takes this opportunity to factor many of the recommendations of this inquiry into its deliberations on the planning act.

Unfortunately, I am allocated only 5 minutes to talk on this report this morning. It is important that I sincerely thank all the organisations and individuals who played

a role in this inquiry and who took time out from their normal duties to add to the body of work upon which the committee deliberated. I particularly wish to thank the members of the staff of the committee secretariat for their research, writing and administrative assistance: Mr Keir Delaney, secretary, Dr Rosalind Hearder, research officer, and Mr Anthony Walsh, the research assistant. It is fair to say the committee had some fraught and testing times, so I particularly acknowledge the high degree of professionalism and the enormous capacity for patience that the committee staff demonstrated time and again.

This is a solid report. It is meticulous and has extensive footnotes and a bibliography which identifies the evidence received by the committee. I believe the stakeholders involved in this inquiry will be supportive of the report and its recommendations and will recognise that their voices, research and experiences have been incorporated in the report. I commend the report to the house.

Mrs PEULICH (South Eastern Metropolitan) — I have 2 minutes as deputy chair of the committee to also make some remarks, and I would like to draw attention to the minority report at the back of what should have been a landmark report into environmental design and public health in Victoria. I would like to thank all of the submitters on what should have been a very productive process; however, in my 16 years of parliamentary and committee experience it was probably the most frustrating and disappointing experience that I have had. I would also like to draw attention to the records, which show that there were more than 50 divisions over 36 recommendations. More than 50 per cent of the recommendations were resolved on the casting vote of the Labor chair.

The total lack of bipartisanship and preparedness to get the detail and the wording right, the inability to consider cost implications, which government members might have been prepared to wholeheartedly support if that work was done, and the unyielding, narrow bent of non-government MPs' agenda made this a much less useful report than it should have been. I also sound an alarm bell: if this is the manner in which these upper house committees, especially ones that focus on policy, are going to be used, then there may need to be some rethinking.

I would like to thank the government members, Andrew Elsbury, Craig Ondarchie and Jan Kronberg, who soldiered on and tried to extract as much good sense from the recommendations as they possibly could but were often slam dunked, irrespective of how much work was done and how much preparation was undertaken in doing that work. It was also very disappointing to see the staff work so hard and submitters make such impassioned submissions to the committee yet see it so poorly handled. I intend to make further comments in the future, but I would like to draw everyone's attention to the minority report at the back.

Ms PENNICUIK (Southern Metropolitan) — I would like to start my remarks on the report entitled *Inquiry into Environmental Design and Public Health in Victoria* by thanking the committee staff, Mr Keir Delaney, Dr Rosalind Hearder and Mr Anthony Walsh, for the work they did in assisting the committee to produce this report. I would like to remind the house that the report is the result of a reference sent to the committee by the Leader of the Government. The reference itself is an important reference. A lot of work has been done in this area before. I thank Ms Tierney, the chair, for her work under sometimes very difficult circumstances.

The report has put together a lot of research that already exists around the world. We received 61 submissions, we conducted public hearings and we had on-site visits. I think a thorough examination of the issues is presented in this report. I have not had much of a chance to look at the minority report, but at the top of page 168 the minority report says:

> Labor MPs, supported by —

me —

> were prepared to adopt and pursue, in an uncompromising fashion, specific recommendations which are neither costed nor tested with key stakeholders on whom they would have a substantial negative impact.

I totally reject that. This report reflects the evidence that was provided by submitters and the evidence that already exists in the literature. It is a landmark report and a guide that future governments should look to. It builds on the recommendations that were made by the Select Committee on Public Land Development. The government should take this report seriously because the recommendations are groundbreaking.

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to speak on this report. This is a report whose time has come. The inquiry provided a unique opportunity for us as politicians to stand above the political fray and to join with the bureaucrats, planners, councils and medical professionals, who all stood up and said as one that the design of our suburbs and our planning system are making our communities sick. We are relegating a generation to an unhealthy lifestyle because of the design of our suburbs. This is an important issue, just like the issue 150-odd years ago

when we sought to clean up our cities by making our water safe.

This is the next opportunity, the next challenge, that we have as politicians and leaders. It is not an issue that should degenerate into partisan politics; it is an issue that deserves our urgent attention. I welcome this reference from the Minister for Health, and I thank him for giving us the opportunity to explore what is an important gap in the planning regime. This report sets out the ideas and the opportunities for how we better align planning and health for the sake of our children and for the sake of families who are living with the consequences of badly planned communities.

I too want to thank the staff. The opposition stands with the government ready to work in a bipartisan manner on what is a very important issue, which I hope those opposite will take seriously.

Mr ONDARCHIE (Northern Metropolitan) — As a new member of the committee I rise today to speak on this inquiry report. It was an aspirational reference and, as a new member of Parliament, being part of providing this report was my first foray into a joint committee. I do not have the experience of others who sat around the committee table, but I found it an interesting and at times very curious process. Sometimes I was quite bemused by the political leverage that was being thrown across the table in defiance of what the outcomes should have been. The outcomes should have been about providing — —

Mr Barber interjected.

Mr ONDARCHIE — I will take up the interjection from Mr Barber, who was not on the committee but who was clearly pulling the strings for what was happening. We were about providing healthy outcomes for Victorians, but political leverage seemed to be the cause of the day. Members will note from the report that many of the recommendations were decided on casting votes. At this time I thank the committee staff — Keir, Anthony and Rosalind, and at times Andrew Young — who had to perform an interesting juggling act as they watched the political colours running around the table.

The committee was adamant about its qualification to make decisions, and on the casting vote we provided a recommendation to set a fixed speed limit around a school zone. I do not know how we are qualified to do that when bodies like VicRoads and Victoria Police are better positioned to do it, but the committee was committed to that decision.

Similarly we used a new development to provide an example of healthy living, something called Armstrong Creek. We wish Armstrong Creek all the best, but quite frankly it is a bit of vacant land. It is not an example of healthy living, because its form has not yet been determined. We should review things that have been built and learn from those lessons, but it seemed to me that somebody wanted to put that in so they could demonstrate to their electorate that it had been put in, and that is not acceptable. As a committee we have to do this better; we have to put outcomes ahead of political expediency. I found this a bemusing process.

Mr SCHEFFER (Eastern Victoria) — The terms of reference of this inquiry required the Environment and Planning References Committee to go to the heart of a critically important public policy concern — that is, the impact of the built environment and urban design on public health and wellbeing. The thrust of the 36 recommendations is that health and wellbeing must be a central consideration of the bodies that have responsibility for planning. The committee heard that too often the planning system is unable to respond to community and local government concerns over the impact of developments on public health and wellbeing because the legislative framework does not allow it.

One of the key recommendations the committee made is for the government to amend the Planning and Environment Act 1987 so that the promotion of environments that protect and encourage public health and wellbeing becomes an objective of the act. From this central recommendation the committee made a number of consequential recommendations for the government to amend the state planning policy framework to include a policy on planning for health and wellbeing and to require planning authorities to conduct health impact assessments for key planning decisions. The committee also recommended strategies that would better focus precinct structure plans on health and wellbeing.

The evidence presented to the committee led to further recommendations relating to the health and wellbeing impacts of the density of fast food outlets; the impact of food production systems; the protection of agricultural land; air quality and urban heat islands; tree planting, green spaces and shade; housing density; strengthening the role of the Environment Protection Authority; pedestrian and cycling paths and public transport.

Listening to Mrs Peulich's contribution, I wonder that we were both at the same meetings. I found the committee meetings challenged my thinking. Debate was vigorous — as it should be — and where there was irreconcilable disagreement, a formal vote settled the

matter, as it does every day in this chamber, sometimes determined by a single vote. I commend the report to the house, and I look forward to the government's response.

Mrs KRONBERG (Eastern Metropolitan) — As a member of the Environment and Planning References Committee I want to speak to the minority report today and say that the structure and content of the minority report is proof positive of how difficult and extremely divided the committee deliberations were during the process of the inquiry and the analysis of and contributions to the recommendations. I ask those in the house who are interested to look at appendix D to see the extract of the proceedings and the appalling history of votes on the recommendations that, in the formulation of the report, the deputy chair, Mrs Peulich, highlighted for us. I want to thank the support members of the team, Keir, Anthony, Rosalind and, when he was available, Andrew Young. There is no question of their commitment and professionalism. They would have seen some very interesting sights.

I actually have another form of recommendation that I would be prepared to direct to the Leader of the Opposition in this house, and that is that clearly the opposition's membership is made up of the socialist left, and it is proof positive of just how close the socialist left and the Greens alliance is. Perhaps the Leader of the Opposition might review the composition so that we have more professional conduct and less extreme political views when we want to work collaboratively on something for the people of Victoria. Such would enable the smooth workings of this Parliament, the government and the committee system.

Mr ELSBURY (Western Metropolitan) — I would like to stand to also talk to the report on the inquiry into environmental design and public health in Victoria that was put out by the Environment and Planning References Committee, of which I was a member. The inquiry was an interesting process, I have to say. I would like to congratulate and thank the staff, Mr Keir Delaney, Dr Rosalind Hearder and Mr Anthony Walsh, for their perseverance and understanding during some very trying meetings. I was interested to hear the conciliatory tones of Mr Tee, as those definitely were not evident during any of the meetings that I attended.

I am pleased that members of the committee were able to go to Point Cook, part of my electorate, which was completely ignored in terms of any sort of design plan by the previous government.

Certainly this report has been put through an ideological prism. It has not reflected much of the evidence. All the bits that certain people in the committee — the majority — wanted to get through have been filtered out, and it was ideologically driven, pushing towards increased density and targeting specific business types, similar to the way that a Darebin councillor was suggesting. The governance of this committee was also questionable, and I take up the issue of the Kingston Green visit, which I could not actually attend. However, had I wanted to and had I moved my diary around to attend, it would not have happened anyway. It had to be rescheduled. This was based on a single email sent from a non-council email address but attributed to a councillor. No other efforts were made to try to verify the validity of this email or any of the statements that were made in the email with any other council officer. This goes to show just how poorly things were run in this committee.

Motion agreed to.

ELECTORAL MATTERS COMMITTEE

Conduct of 2010 Victorian state election

Mr FINN (Western Metropolitan) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mr FINN (Western Metropolitan) — I move:

That the Council take note of the report.

It is my very great pleasure and distinct honour to present the Electoral Matters Committee report entitled *Inquiry into the Conduct of the 2010 Victorian State Election and Matters Related Thereto*. Given the general lack of community knowledge or interest in the electoral system, those of us who do take more than a passing interest can at times feel like the much-referred-to shag on a rock. Taking into account the rich history and robustness of our democracy in Victoria, it may well be that we should think ourselves the lucky shag. As Victorians we should be very proud of our electoral process and parliamentary system. It is a great shame that apathy and ignorance are all too often the order of the day with regard to these matters.

The committee's inquiry covered a wide range of matters relating to the 2010 state election, and I take this opportunity to publicly thank those who made submissions or appeared as witnesses. In my view, four main issues arise from the report. One of those issues,

obvious to anyone involved in the electoral process, is the substantial increase in early voting in recent elections. Since 2002 there has been an explosive increase of 202 per cent in early voting in Victoria. While further work is needed to establish the case for and against liberal rules on early voting, it is clear that we are rapidly approaching the point when a major decision must be made. Do we stay with the traditional election day, or do we free up the process to the extent that a movement occurs to an election fortnight?

This was one of the many questions raised in this inquiry, and it will be examined in further detail by the committee in its next inquiry, which is an inquiry into the future of Victoria's electoral administration. In this inquiry we will consider all aspects of Victoria's electoral architecture, and it will be, interestingly, the first inquiry of its kind by any parliamentary electoral matters committee in Australia.

Another issue that arose during the course of this inquiry was concern about the number of informal votes cast in 2010. It is important that as many voters as possible cast a formal vote; that is a very basic part of voicing an opinion in a democratic society. A system which disenfranchises many by its very nature is flawed. A number of expert witnesses gave testimony that optional preferential voting, a system that has already been employed in New South Wales and Queensland elections for some years, would significantly reduce informal voting and enable more voters to effectively have their say in Legislative Assembly elections. I agree. This matter will be examined in greater detail in the committee's next inquiry.

Likewise, community recognition of the role of this chamber will come under scrutiny in the next inquiry. The time has come to face reality. Despite the vital role this chamber plays in providing good and responsible government, the vast majority of Victorians have not the first idea of what the Legislative Council is or what it does. When introduced as an MLC, the average person is more inclined to think we are an insurance salesman than a member of the Victorian Parliament. Recently I was at a function with two other members of this house. I was introduced as the local member, another member as a member of the House of Representatives and the other as an MP. That is not the first line of a joke but a very sad reflection on the lack of understanding within our community.

A solution has been suggested. In order for the general public to better understand what we do in this place, it has been proposed that the Legislative Council become the Victorian or state senate and each of us becomes a state senator. This would not be a huge culture shock, as I am already often introduced as a state senator. In many overseas jurisdictions a state senate is the norm. People understand the concept of a senate, and they certainly have a far greater understanding of a senator than they do an MLC. Personally I believe this proposal has merit, and the committee will further investigate it as a tangible possibility.

The committee regards the integrity of the electoral roll as fundamental to the perception and reality of a fair electoral system. Allegations that a newspaper may have in some way compromised the integrity of the roll during the course of the last election give reason for deep alarm. The refusal of that newspaper to cooperate with the committee's initial inquiries on this matter raises natural suspicions. I wrote to Paul Ramadge, editor-in-chief of the *Age*, and two *Age* journalists, Royce Millar and Nick McKenzie, requesting information and their cooperation in our investigation into the alleged improper access of the ALP database in the lead-up to the 2010 election. Messrs Millar and McKenzie are yet to respond, while Mr Ramadge's reply was entirely unsatisfactory. Offensive, dismissive and contemptuous are some of the terms I would use to describe it. The committee has reserved the right to revisit this extremely serious matter when Victoria Police concludes its current investigation.

I wish to express my deep appreciation to my fellow committee members: deputy chair Adem Somyurek, MLC; the member for Bayswater, Heidi Victoria, and the member for Mitcham, Dee Ryall, in another place; and Lee Tarlamis, MLC.

The committee was most fortunate to have a magnificent secretariat — hardworking, always helpful and knowledgeable. Every member of the committee is most grateful to the executive officer, Mark Roberts, the research officer, Nathaniel Reader, and the administrative officers, Victoria Kalapac, Bernadette Pendergast and Maria Marasco. I thank members and staff alike for their cooperation and good humour, coupled with a real commitment to enhancing the electoral system and democratic traditions of this great state of Victoria.

Mr SOMYUREK (South Eastern Metropolitan) — I rise to make some brief comments on the report by the Electoral Matters Committee (EMC) into the conduct of the 2010 Victorian state election. Firstly, I thank the executive officer of the committee, Mark Roberts, and the staff, Nathaniel Reader, Maria Marasco and Bernadette Pendergast, for their assiduousness and competence throughout the inquiry process. Their contribution by way of research, writing and

incorporating the diverse views and opinions of the committee members made the complex report formulation process look easy.

I also commend the government members of the committee for their collaboration and bipartisanship during the course of the inquiry, including Heidi Victoria, the member for Bayswater in the other place, Dee Ryall, the member for Mitcham in the other place, and the chair, Bernie Finn, who showed a great deal of leadership and dexterity under occasionally demanding circumstances, especially in the west. I would also like to acknowledge the hard work and dedication of my Labor Party colleague Lee Tarlamis and take this opportunity to thank all the people and organisations who took the time to provide submissions and appear before the committee. The committee was pleased that a diverse cross-section of the community was able to participate in the inquiry and offer its views.

In response to this evidence the EMC has made a number of recommendations to build on Victoria's strong track record in electoral administration. The evidence presented in this report clearly demonstrates the benefits of regular scrutiny of parliamentary elections in Victoria, including increasing the transparency and accountability of the conduct of Victorian state elections.

Mr TARLAMIS (South Eastern Metropolitan) — I also rise to speak on the Electoral Matters Committee report into the conduct of the 2010 Victorian state election and matters related thereto. In the limited time I have I would like to thank the committee staff — the executive officer, Mark Roberts, the research officer, Nathaniel Reader, and the administrative officers, Maria Marasco and Bernadette Pendergast — for their hard work, guidance and contributions to the report.

I also commend and thank the other members of the committee: the chair, Bernie Finn; Heidi Victoria, the member for Bayswater in the Assembly; Dee Ryall, the member for Mitcham in the Assembly; and the deputy chair, my colleague Adem Somyurek. We had a number of discussions during the preparation of the report which got quite interesting, but we managed to present a bipartisan report which goes some way to improving electoral administration in Victoria. I look forward to the future work the committee will do in its next review to further enhance that.

I thank all those who provided written submissions as well as those who attended the hearings and made contributions. I commend the report to the house.

Motion agreed to.

NOTICES OF MOTION

Notices of motion given.

Mr VINEY having given notice of motion:

Mr VINEY (Eastern Victoria) — I desire to move, by leave, that this motion be debated forthwith.

Leave refused.

Further notice of motion given.

BUSINESS OF THE HOUSE

Adjournment

Hon. D. M. DAVIS (Minister for Health) — I move:

> That the Council, at its rising, adjourn until Tuesday, 5 June 2012.

Motion agreed to.

MEMBERS STATEMENTS

Gordon and Lyn Murray

Mr TARLAMIS (South Eastern Metropolitan) — I rise to pay tribute to and acknowledge the service to the community of Gordon Murray, the immediate past president of the Noble Park RSL, who served in that role for 13 years. Gordon is a life member of the RSL and along with others at the club has been heavily involved in helping Vietnam veterans. Gordon's commitment and dedication to the local community and veterans has always struck me. Through the RSL he oversaw innovative programs for refugees and the homeless. He instigated the RSL's monthly markets, which raise money for YouthLink, and worked with Adult Multicultural Education Services to help break down cultural barriers. Gordon is always the first to acknowledge others for their service and dedication, but I think it is time to acknowledge his contribution. Under Gordon's leadership the Noble Park RSL was named RSL of the Year in 2008, having scored extra points for its community focus.

I would also like to acknowledge Gordon's wife, Lyn. Gordon and Lyn are a terrific team and have both selflessly contributed so much to the Noble Park area. I look forward to continuing to see Gordon around the club. He is not someone who can stay still for long, as there is always someone else to help or an important cause to pursue.

John Meehan

Mr TARLAMIS — I would also like to congratulate John Meehan, JP, on his election as president of the Noble Park RSL and wish him success in his new role.

Dandenong Rangers: premiership

Mr TARLAMIS — On another matter, I congratulate the Dandenong women's basketball team, the Dandenong Rangers, on winning the 2012 Women's National Basketball League championship earlier this year, beating the favourites and defending champions, the Bulleen Boomers. This newest title means that the Dandenong Basketball Association now holds the four major championships in Australian women's basketball. This is a fantastic result for the Dandenong Basketball Association, and is testament to the volunteers, players, coaches and members who are the fabric of the association. I congratulate them and wish them continued success.

Road safety: legislation

Mr BARBER (Northern Metropolitan) — In the near future the Greens will be looking to introduce a vulnerable road user provision into the law to put more responsibility onto motorists to look out for pedestrians, cyclists, road workers and other vulnerable groups — for example, people moving agricultural machinery along roads.

Many road safety experts and road user groups are talking about special laws for protecting vulnerable road users, but so far amongst the political parties only the Greens is proposing to do something about it. Victorian law already recognises drivers' responsibility to change their behaviour according to the circumstances, and the courts are now starting to interpret that as a special duty of care to vulnerable groups. We think it is time that was codified in law, to make the law clearer to everyone. It is, as I say, already a serious offence to drive in a, to quote the legislation, 'manner that is dangerous to the public having regard to all the circumstances'. The Greens want the law to explicitly protect the circumstances and heightened risk of vulnerable road users.

This is a big step, but it comes in a long line of reform in this area of the law, including the drink, drug and fatigue driving provisions that have been added to the Crimes Act 1958. We will be doing some wide consultation with the whole community on these proposals even before we bring a bill before the Parliament.

Higher education: TAFE funding

Mr SOMYUREK (South Eastern Metropolitan) — I rise to condemn the Minister for Manufacturing, Exports and Trade, Richard Dalla-Riva, for failing to deliver on his obligations to local manufacturers in relation to skills shortages by doing nothing to stop funding cuts to TAFE. These cuts will further entrench skills shortages in Victoria at the very time when additional investment should be put into training and skills development.

The University of Ballarat has already proposed the closure of its school of manufacturing and construction in its restructure consultation paper, which was necessitated by the drastic funding cuts announced in the state budget. Among the many courses that will cease at the institution as a result are the certificate III in process manufacturing; certificates II, III and IV in business; certificate III in telecommunications; certificate II in engineering production technology; certificate II in automotive vehicle body; and the diplomas in both project management and accounting. This is just one example. TAFEs all over Victoria are following suit, including Chisholm, Holmesglen, Kangan, Bendigo and Gippsland, which are all flagging drastic cutbacks in course offerings and increased fees as a consequence of these devastating cuts.

Yet the government's own manufacturing statement, released last December and brandished about by the minister ever since, says:

> Persistent skills shortages … threaten the capacity of firms to be globally competitive.

Despite being aware of this, the minister refused to stand up against these TAFE sector cuts in full knowledge of the flow-on effect this would have for industry.

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

Pope Shenouda III

Mrs KRONBERG (Eastern Metropolitan) — I offer my condolences to our Coptic community in Victoria, the Coptic diaspora and the 10 million Copts still living in Egypt on the passing of Pope Shenouda III on 17 March this year. For more than 40 years Pope Shenouda was the voice of Egypt's Coptic community, a minority in Egypt but the most influential Christian community in the Middle East. Any vacuum in church leadership at this crucial time in the history of Christians in Egypt is a very serious matter indeed. Pope Shenouda has been described as 'a fierce

Egyptian patriot and a figure committed to ecumenism, or the quest for Christian unity'. It was Pope Shenouda who risked his own safety when he clashed with Egypt's former President Anwar Sadat and demanded that more be done to combat the rise of Islamic radicalism in Egypt. Pope Shenouda was exiled for the three years that elapsed before the assassination of President Sadat.

Outside the political sphere Pope Shenouda was esteemed as a spiritual leader and national figure. Pope Shenouda achieved remarkable success in extending the outreach of the faith by guiding the development of the diaspora, a measure of this commitment being the creation of hundreds of dioceses around the world. No matter which way Pope Shenouda's life work is measured, he was a remarkable and towering figure. May Pope Shenouda's work and his legacy continue to inspire his followers, especially here in Victoria. I pray that the safety and freedom to worship of the 10 million Copts in an unstable Egypt will be assured.

Police: East Keilor siege

Mr EIDEH (Western Metropolitan) — President and honourable members, I ask each of you how you would feel if you were to confront a siege in the street where you live or where a loved one lives. Imagine a gunman holding his community hostage as police block all streets and begin the enormous process of the evacuation of students from a primary school nearby, many elderly residents and many young families with children. Imagine the frustration, the fear and the concern amongst the community, but most of all try to imagine how you might feel. That is precisely what occurred at East Keilor in the city of Moonee Valley on Monday, 21 May, when a gunman thought that he could evade police by placing other people in danger.

I praise the police, most especially the Avondale Heights police — whose station is in sore need of a complete replacement — who immediately acted to ensure public safety. I congratulate the members of the community, who cooperated fully with Victoria Police despite the enormous issues that this created for them. I heartily congratulate the Moonee Valley City Council, whose staff immediately planned for a mass evacuation by organising vehicles, providing accommodation in council facilities, arranging meals and in every sense proving just how great a local council can be.

Rail: protective services officers

Mr ELSBURY (Western Metropolitan) — I congratulate the government on implementing the protective services officers (PSO) policy at Footscray train station. In fact the Footscray train station is now a much safer place. Even though reports have said that the PSOs had a very quiet first night, I can assure members that over the weekend they made some 20 arrests, removing people for various reasons that would have endangered and/or threatened public safety.

Chris Nguyen

Mr ELSBURY — I also congratulate a gentleman who lives in Footscray, Mr Chris Nguyen, who ran into the burning home of Emma Woods, a 105-year-old woman who was trapped in her home just a few days ago. If it were not for Mr Nguyen's actions, I am sure that we would not be able to talk about things such as Ms Woods's loss of a letter from the Queen for her 100th birthday and other memorabilia; we would indeed be mourning the loss of an icon in the Footscray region.

Police: East Keilor siege

Mr ELSBURY — I also thank the police for their handling of the East Keilor siege. Their ability to contain a very dangerous situation and come out of that without loss of life has been a good outcome for everyone involved. I congratulate the police on the patience they displayed and for finally bringing the issue to a head and taking in a potentially violent criminal.

Steve Kyritsis

Ms MIKAKOS (Northern Metropolitan) — On 18 May, together with many other MPs, I had the pleasure of attending Parliament House for the book launch of Steve Kyritsis's book, *Greek Australians in the Australian Forces WWI and WWII*. Steve Kyritsis is a Vietnam veteran and at age 21 served with the 3rd Battalion Royal Australian Regiment. Steve is the current president of Victoria's RSL Hellenic sub-branch and a volunteer guide at the Shrine of Remembrance. This is Steve's second book, having published *Greek-Australians in the Vietnam War* in 2009.

Steve spent three years researching the national archives for Australians of Greek ancestry who served with the Australian forces. He discovered that 5 served in the second Anglo-Boer War, 80 in World War I, including 11 who fought at Gallipoli, and almost 2500 in World War II. Steve's book also contains interviews and photos documenting the personal stories of soldiers such as Nicholas Rodakis from Warrnambool, who fought on the Western Front and was awarded the

United States Distinguished Service Cross, the equivalent of the Victoria Cross, for rescuing an American officer. Steve also writes about Peter Rados from Sydney who lost his life serving at Gallipoli, Frank Manusu from Bowraville, New South Wales, who served in the Anglo-Boer War, and his three sons Percy, Perry and Guy, who served on the Kokoda Track during World War II, with only Guy returning alive.

Steve's book serves to honour the courage and sacrifice undertaken by Greek-Australian migrants who proudly served our country at a time of war. It was especially moving that many veterans, some now in their 90s, attended the launch. I congratulate Steve on producing this insightful book that will serve as an important historical record for generations to come.

Gisborne: indoor sports stadium

Mrs PETROVICH (Northern Victoria) — I am delighted that the 2012–13 state budget delivered several key education commitments to communities in the Macedon electorate. Gisborne will soon be the home of a state-of-the-art indoor sports stadium, with the coalition government's announcement of $3.5 million in funding. The proposed stadium will include two indoor multipurpose courts at the Gisborne Secondary College site, alongside improvements to the existing outdoor netball courts, change rooms, meeting rooms and improved car parking. It is a huge boost to the fast-growing Gisborne area and will provide a fantastic facility for Gisborne residents and the wider community to enjoy a whole range of sporting activities.

I congratulate the Gisborne indoor sporting stadium working group, for the local community, on all its hard work and dedication to this project. I look forward to working with it to deliver this important community facility.

Romsey: secondary school

Mrs PETROVICH — The coalition has also demonstrated a commitment to proactive planning for the township of Romsey, providing funding for a feasibility study into the need for secondary education facilities in the township. The local community and Macedon Ranges Shire Council lobbied Joanne Duncan, the member for Macedon in the Assembly, and the Labor government on this issue for a decade, but to no avail. I am pleased the coalition government has delivered on its important election commitment to the people of Romsey and the Macedon Ranges.

Sunbury: tertiary education facilities

Mrs PETROVICH — I have been working closely with the Minister for Higher Education and Skills, Mr Hall, on plans to improve delivery of post-secondary education services. He has repeatedly stated he will not agree to the sale of the Jackson Hill site until such plans are in place. There has been a lot of scaremongering by the opposition, but the coalition is committed to improving the delivery of post-secondary education in Sunbury, and there is ongoing positive discussion with the key stakeholders.

Government: performance

Ms PULFORD (Western Victoria) — If this government were a first-year university student, it would be failed for plagiarism. The government's much-celebrated Good Move campaign encouraging people to relocate to regional Victoria has as its tagline, 'Now more than ever regional Victoria is a vibrant, growing place to' — wait for it! — 'live, work and raise a family'. We were mocked, day in and day out, for having the mantra of 'live, work and raise a family' as a guiding principle in every act of the Brumby and Bracks governments. It is good to see that in the absence of its own good ideas this government will take Labor's good ideas.

The second instance I would give of this government's new trend towards plagiarism is in relation to the creation of a jobs and investment plan for Victoria. The government has spectacularly failed to do anything about this to date, but in Ballarat next Tuesday there will be a meeting which will be a discussion as part of Labor's ongoing consultations around a jobs and investment plan. The coalition is coming to town too. No less than four ministers are coming at the same time. Is it a coincidence? I wonder. The tag line there is 'the coalition's plan to generate jobs and economic growth', so finally the government has started to listen.

City of Casey: volunteer awards

Mrs PEULICH (South Eastern Metropolitan) — I wish to pay tribute to all of the nominees and award winners for the City of Casey volunteer awards. I had the pleasure of attending the ceremony last week on Friday, 18 May. I would like to commend all of the winners, in particular the City of Casey Community Support Group, of which Michelle Halsall was a member, for providing support during the floods which impacted on Casey residents.

The Casey Volunteer Organisation Award 2012 was won by Balla Balla Community Centre for the Balla

Balla volunteer program. The Casey Young Volunteer Award 2012 was won by Mladen Krsman. Mladen Krsman is an active volunteer in the Hampton Park community renewal committee, participating in many of its projects in and around the Hampton Park community. He is a very impressive young man.

The Casey Volunteer Pair Award 2012 was won by Rosemary and Keith Savage for all their work supporting the volunteer transport service and the Meals on Wheels program. For services to the Sudanese community in Casey, Nyachan Guandong was one of the big four Casey volunteer award winners in the individual category, as were Kim Hasan for services to the Turkish community in Casey and Melanie Lindsay for services to the all-abilities sporting community. She is an amazing woman doing an amazing job for Cranbourne All Abilities football team. As well, Les Smith was recognised for services to the community of Junction Village. Congratulations to all.

Parliament: social media policy

Mrs PEULICH — On another matter, President, I would like to ask that at an opportune time you look at the interface of Twitter and the proceedings of this house to ensure that no standing orders are breached.

Coal seam gas: exploration

Mr SCHEFFER (Eastern Victoria) — During the last sitting week government members voted down a Labor motion to refer issues related to coal seam gas exploration and mining to the Environment and Natural Resources Committee.

Labor supports a moratorium on exploration in Victoria until more is known about what is involved in this activity and until we are clearer about the legal implications for landowners who face a detriment arising from exploration on their land.

In its refusal to support a moratorium or agree to a referral to the Environment and Natural Resources Committee, the coalition government risks once again being left behind by the community. The reality on the ground is that in the absence of government leadership local governments, community groups and local members of Parliament are organising themselves and bypassing a state government that just does not get it.

Shire of Bass Coast councillors are unanimous in seeking to prevent Leichhardt Resources obtaining an exploration licence, and they plan to bring the issue to the Municipal Association of Victoria so as to escalate the issue to the state level. The shire supports the call for a moratorium to allow time for research to be conducted into the long-term impacts of coal seam gas extraction on the environment — a very reasonable and considered approach.

Ken Smith, the member for Bass in the other place and a member of the Liberal Party, has declared support for the shire, and he believes mining would interfere with the agriculture and tourism industries. The government must step back, consider the facts, support a moratorium on coal seam gas exploration and agree to a referral to the Environment and Natural Resources Committee.

Agriculture: farm debt mediation

Mr O'BRIEN (Western Victoria) — I rise to commend the Minister for Agriculture and Food Security, Minister Walsh, and the government in relation to the initial successes of the program put forward under the Farm Debt Mediation Act 2011 introduced last year by the coalition government.

Initial reports are that with about 28 requests for mediation, 4 have been successful. I myself have bumped into one of the mediators, Mr Robert Goldstein, in Geelong. He has reported a number of successful outcomes that he has personally mediated. Obviously the terms of those mediations would remain confidential, but as a scheme it demonstrates that the coalition government has brought great initiatives to the issue of farm debt mediation.

It has been a longstanding problem, particularly in relation to family farming, that estate disputes and family disputes can cause tension, particularly when economic conditions get hard. We have a situation where agriculture is actually thriving at the moment on the whole, but you still have potential issues amongst families, and between families and the banks. I know that those situations can cause a lot of stress. My family has had that situation, particularly with our cousins, which I spoke about in debate on the bill. I would like to commend the O'Halloran family for the way they have dealt with the loss of their farm at Balranald over the years.

Those farming families who can remain on the land on the family farm are a very important part and really the backbone of our country. This Farm Debt Mediation Act is a way for families to stay together and to continue to farm for the future of Victoria.

VICTORIAN AUDITOR-GENERAL'S OFFICE

Financial audit

Message received from Assembly seeking concurrence with resolution.

Assembly's resolution:

That pursuant to section 17 of the Audit Act 1994 —

(1) Mr Steven Bradby of Lawler Draper Dillon, chartered accountants in Melbourne, be appointed to conduct the financial audit of the Victorian Auditor-General's Office for the financial years ending 30 June 2012, 30 June 2013 and 30 June 2014;

(2) the terms and conditions of appointment and payment of remuneration will be in accordance with the terms and conditions and remuneration of a person appointed by the Parliament of Victoria pursuant to section 17 of the Audit Act 1994, as appended to the relevant tender brief in appendix 1 of the Public Accounts and Estimates Committee's *Report on the Appointment of a Person to Conduct the Financial Audit of the Victorian Auditor-General's Office* under section 17 of the Audit Act 1994 (parliamentary paper no. 137, session 2010–12); and

(3) the level of remuneration for the financial audit be:

(a) $32 600 (plus GST) for audit services for the year ended 30 June 2012;

(b) $34 000 (plus GST) for audit services for the year ended 30 June 2013; and

(c) $35 000 (plus GST) for audit services for the year ended 30 June 2014.

Resolution agreed to on motion of Hon. D. M. DAVIS (Minister for Health).

HEALTH PROFESSIONS REGISTRATION (REPEAL) BILL 2012

Second reading

Debate resumed from 19 April; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr JENNINGS (South Eastern Metropolitan) — President, thank you for the opportunity to contribute on behalf of the Labor Party to today's consideration of the Health Professions Registration (Repeal) Bill 2012. Members of the Labor Party will be supporting this bill's passage through the Parliament, fundamentally because it continues health reforms commenced during the term of the Labor government. Indeed this legislation is the concluding phase of many elements of reforms that were instigated in Victoria and pursued through a national framework and national regulatory reform, leading to large-scale health professions registration and regulation across the nation which standardised both accreditation standard setting and the quality assurance frameworks that apply to help professionals across the nation.

Labor has been associated with those reforms and continues to support them for the obvious benefits for patient care and higher professional standards that apply across various health sectors. Somewhere in the order of 140 000 health practitioners in Victoria will be covered through the cumulative effects of the national regulatory framework, which is a measure not only of the breadth of coverage of the associated legislative streams in the commonwealth and state jurisdictions but also of the degree of health capability we have in this state and of the great professions that make up that significant workforce, whose members make an outstanding contribution to the wellbeing of our community every day.

Ten professions are covered by this regulatory regime at the moment: chiropractors, dentists, medical doctors, nurses and midwives, optometrists, osteopaths, pharmacists, physiotherapists, podiatrists and psychologists — it is very fortunate that this list has been organised in alphabetical order! Nonetheless those professions form a group of professions that provide great medical care across those disciplines and across the Victorian landscape in many health settings, and our community is all the better for the quality of care that those professions provide.

Within that confidence and within that support that is provided, obviously people in the community expect that appropriate standards are set in terms of making sure that accreditation standards are complied with and that there are appropriate training and qualifications so that the community can have confidence in those who operate within those disciplines. This national framework is designed to support that now and into the future so that the community can have some confidence that consistent, high-quality care can be provided across this nation, of which the Victorian jurisdiction is a very important part.

The element of repealing the Health Professions Registration Act 2005, which is a part of what this bill does, is consistent with what was seen to be the legislative passage of the regulatory environment at that time. That is unsurprising and supportable, as indeed are the slight anomalies that should be created within this bill that allow for the ongoing consideration of two boards to enable them to complete their reporting

obligations in the Victorian jurisdiction in the coming months. That is a reasonable proposition and one which opposition members obviously support so that those boards can comply with the relevant acts, including the Financial Management Act 1994, in Victoria. We think that is a sensible approach.

After the sunset of those provisions, Chinese medical practitioners and medical radiation practitioners, who are currently scoped within the Victorian regulatory environment, will be included in the national regulatory environment. The 10 professions that are already there will be joined by these two plus a further two occupational streams, being occupational therapists and Aboriginal and Torres Strait Islander health practitioners, who will also be covered by the national framework.

Overall they are the overwhelming reasons that the opposition, the Labor Party, will support these reforms. We think this is a sensible proposal. We have supported any sensible proposal that has come forward from the government. We have even supported some legislative proposals that were a little bit underdone and perhaps would not have been able to deliver on what they purported to do. Today is not a day to revisit that, but I will take the opportunity to revisit the opposition's ongoing concern about the level of support the current government is providing the health system generally.

I think it is very important to remember that during the decade of Labor administration funding of the health system in Victoria increased by over 150 per cent. That decade saw the redevelopments of the Royal Children's Hospital, the Royal Women's Hospital and the Casey Hospital and the completion of works at the Austin, the Mercy and the Maroondah, Angliss, Northern, Sunshine and Dandenong hospitals. That decade also saw the redevelopments of the Kyneton, Stawell, Ararat, Geelong and Ballarat hospitals. The last budget delivered by the Labor government committed to a further $2.3 billion worth of building investments that were inherited by this government.

This government — the Liberal-Nationals coalition — inherited a situation where the outgoing government had committed $2.3 billion of capital investment in hospitals going forward, where all of the hospitals I have listed had been redeveloped during the life of the Labor government and where 11 000 additional nurses were working in the hospital system at the exit of the Labor government, compared to the situation inherited by the Labor government. There are over 3500 additional doctors working in public hospitals in Victoria compared to the situation in the health system inherited by the Labor government. There is a very marked difference in terms of the level of investment and support provided by Labor to health services compared to the previous Kennett administration and, disappointingly, the current government.

A couple of minutes ago I indicated that the last budget of the Labor government committed $2.3 billion worth of investment in hospital infrastructure in the forward estimates. This year's budget introduced by the Baillieu government had $372 million as the equivalent figure for investments in hospitals going forward. That is partially because of the success of the redevelopments and investments undertaken during the Labor government, and this government is the beneficiary of those investments. But alarmingly the government's investment is consistent with our view that health services in Victoria are underfunded in relation to the growth requirement and the level of new investment required to keep up with the pace of hospital patient demand. Very alarmingly from our perspective, and I am sure the community's perspective, more than $616 million of savings has been identified in the health sector in the first two Baillieu government budgets.

This means the pressures in the health system are continuing. The waiting list for elective surgery continues to grow, despite the promises from the incoming Baillieu government. In the first year of the Baillieu government there were over 9000 less elective surgery procedures undertaken in Victoria than there had been the year before. The waiting lists were 7500 patients longer than they had been the year before when the Baillieu government came to office. These are alarming statistics when you consider the stresses and strains on the ambulance service and the fact that waiting times are getting longer, clearances of emergency departments continue to languish, patients are waiting longer to be seen at emergency departments than they should and elective surgery waiting lists are getting longer. These are the current problems in the health system. We urge the Victorian government to deal with those matters appropriately by providing support, lifting the level of investment and supporting health practitioners in a tangible way in their daily activities.

This current bill, with its very simple, elegant realignment of the regulatory environment, plays a small part in assisting health practices in Victoria, but it is an incremental journey, one embarked upon a number of years ago which needed to be completed. That is the reason why we support this legislation — because it is part of that framing. It provides a consistent, certain path to better health care into the future. We take this opportunity to remind the government of its obligation to maintain levels of

investment and support to the health sector to keep up with the ongoing and increasing patient demand we are experiencing across our health system in Victoria. We take the opportunity to make sure the government is aware of our concerns, the concerns expressed by the professions involved in health care and the concerns expressed by the Victorian community.

Ms HARTLAND (Western Metropolitan) — Because Mr Jennings has outlined the processes so well, I am not going to go into those details. We have had a number of these bills in the time I have been in the Parliament. The Greens have generally supported them because they are straightforward process bills and they need to be supported.

Ms CROZIER (Southern Metropolitan) — I am pleased to be able to speak on the Health Professions Registration (Repeal) Bill 2012. I thank both Mr Jennings and Ms Hartland for indicating their support for this bill. As highlighted by Mr Jennings, it is a straightforward piece of legislation that will come into effect and put in alignment two health professions currently working in the state of Victoria under a national scheme. The bill repeals the Health Professions Registration Act 2005 due to the regulation of Chinese medicine practitioners and medical radiation practitioners under the Health Practitioner Regulation National Law, and it will make minor and consequential amendments to other acts.

As highlighted by Mr Jennings, a number of professions have already come into the national scheme. Victoria passed the Health Practitioner Regulation National Law (Victoria) Act 2009 to enable the 10 professions highlighted by Mr Jennings — namely, nursing and midwifery, dentistry, medicine, optometry, physiotherapy, pharmacy, podiatry, psychology, osteopathy and chiropractic — to function in that manner. This bill, as I said, will come into play on 1 July 2012, and as has been highlighted previously, due to regulatory and reporting requirements these two professions will remain under the existing act until 1 July.

Currently 136 000 Victorian health practitioners are registered and regulated under the national scheme. Turning to the background of that national scheme, in December 2008 health ministers from around the country — in Victoria the minister was Daniel Andrews, the member for Mulgrave and Leader of the Opposition in the Assembly — agreed to transfer the registration of health practitioners from state boards to national ones. This required all states to pass legislation. As I have already highlighted, on 1 July 2010 the 10 national boards undertook that process and 4 more boards are scheduled to come into line on 1 July this year. As part of this transition the state boards were required to transfer their assets to the national boards, and in Victoria some $27.5 million was transferred by the 10 Victorian boards.

As I have told the house in the past, at that time a number of significant complaints and challenges came into play with the registration process under the Australian Health Practitioner Regulation Agency. This caused significant concern to many health practitioners who at the time had uncertainty about registration and being able to work, and for many health institutions there was uncertainty about their workforce being able to be registered and to work. I think the Minister for Health in this state, Mr Davis, did a great job in pressuring the federal Minister for Health and Ageing at the time, Nicola Roxon, to ensure that the process was ironed out and became far more practical, because it was completely unsatisfactory for those health professionals and indeed for the health institutions and facilities that need a reliable and legal workforce.

As Mr Jennings pointed out, these regulatory bodies enable the community to have confidence in the quality of health care that is delivered, and I think we should be proud of the health care that is delivered in this state — certainly it is the envy of many other health institutions and organisations around the world. I too pay credit to all the health professionals who provide such high-quality care in this state.

The national board will allow the various health professionals that I indicated to work in any state under a single registration process. It is important for the health profession to have flexibility in the workforce and for individuals to be able to progress their careers without extra regulatory burden.

This legislation relates to two health professions: Chinese medicine and medical radiation practice. I am pleased that the Medical Radiation Practitioners Board of Victoria has come out and indicated its strong support for this reform. Currently there are around 3800 registered radiation practitioners in Victoria, and approximately 500 of them are practising and doing some extremely good work in my electorate of Southern Metropolitan Region. There are a number of very large health institutions that incorporate many of these practitioners, including the Alfred hospital in Prahran. Monash Medical Centre has a number of practitioners who go into the areas of Bentleigh and Oakleigh and service those communities extremely well. In addition, there are a number of very good private organisations which have radiation practitioners

involved in their facilities and which also provide a great service to the Victorian community.

When I was doing a bit of background research in relation to the bill I was interested to note that currently Victoria is the only state where Chinese medicine has been regulated. This started after an extensive process of consultation in 1995. As has been said, in 2002 Victoria became the first state — and it is still the only state or territory in Australia — in which the practice of Chinese medicine was regulated as a discrete health profession. Various individuals take Chinese medicine as part of their regime. I think that needs to be taken into consideration, and this bill certainly acknowledges the work that practitioners in that particular discipline undertake.

I would like to make a few comments in relation to Mr Jennings's contribution about, I think he said, the level of provision of health care to Victorians under this current government. I remind the chamber that when the government was elected in 2010 we inherited a fiscal position that constrained many of our services, with health being one of those very important services. I am pleased that in this year's budget the government has increased health spending to $13.68 billion, and that is a significant amount. Mr Jennings spoke about the growth requirements. I agree there have been significant growth requirements, but I also remind him that hundreds of thousands of people came to the state of Victoria when he was in government, and the lack of planning in relation to infrastructure and service provision should be noted because clearly we are dealing with those issues that were left for us — our inheritance. Mr Jennings talked about our inheritance. We are dealing with significant financial constraints; that is our inheritance, and Victorians are very aware of that on a daily basis.

This year's budget also provides an additional $1.3 billion in funding over that provided in the last year of the former government. It provides significant spending capacity in the area of maintaining our services. I think it demonstrates a real commitment to health service delivery in this state and to Victorian patients. Victorian patients understand that when we came to government the health system was under extreme stress.

As I said at the outset of my contribution, I am pleased that both the opposition and the Greens will be supporting the bill. I will not go into the minor amendments; they are straightforward. This is a straightforward bill which will bring into alignment those other health professionals that are servicing our community extremely well. I commend the bill to the house, and I look forward to its speedy passage.

Mr EIDEH (Western Metropolitan) — I stand here today to discuss an important bill, one which bears the legacy of many great years of Labor in government when Labor ministers for health worked professionally and diligently to create a health system that was the envy of the nation. Sadly, our health system is one which now bears the deep scars of one and a half years under the incumbent Minister for Health and a government unable to manage or to lead effectively.

Labor in government streamlined the health professions, slashed red tape and invested real sums in health. That is why we have the amazing new Royal Children's Hospital, a Labor legacy to this state and a hospital that has already achieved positive recognition around the globe. That is why we have the Sunshine Hospital, another legacy of a great Labor government and one which did not ignore the Western Metropolitan Region, as so much of the failed 2012 budget has done.

Mr Ondarchie interjected.

Mr EIDEH — While our opponents make comments and interject, they do so more out of frustration because I am talking sense, and they are well aware of the failings of their government.

This bill is about approving a plan that would see national registration boards cover all of the health professions. It is a simpler and less bureaucratic system that will guarantee a common thread throughout our nation. The scheme initially included doctors, nurses, pharmacists, dentists, chiropractors and an assortment of therapists and allied health professionals. It will now further include Chinese medicine, occupational therapy, medical radiation and Aboriginal and Torres Strait Islander health, leading to ever-improving health-care standards, reducing waste and ensuring a higher quality of care for Victorians.

The Baillieu government will claim any credit it can while it is in power, even though it knows only too well that it was Labor that began this process and that any positives are a small part of the great legacy of strong Labor administration. As those members opposite show their opposition, to be polite with my words, *Hansard* contains ample records of how they opposed every positive step regarding the very first such legislation that we brought to the Parliament years ago.

However, former health ministers Bronwyn Pike and Daniel Andrews, who is now the Leader of the Opposition in the Assembly, played leadership roles that the present minister and the government cannot

even dream about. I do not mean any disrespect to the Minister for Health or to the government, but I wish to ensure that the record notes the fact it was Labor that began the process we are in effect finishing with this bill.

Like building a boat, we began with the keel some years ago. Today we hoist the mast, and the ship will be able to sail on successfully. So too did we begin to develop the national plan of accreditation years ago, and with this bill we have achieved the outcome that we on this side of the house sought and worked towards so effectively. That is why we are supporting the bill.

However, I must not forget to thank all those good people, those hardworking members of the boards who gave so much of their time, skill and professionalism to their boards. They will continue in their roles only to complete the time periods for their respective current mandatory annual reports. Their dedication is, I believe, recognised by all in this house. On behalf of the house I respectfully take this opportunity to thank them for their efforts on behalf of all Victorians.

Similarly, I wish to recognise the great progress made in bringing Chinese medicine under the same umbrella as other health-care professions. However, I must express concern at the language requirement, which I do not recall as having been raised as a requirement for any other health profession. It would seem to me that a properly qualified person who has successfully practised Chinese medicine here for years should not be subjected to a language proficiency test. Will it be anything liked the failed citizenship tests introduced by the former Howard government in Canberra?

Chinese medical practitioners must satisfactorily complete a five-year degree — a tough tertiary course, indeed. Someone who graduated from Nanjing University and has practised for a few years must now prove their English language skills. I sincerely hope we do not lose good people because of this disrespectful move by the Baillieu government. Having said that, we are supporting the bill.

Mr ONDARCHIE (Northern Metropolitan) — I rise this morning to speak on the Health Professionals Registration (Repeal) Bill 2012. I thank Ms Crozier for her outstanding contribution, Mr Jennings and Mr Eideh for their support and Ms Hartland for her amazing contribution to the debate this morning.

The main purpose of this bill is to repeal the Health Professions Registration Act 2005 due to the regulation of Chinese medicine practitioners and medical radiation practitioners under the Health Practitioner Regulation National Law (Victoria) Act 2009 and to make some minor and consequential amendments to the act.

It was back in December 2008 that the then health minister, Daniel Andrews — people might not know who he is, but he was the health minister at the time — agreed to transfer the registration of health practitioners from state boards to national ones. This required that all states pass legislation transferring their arrangements to the national system, and on 1 July 2010, 10 national boards began operation under the new scheme. They were the chiropractic, dental, medical, nursing and midwifery, optometry, osteopathy, pharmacy, physiotherapy, podiatry and psychology boards. Four more boards are due to start on 1 July. As part of this transition state boards were required to transfer their assets to the national boards. In Victoria this amount totalled about $27.5 million from the first 10 Victorian boards.

Before I go on I just want to touch on some things Mr Eideh said. He talked about Sunshine Hospital and held it up as a trophy of the Brumby Labor government. Back then Sunshine Hospital was known in the western suburbs as the Sunshine Hospital film studios. But this government, under the stewardship of the health minister, has reconstituted what the Sunshine Hospital was built to do, and that is to serve patients.

Mr Eideh also talked about the Royal Children's Hospital and held it up as a trophy of the Brumby Labor government — a Royal Children's Hospital that would have had no IT system had it not been for the Baillieu coalition government. He did say, in fairness to him, it is a bit like building a boat. Under the Brumby Labor government the boat was sinking. They left the bungs out. There was significant financial mismanagement. It was heading down under the surface line, but thanks to the Baillieu coalition government we are refloating the boat. It has been outstanding; a record $13.68 billion for health in the 2013 state budget — more than what was left by the previous government.

When we talk about health we cannot ignore our dissatisfaction with what we have received from the commonwealth government. The commonwealth government has taken $6.1 billion out of our GST revenue since we came to office. Regarding the commonwealth government's funding of the improvement of hospital services under the national partnership agreement, it funded increased activities but it has let them lapse. It has been so focused on penalising Victorians with the carbon tax that it has let support for Victorians go. The commonwealth government's boat is sinking, but Mr Eideh will be

pleased to know we have refloated the boat here in Victoria.

This is vital legislation — and we thank everybody for their support of it. I will provide the house with an example. A gentleman who came to Australia sent a registration application to the Australian Health Practitioner Regulation Agency in September 2010. That application was acknowledged by AHPRA in October and the gentleman was told his application would take five weeks to process. He visited Australia in late October, contacted AHPRA and was told it would take three months to process. He moved to Australia in December 2010 on a tourist visa while applying for permanent residency. The tourist visa expired on 16 March, and he was forced to apply for a bridging visa. He had been offered several positions in New South Wales, South Australia and Victoria, and is currently waiting to start a position at the Alfred hospital as an associate nurse manager in the HIV unit. He was due to start this position on 7 March 2011. The Alfred hospital was holding it for him. He undertook a nursing degree in Spain; he then moved to the UK where he undertook a number of postgraduate studies and worked for seven years in senior positions.

He contacted AHPRA in mid-February and was told someone would look at his file. The next day he was contacted and given a list of further documents that were required. He provided all the documents except the copy of his permanent visa, because he was unable to get this until he had his registration. In addition, AHPRA insisted that he provide proof of his registration with a professional body in Spain. This body is regulated by the Spanish government, and on completion of his university degree the government granted him a licence. He provided a copy of that licence. There is a professional body in Spain but, unlike in Australia, it is voluntary. This man only practised for a short time in Spain and, as a result, he did not join that body. Copies of his English registration documents have been sent from the UK. He has been asked to provide copies of information that does not exist, and it is holding up his registration.

We want health professionals to be working in this country. We want them to be able to get on with things. I am pleased that while Mr Eideh is holding up other trophies of the Brumby Labor government that were not great trophies, he has supported this bill. I commend this bill to the house.

Motion agreed to.

Read second time.

Third reading

Hon. D. M. DAVIS (Minister for Health) — By leave, I move:

That the bill be now read a third time.

In doing so I thank members for their contributions. I want to respond to a number of points raised in the debate. Mr Ondarchie made a number of points about the cumbersome and sometimes difficult processes at AHPRA (Australian Health Practitioner Regulation Agency) that slow registration. This is an ongoing issue. Health ministers around the country, commonwealth and state, still have concerns about aspects of the functioning of the new national registration arrangements.

I will pick up the point made by Mr Eideh about Chinese language skills and the practitioners of Chinese medicine who are registered in this state. It may be helpful for him to understand that back in the 1990s the then Parliamentary Secretary for Health, Robert Doyle, commenced the process to put forward the registration of Chinese medicine practitioners. It was completed by the Bracks government in the early 2000s.

The model of registration here will be the national one, which is supported by this government. But it is true to say — and this is a conversation I have had privately with a number of people in the chamber — that there is support for the national registration arrangements but also a recognition that the implementation has not been smooth and a recognition that these four new professions of Chinese medicine, occupational therapy, Aboriginal and Torres Strait Islander medicine and radiography need to be implemented smoothly. We hope that this process will be smoother than the processes that operated last time.

In the category of implementation there are some issues around the language requirements that have been imposed by AHPRA on the first 10 professional groups. There were a number of difficulties, for example, with overseas-trained nurses that became quite serious in the period of the first registration cycle under the new arrangements. I hope that AHPRA will deal sensitively and thoughtfully with the issue of language requirements to ensure that practitioners are not disadvantaged. Obviously the primary concern is always public safety. Indeed that is the reason for the registration act in the first place. That criteria has to be met, but that does not mean that AHPRA and the boards cannot sensitively, thoughtfully and intelligently implement the registration requirements.

I also make the point to the house that there is a requirement in the original legislation for a review after three years. I have sought to bring that forward through the meeting of the health ministers. It is important that this process occurs as swiftly as possible. There are a range of matters that are worthy of review separate from that formal requirement for a three-year review. Reviews of those matters are urgently needed.

I make the point, which was also made by a number of people in the debate, that the costs of the scheme have been much greater than was anticipated. The registration costs of the scheme for practitioners in the first 10 categories have in Victoria's case largely been greater than was previously the case. Those costs are obviously passed through to consumers. The costs of registration are costs that are ultimately borne by the public. The aim is to ensure safety and ensure that the public is protected, but that should be done in a cost-effective manner with sensible and practical registration requirements to ensure that public safety needs are met.

Motion agreed to.

Read third time.

COURTS AND SENTENCING LEGISLATION AMENDMENT BILL 2012

Second reading

Debate resumed from 3 May; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms MIKAKOS (Northern Metropolitan) — I rise to speak on the Courts and Sentencing Legislation Amendment Bill 2012. I say from the outset that the Labor opposition will not oppose this bill. It is essentially a technical bill. It makes minor technical amendments to a number of different acts, predominantly dealing with court practices and effective justice administration.

However, I note that it was only three months ago that these acts were debated in this house. One has to ask why we are again debating amendments relating to those same acts when these amendments could have been discussed in the previous debate. I remember when the shoe was on the other foot. During the term of the Labor government the coalition members, then in opposition, would frequently criticise us for not including many varied technical amendments in omnibus bills. I encourage the government to look at this issue.

We all know why we are having so many minor bills coming before the Parliament. It is because this government lacks a legislative agenda. The government has to fill up the notice paper by bringing lots of very minor bills into this place to show that it is in fact doing something. The public of Victoria is increasingly becoming aware that this government is sitting on its hands and not doing very much at all. When it is in fact doing something, what it is doing is cutting important services that this community relies on.

Coming back to the bill before us, this is sloppy and rushed legislation to try to show that this government is in fact doing things in relation to the justice system. It has a lot to say about tough-on-crime rhetoric; however, it is doing very little to address the underlying causes of crime or find ways to reduce it. This can be seen from the budget papers. Aside from the new Children's Court in Broadmeadows, which I welcome, this year's state budget provides no additional resources for our court system or the services that support it. Instead we are seeing the expansion of the Malmsbury Youth Justice Centre to accommodate a further 45 youths, and I am concerned that that might well be a precursor to the introduction of mandatory sentencing for young offenders, because the Sentencing Advisory Council certainly identified a lack of bed capacity as an obstacle in the government's path on that issue.

Time and again we have seen the simpleton's approach to crime — to look at approaches that do not necessarily work in terms of reducing crime — yet the Baillieu government is persisting with these issues. I believe addressing crime is also about understanding the factors and complexity of problems that lead to antisocial behaviour and offending, and that requires investment in support services and in organisations that tackle these problems. It is about understanding that incarceration is not a long-term solution, that it costs hundreds of thousands of taxpayers dollars to lock up people and that you need to ensure that you have rehabilitative programs in place so that when people are released into the community it is safe to release them.

Nevertheless we have seen from the government that its top priority in this budget is the building of new jails, which was not part of its election promises. It has now committed itself to 500 more prison beds, and the bulk of these will make up a $500 million new medium-security male prison just as the government is set to introduce its mandatory sentencing policy. It is astonishing that the Baillieu government's own budget papers predict an increase in recidivism and reoffending. For a government that said it was going to reduce crime this is particularly concerning.

Coming to the technical aspects of this bill, I note the bill amends the Sentencing Amendment (Community Correction Reform) Act 2011 with amendments which we believe should have been made at the time of the original 2011 bill, including streamlining the process for contravention of orders. The bill also clarifies how bond money will be held under a community correction order. It effectively transfers control of these funds out of the hands of the courts to the Department of Justice. As I understand it this amendment was something requested by the courts at the time of drafting the initial bill relating to this matter, so the government either rushed the last bill or failed to consult with the courts adequately. Whichever of the two it was, it is frustrating that we need to waste the Parliament's time tying up loose ends when these mistakes could have been addressed earlier rather than sloppy legislation having been introduced at the outset.

The bill also amends the Sentencing Act 1991 to ensure that the Court of Appeal is not treated as a sentencing court. It will allow for certain orders made by the Court of Appeal to be considered as an order made by a lower court to enable the lower courts to deal with any breaches or variations in respect of that order. This will further advance the effectiveness of some court practices.

The bill also clarifies the hours of unpaid community work and whether they are to be performed cumulatively or concurrently when there are several orders. The bill also inserts some terms attached to fine conversion orders, stating that the offender must not reoffend during the period of the order and adding to other terms that are currently contained in regulations.

I note also that the bill makes amendments to the Children, Youth and Families Act 2005 to clarify exactly how the period for which a child may be remanded in custody is to be calculated so that it is a clear 21 days. It will be interesting to see whether any of the additional 45 beds at Malmsbury will be earmarked for 18 to 25-year-olds on remand. To date we certainly have not heard any clarification around that issue from Minister Wooldridge, the Minister for Community Services. Given that the number of youth remandees has been growing significantly and that 67 per cent of youth remand periods in Victoria are not followed by a custodial sentence, according to data produced by the Australian Institute of Health and Welfare in 2011 in its *Juvenile Justice in Australia 2009–2010* report, I wonder if this means that the government is expecting more young people to be placed on remand. It appears that it is looking at locking up more young people.

The bill also makes administrative changes so that it is no longer a requirement that the same member of police who executed a safe custody warrant must deliver the child to the location as per the warrant. It provides that only the principal registrar or registrars can exercise functions under the children and young persons infringement notice system. The effect of this amendment is that deputy registrars will no longer be able to exercise the functions under that infringement system. It is also interesting to note in this regard that in his second-reading speech the Attorney-General made no mention of whether this change was in response to existing problems, and I hope members opposite will be able to provide some clarification as to why that change was made.

I note also that this bill makes minor amendments to the Koori Court legislation to clarify jurisdictional issues. I say — and this briefly relates to Koori courts — that I was very proud to have been involved as parliamentary secretary to Rob Hulls, the former Attorney-General, at the time of the rollout of some of those Koori courts. I thought that was a very impressive and innovative approach to tackle the overrepresentation of indigenous people in our criminal justice system.

I was very much relieved that the now government did not follow through with the rhetoric it used whilst in opposition, where it was highly critical of the Koori Court. I remember references being made by coalition members to apartheid justice. That is what they referred to the Koori courts as being, which was really quite offensive. I was quite relieved that the Attorney-General, Robert Clark, has not moved to dismantle these courts, but if mandatory sentencing goes ahead in the adult or juvenile arena, it may well affect the effectiveness of these courts because more and more offenders will be encouraged to contest matters — to plead not guilty to matters — which will take these matters outside of the jurisdiction of the Koori courts, which only deal with guilty pleas. I am concerned about what might happen in the future to these specialised courts.

The technical amendments in this bill allow the Magistrates, County and Supreme courts to deal with a breach of a sentencing order made in any part of the criminal division of the relevant court. I would encourage the government to go back and have a look at the Aboriginal justice agreement. It was a terrific initiative of the previous Labor government. It was signed by the Bracks government in 2000 and re-signed by the Brumby government in 2006. I hope the Baillieu government will also develop an Aboriginal justice agreement mark 3 to look at reducing the overrepresentation of indigenous children and young

people in our criminal justice system. But it is not enough to just sign a commitment; there also need to be some resources put into these types of issues. I am not aware of anything that has been said to date around the government's intentions to tackle this continuing problem of overrepresentation of indigenous children and young people in our criminal justice system.

The bill also makes amendments to the Juries Act 2000 in line with requests from the juries commissioner. These amendments will enable the courts to empanel jurors by name or by number.

The final reform in the bill relates to the Judicial College of Victoria Act 2001. This was an initiative of the previous Labor government, and again I am very proud that we introduced this reform. It was introduced to provide ongoing professional development opportunities for the judiciary and to allow court registrars to also participate in ongoing education.

I note that the Supreme Court justices visited this Parliament just the other night. It was a real pleasure to have them here and have discussions with them at an event hosted by the President and the Speaker. I spoke to some of the justices at this event, and it was interesting to hear about the participation of members of the judiciary in the judicial college and about its very structured and comprehensive program that enables members of the judiciary to visit our prison system, undergo things like cultural programs with indigenous elders and visit many other relevant institutions, such as the Victorian Institute of Forensic Mental Health in Fairfield. I am pleased that that program has been put in place.

I believe members of Parliament would benefit greatly from a similar program of visits to these types of institutions, because as legislators we have the responsibility of coming into this place, debating sentencing legislation and debating so many different pieces of legislation that impact on the human rights of Victorians. It would be a real eye-opener for members of Parliament to do what I have done over many years — that is, to visit our prisons, our youth justice facilities, the forensic institute and many organisations that provide support to disadvantaged people in our community and to have interaction with people who have some interaction with the criminal justice system. While we do not have in place a structured program similar to what exists at the judicial college, I hope the relevant ministers would organise these visits on a bipartisan basis and encourage parliamentarians of all political persuasions to see for themselves how these institutions actually work.

The government has said that the amendments in the bill that relate to the judicial college stem from an election commitment. The Premier, Mr Baillieu, issued a press release on 23 November 2010 stating that a coalition government would implement far-reaching reforms to strengthen judicial independence. It claimed it would establish a new courts executive service, independent of departmental or political control, which would provide executive support for all Victorian courts and the Victorian Civil and Administrative Tribunal (VCAT). The government has not implemented this election commitment. It claimed it would introduce a judicial advisory panel based on the federal model to advise the Attorney-General on potential judicial appointments. It has not done that. It claimed it would establish a judicial complaints commission to investigate complaints about poor or inappropriate performance by judges, magistrates or VCAT officers. It has not done that either. There was nothing in this year's budget papers to support the initiatives that the coalition promised prior to the election. We are seeing a government that promises much but delivers little. It is focusing on looking tough on crime but stopping well short of addressing the real issues.

Chief Magistrate Ian Gray is reported in the *Age* of 20 February 2012 as calling for greater investment in the family violence jurisdiction because of its protective nature and warning that 'the number of interviews with those wanting intervention orders may need to be capped because of the demand on the strained system'. I would like to see the government do more in that space, because that is a source of many, many court cases and a great deal of harm to families, in particular to the partners and children in family violence cases.

It is inconceivable to think the government has only given thought to building more prisons and more beds yet provided nothing by way of additional resources that are needed to implement its tough-on-crime beliefs. Although we are here to fix the omissions to various pieces of legislation that were only recently introduced by the government, I hope this serves as a reminder to the government to start investing in the very institutions set up to protect and uphold that legislation — our courts.

Ms PENNICUIK (Southern Metropolitan) — The Courts and Sentencing Legislation Amendment Bill 2012 is what is commonly called an omnibus bill. It amends 14 acts of Parliament. A large number of those amendments are technical and correctional-type amendments to mistakes that are in the acts. As Ms Mikakos has pointed out, some of the acts have only recently been proclaimed. That is not an

uncommon occurrence. When the community corrections order bill came to us I predicted it would be brought back to us for some corrections — and here it is. But that was not an uncommon occurrence in the previous Parliament; the same thing happened — acts were amended by amending legislation. It is a pretty common occurrence.

The Greens are supporting this bill but want to make some comments about it. In summary, it makes amendments to the Children, Youth and Families Act 2005, the County Court Act 1958, the Magistrates' Court Act 1989 and the Supreme Court Act 1986 to improve Children's Court processes, including empowering a magistrate other than the magistrate who originally imposed the sentence to constitute the court; to clarify the jurisdiction of Koori courts and to clarify that guilty pleas and the offender's consent are prerequisites for the court to deal with offences; and to provide immunity for assessors in the County and Supreme courts on the same terms as judges of those courts.

It amends the Judicial College of Victoria Act 2001 to allow the Judicial College of Victoria to provide education to judicial registrars. It amends the Juries Act 2000 to improve the processes for empanelling juries, including further provision to allow jurors to be identified by number and occupation, and to improve the process for excusing jurors and, once they have been excused from jury service, the process for removing them from the court.

The Sentencing Act 1991 is amended to relate to community-based corrections. The bill refers to the improvement as streamlining the process for charging offenders with contravention of a sentencing order, modernising orders to convert unpaid fines into unpaid community work and clarifying how money will be held and repaid under the community correction order bond condition. It makes a number of other technical and minor amendments to that act.

The bill amends the Justice Legislation Amendment (Infringement Offences) Act 2011 to provide for the continued trial on the use of infringement notices for the offences of shop theft of goods valued at $600 and wilful damage to property valued at less than $500. It extends the sunset on those two trial offences until 30 June 2014, which is in effect another two years.

When I was speaking earlier to the lead speaker for the government, Mr O'Brien, about this legislation, I mentioned two things that I would be interested to know: what level of consultation was done on the various aspects of this bill and who was included in that consultation; and with regard to the infringements regime, whether the government has changed its mind and will agree to release the evaluation report on the infringement trials that were put in place by the previous government in 2008. It included a number of other offences, and in the bill we debated in this place last year, the Justice Legislation Further Amendment Bill 2011, all those trial infringements were made permanent infringements, except for the two just mentioned, shop theft and wilful damage, which were extended for 12 months under that bill and now for another two years under this bill.

In debate on that bill I raised concerns about the inclusion of any of those trial offences in the infringements regime. They included offences such as indecent language and offensive behaviour which were made permanent under the previous bill. We proposed, at that time, by way of amendment, that at least the trial be extended, but we also raised concerns about them being included in the infringements regime.

The Attorney-General in his second-reading speech on this bill says that the reason the trial period for these two particular offences is being extended is that not enough evidence is provided in the evaluation report to come to a view as to whether they should remain as infringements or not, and that stakeholders do not have enough information about the effect that may be having on groups to which they apply.

My point about that is that the evaluation process put in place by the previous government, which included various stakeholders such as the police, community legal centres, the Law Institute of Victoria et cetera, was supposed to be monitoring and evaluating the trial for the public and producing a report for the Parliament to be able to access and read. When we debated the Justice Legislation Further Amendment Bill 2011 last year the government would not release the evaluation report. The Attorney-General referred to ongoing evaluation in his second-reading speech, and I call on the government to release that.

When something has been set up as a public process I do not understand why suddenly the results of the evaluation of that process are not able to be made public. It is another example of the government saying that it is open and transparent, but when it comes to releasing the results of an evaluation it has conducted on the effect of sentencing on offenders and others in the community, somehow that is a secret document and it will not release it. As I mentioned in debate on the Independent Broad-based Anti-corruption Commission bill earlier this week, those sorts of documents should be released to the public and not treated as secret

documents, then we can all make an assessment as to whether it is working or not.

In the debate on the bill when the offence of indecent language was made a permanent infringement offence, I drew the attention of the Parliament to a 2010 Victorian Supreme Court case, *Gul v. Creed and Anor*, involving a woman who swore at a shop assistant who accused her of stealing an Easter egg. For the swearing offence the Supreme Court upheld a fine of $20 and no conviction was recorded. Contrast that with the on-the-spot fine or infringement notice, which is 10 penalty units on a first offence or about $1200 for indecent language, and this is now permanently in the Summary Offences Act 1966 as an infringement. We queried the inclusion of those offences in the infringements regime and moved that they not be included and that the sunset on those be extended, as it is with the other two offences.

At the time we also raised the risky issue of widening the net of the infringements, as police will be disinclined to exercise discretion, pursue divergent support programs or issue warnings or formal cautions, and it may lead to add-on infringements being issued and will increase the police response to behaviour, increasing the number of people being brought into the justice system. We also pointed out that the privacy commissioner wrote to the Scrutiny of Acts and Regulations Committee at that time about the expansion of these offences into the infringements regime, and she noted that infringements can disadvantage people in special circumstances, including children and young people, people experiencing homelessness, people with a disability and people with financial hardship.

Youthlaw said it is important to monitor compliance with the Victoria Police manual guideline on informal warnings and cautions versus the issue of infringement notices as part of the trial and incorporate these guidelines into the legislation. The Homeless Persons Legal Clinic recommended that trials of all the offences of offensive behaviour and indecent language be continued for 12 months as well.

It is good that these infringements are not being made permanent under the Summary Offences Act 1966, but I still do not have in front of me information that has been gathered, I presume by the Department of Justice, as to how the use of those infringements for those other offences is impacting on the vulnerable groups that were identified by the privacy commissioner, by the Law Institute of Victoria and by the community legal centres, which deal with those vulnerable groups all the time.

One thing I was interested to read in this bill was that the issue of converting unpaid fines to community work is being clarified and technical difficulties with doing that are being improved. I am hoping that will lead to persons who are vulnerable, disadvantaged, homeless or those who are actually unable to pay the infringement notices that have been issued to them do not end up being incarcerated for that, and that at least fine defaulters will be diverted into community correction orders. As the Attorney-General said in his speech on the community correction orders legislation — I mentioned this yesterday — it was his hope and desire that that in fact would be the case and that this would lead to fewer people being incarcerated and more people serving their sentences as community correction orders. I hope that will be the case.

Again, we do have the issue of the government suggesting or indicating that it will be bringing in legislation regarding mandatory sentencing, which means that certain people will have to serve a jail sentence whether or not it is appropriate and whether or not the judicial officers giving weight to all the circumstances that are in front of them, ameliorating or not, can make the right decision as to whether it is appropriate for a person to serve a jail sentence. The courts should have as many options in front of them as possible, including not imposing a jail sentence if it is appropriate under all the circumstances for that not to happen. The introduction of mandatory sentencing is anathema or totally contradictory to that. That does not give the courts the option to use other ways to sentence people according to the circumstances. The Greens would not be supportive — in fact we are totally not supportive — of mandatory sentencing. Wherever else it has been introduced it has been a failure, and the government should reconsider that aspect of its policy platform.

The Greens have expressed grave concern about the proposal to spend, when it is all said and done, around $1 billion on a new prison in Victoria when we should be making better use of the new regime which the government has put in place and which it has said it wants to use to reduce the number of people going to jail, so that we do not need to spend money on a new prison. That is important, particularly given the cuts to education that we are seeing through the cuts to the vocational education and training sector and the impacts that they are having on the TAFE sector, which is really the bedrock of vocational education and training. The backbone is being undermined by those cuts. That backbone is what you need.

The other Monday I happened to be home and I watched the ABC television program *Australian Story*.

That particular show was about a model in Queensland. Tovah Cottle was her name. She got herself into trouble with a drug addiction and holding up newsagencies, I believe it was. She was sentenced to two years in prison. She had a young child, so it was a very difficult circumstance. She had obviously done the wrong thing, and she had admitted that. But she was able to undertake courses in prison, and also when she came out she entered TAFE, qualified as a fashion designer and is now doing extremely well. That is what TAFE is for: TAFE is there to be accessible to all levels of the community and at low cost. That has been the philosophy: that it is of low cost, so that cost — the paying of fees — is not a barrier to anybody going to TAFE. That is the situation that began to be turned around by the so-called TAFE reforms of the previous government and exacerbated by further activities with regard to fees and subsidies under this government as well. My question is: where is the evaluation, and when is the government going to release it?

There is an amendment under the Sentencing Act 1991 relating to bond conditions that could be imposed by the court in conjunction with a community correction order. I have one question, which I apologise that I did not flag earlier: what is the situation where someone is on a community correction order and a bond is imposed as a condition of that order but the person is unable to pay the bond — that is, does not have the money to pay the bond? What is the situation there? It is all very well to impose the bond, but if the bond cannot be paid, I am just a bit concerned about those disadvantaged, vulnerable, homeless people who will not be able to front up with a bond. How will that be handled? It is not mentioned in the bill.

I was very interested to read the amendments regarding the Koori Court, basically to expand the jurisdiction of the Children's Court, the County Court and the Magistrates Court to deal with breaches of a sentence, and this includes the ability to deal with an offence constituted by a breach and a variation of a sentence. I am sure this is an improvement. The previous government should be congratulated on the introduction of the Koori courts. The evaluation of those that was done a little while ago suggests they are working well. But, as Ms Mikakos said, we do still have an overrepresentation of Koori youth in our justice system, and there is never too much that can be done to overcome that problem. More resources need to be put into that area to improve the outcomes — that is, to reduce the number of Koori youth and children who come before the justice system, and not only to reduce the number who come before it but to increase the number who do not come back again. I am talking about programs to reduce recidivism and improve the life prospects of indigenous youth who come before the justice system.

Apart from those issues, the Greens are happy to support the bill. But we are very keen to see the evaluation of the infringements program so we can judge for ourselves whether the impact has been positive or negative and what could be done about that.

I would also like to mention that it was a pleasure to attend the reception hosted by the President and the Speaker of the Legislative Assembly for the members of the Supreme Court and Chief Justice Marilyn Warren and to have had an opportunity, if briefly, to discuss issues with them. I found the paper circulated by the President and written by the chief justice very interesting. I think she made some very good points there about the separation of powers, the independence of the courts and the need for the courts to have appropriate and adequate resources. 'Adequate' seems to be an inadequate word, but it means the resources they need to make sure that everybody in Victoria who comes before the justice system has the appropriate assistance and help they need because that makes for a fairer society. The justice system and the way the courts interpret and implement the law is basic to our civil society and to peace and harmony within our society. She made those points very clearly in the paper that was circulated to us.

I was pleased to attend that reception with my colleagues. We were told it was a historic reception and a historic occasion, as it had never before happened that all of the Supreme Court justices had visited the Parliament of Victoria as a group. We will support the bill. I hope the government's lead speaker, Mr O'Brien, will be able to address the few concerns that I have raised with it.

Mr O'BRIEN (Western Victoria) — It is with great pleasure that I rise to speak on the Courts and Sentencing Legislation Amendment Bill 2012, which will continue to make the justice system in this state more effective and efficient by establishing court procedures applicable to a number of courts, extending the sunset clause for some infringements by a further two years and continuing the sentencing reforms to the community-based sentences introduced last year by the Sentencing Amendment (Community Correction Reform) Act 2011.

This is another important piece of legislation that includes some significant reforms. I note that the Greens are supporting the bill and that the lead speaker for the Labor Party indicated, in the other place at least, that it is not being opposed. I disagree with the

suggestion from Ms Mikakos that it is a minor and unimportant bill. If one goes through any of the significant amendments, one sees that they are amendments that will further the justice system. They will also assist in cutting the time for people who have to come before the justice system. This includes offenders, particularly in the case of infringement reforms to shop stealing. More than 7000 cases have been identified in that significant reform, and they are 7000 cases that will not have to go before the courts because people will be able to pay the fine. If you look at that in terms of its effect on the economy, that is at least 7000 shop traders who do not have to be brought before the courts.

Again this is an instance of the government supporting our business community in hard times, supporting our small retailers and supporting the justice system in a way that ultimately will lead, by both a carrot-and-stick approach and a commitment to truth in sentencing, to less crime in this state, to a greater appreciation of other people's rights, to respect for our fellow individuals and to the protection of the community, shopkeepers and families. It will also encourage the great work that is to be done by people who are under a community corrections order.

In the remaining time I would briefly like to mention that the community corrections order reforms have been successfully rolled out. We continue to put aside the myth that this coalition government is adopting a lock up and throw away the key approach to all criminals. Certainly we will protect Victorians from the dangerous criminals who are out there — people who do not respect the value and sanctity of human life. That is why at the forefront of our integrity regime we have committed to the rollout of the 1700 police and the 940 protective services officers, but in relation to the criminal justice reforms we are restoring truth in sentencing.

What is important is that we are replacing the mishmash of various other sentencing options that had inconsistencies. We have removed the suspended sentencing fiction. We have removed home detention and are encouraging greater use of community-based orders and more flexibility in the community corrections orders that will be part of this bill.

I would also like to commend some of the work that prisoners have been doing in the community — for example, with Project Platypus, which involves the Upper Wimmera Landcare Network, which was formed in 1994 and which in the Corrections Victoria Community Work Partnership Awards of 2011 received an award for the work that the prisoners from Ararat had been doing as part of Landmate crews to help that community recover from flood damage. The flood damage recovery project at Banyena, involving a partnership between the Ararat Prison Landmate crew and the Project Platypus Landcare group, assisted a farmer who had suffered considerable difficulties resulting from significant flood damage by rebuilding his farm. The coordinator of Project Platypus, Bob Wallace, said:

> The massive difference that the work of the Landmate crew has made to this farmer's life cannot be understated. This person was facing a disaster, both professionally and personally, that had totally overwhelmed him. The work of the Landmate crew has seen a complete turnaround in this person's life and that of his family. It is something to be proud of.

We are very proud of the work of our industrious Minister for Corrections. In addition to instituting the first broadbased anticorruption commission in Victoria's history, as we saw earlier this week, he is continuing to ensure that our prisoners, where they are given the option of working in the community, actually serve a benefit to the community as a whole. They can then work to improve their behaviour so that recidivism rates can be reduced and our community can benefit from their work.

In many ways a large part of our state infrastructure was built by reformed criminals. It is sometimes seen as a slight on our country, but we must consider the amount of work that was done by convicted people seeking to better themselves and how quickly they re-established themselves and became the leading members of our society. How many of us have convict blood in us? That has been a sign of the way the community can build together. If we are entering harder times, we need to work together and we need to be positive about the opportunities for people to reform, as they can under a flexible community corrections order.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

National Centre for Farmer Health: funding

Ms TIERNEY (Western Victoria) — My question is to the Minister for Health, David Davis. The National Centre for Farmer Health based in Hamilton was established in 2008 after a significant contribution of $1 million was offered by the respected local philanthropist Mr Geoff Handbury. It also secured $2.4 million from the state government. In the recent state budget the minister's government ceased the funding of the National Centre for Farmer Health, so

my question is: what is the possible explanation for stopping the funding to this award-winning and internationally acclaimed centre, and does the minister know what the impact of this cessation of funding will have on the centre?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question and indicate the government is aware of the importance of the centre for farmer health. I know the centre has done extremely good work for a number of governments around the country, not just the Victorian government, as is indicated by its name, the National Centre for Farmer Health. I note that the previous government failed to give it a secure funding source. It is without any long-term or ongoing funding. I have written to the commonwealth minister to seek a partnership for the funding of the national centre, and I have also written to my ministerial colleagues in other states and territories, because, as I indicated, this is a national centre. It is a centre that does important work, and I have indicated very strongly that the government is prepared to work with other governments to put the national centre on a sustainable footing into the long term.

I indicate that the federal minister has responded to my correspondence in a positive manner and has indicated that there will be further dialogue on this matter. I have also indicated that I will seek to have this discussed at the next health ministers conference to ensure that the National Centre for Farmer Health is put on a sustainable footing that will guarantee it an ongoing place in contributing to farmer health and research around farmer health.

Supplementary question

Ms TIERNEY (Western Victoria) — What possible guarantees can this government give to local philanthropists that their money, commitment and time will not be trashed by this government?

Hon. D. M. DAVIS (Minister for Health) — I can indicate to Mr Handbury that the government is very respectful of his philanthropy efforts across western Victoria, whether that is the support that he has provided for GP and primary health care clinics, whether it is the support he has provided to a whole manner of other causes or importantly whether it is the support that he has provided generously and constructively to the National Centre for Farmer Health. I indicate that the government strongly supports the work that has been done and supports the contribution of Mr Handbury. We will seek to work with him, work with Deakin University and work with the relevant health services, but also importantly work with my state — —

An honourable member — Work with Sue Brumby?

Hon. D. M. DAVIS — Indeed, Sue Brumby. I have met Sue Brumby and had a very constructive conversation with Sue Brumby, who is a person I admire. I want to be quite clear — —

The PRESIDENT — Time!

Education: excellence awards

Mrs KRONBERG (Eastern Metropolitan) — My question without notice is directed to the Minister for Higher Education and Skills, the Honourable Peter Hall. Can the minister update the house on recent events which have celebrated and rewarded excellence in Victoria's education system?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Mrs Kronberg for her question. A number of members have raised the fact that this week is Education Week, and we are celebrating all good things about education here in Victoria. Last Friday night the annual excellence awards in education were celebrated. I was pleased to attend along with my parliamentary colleagues Wendy Lovell, the Minister for Children and Early Childhood Development, and Martin Dixon, the Minister for Education — and I might add the shadow ministers and Ms Mikakos from this chamber, who were able to join with us in a bipartisan approach towards celebrating excellence in education across the state of Victoria, and I welcome that level of participation. These are annual awards, and they recognise not only individual teachers but also those within schools who approach this on a team basis. They also acknowledge the contribution that community and parents make to education in this state.

I would like to advise the house of some of the winners of some very important awards. First of all, the highlight of the night is always the Lindsay Thompson Fellowship. This year that has been won by Narissa Leung from Maryborough Education Centre. She won that fellowship for designing online literacy and numeracy programs where teachers and students, especially in rural areas, can participate in collaborative learning activities.

The outstanding secondary teacher award went to a teacher called Chris Barry from Brentwood Secondary College. Chris was involved in the education of particularly year 10 students in Victoria's first school aviation program, which my colleague Mr Rich-Phillips

will be interested in, and particularly relating the aviation industry to maths and science development within school programs.

The outstanding primary teacher award was won by Kathleen Morris from Leopold Primary School. She won it also for the use of technology to connect with students from all parts of the world.

Frankston Special Development schoolteacher Michael Duckett won the outstanding teacher award, disability and additional needs, through some of the very fine work that he is doing with audiovisual material for students with disabilities. There were a number of winners, and I have not got time to go through all of them, but I encourage members to look online for a full list of all of those who won excellence awards.

I want to finish my answer by acknowledging the contribution that parents also make and communities make to education in Victoria. I was pleased that we were able to have along on the evening some of those who from a parent point of view made a contribution. One of those was a gentleman by the name of Russ Jackson, Snr, who I had the pleasure of sitting with. He was given a special award because he was retiring after 30 years of service on the school council of Jackson School in St Albans. Jackson is a special school, so consequently the contributions those parents make are even more, I think, important and special. But the thing that struck me about Russ was that he was 97 years of age and is just retiring after 30 years on that school council. We talk about inspirations in education, and Russ was one of those. The Jackson School is actually named after the family, so the family has had a long history of support for that particular school.

I congratulate Russ and the many parents who contribute, along with those fine teachers and leaders who provide learning opportunities in our Victorian government schools — I congratulate each and every one of them. I think it is appropriate that we all share in the celebration of education as we did last Friday and as we will continue to do throughout the course of this week.

Higher education: Auslan programs

Ms HARTLAND (Western Metropolitan) — My question today is for the Minister for Higher Education and Skills. On Tuesday I asked the minister a question about the only full-time Auslan diploma course available in Victoria being forced to close due to funding cuts. The minister's response included an assertion that Vicdeaf and the Deaf Society of New South Wales have agreed to deliver programs as alternative providers of these services. He described it as a continuation of those programs — that is, the diploma of Auslan presently provided by Kangan Institute of TAFE. However, the Deaf Society of New South Wales and Vicdeaf have both made public statements that they knew nothing about these plans and have no intention of offering either a full-time course or a diploma of Auslan. A part-time certificate is not a diploma. It will not qualify people to undertake training. Who will provide a diploma of Auslan in Victoria next year?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I welcome the question from Ms Hartland because it gives me the opportunity to further elaborate on the events which brought me to the conclusions and comments that I made on Tuesday this week. It has been suggested, and again in a question put to me today, that the Deaf Society of New South Wales knew nothing of these particular plans. I have in front of me — and I am not going to go right through them, but I am happy to talk about them with Ms Hartland — a series of emails from the Victorian Deaf Society (Vicdeaf), from which I want to quote two sentences. First of all, I go back to 27 October 2011 — and that time is critical, because it was just at that point in time that GippsTAFE decided it would no longer deliver Auslan programs. Vicdeaf made an approach to the department and in an email dated 27 October 2011 said, in part:

> Vicdeaf (Victorian Deaf Society) is looking to go into a partnership with NSW deaf society, who have accredited RTO status, to deliver …

It goes on to list a number of particular programs and mentions that the New South Wales Deaf Society has accreditation as a registered training organisation.

There is a series of emails between the Department of Education and Early Childhood Development and Vicdeaf, the most recent being on 18 May, last Friday, which was before this issue arose. In part that email says:

> We have had recent discussions with the Deaf Society of New South Wales and they are keen to come down to Melbourne and meet with us and Skills Victoria …

I mention that because there has been some suggestion that I have been misleading in my comments and that the Deaf Society of New South Wales knew nothing of this. There is the evidence, and in good faith — —

An honourable member interjected.

Hon. P. R. HALL — No, I am trying to answer the question in a fair way. I think that any reasonable

person digesting that information would have come to the same conclusions as me. In respect of ongoing dialogue and the provision of Auslan courses in Victoria, I am keen to further pursue that, because quite genuinely and positively there has been an indication that the Deaf Society of New South Wales would be happy to be involved in delivering those particular programs. If some organisations feel that they have been misrepresented by my comments, I apologise to those organisations. I think a fair, reasonable-minded person, reading what I have just read to the house, would say the conclusions are reasonable conclusions to be drawn.

On the whole issue, I simply say that the outcomes are really the important things. I am very keen to ensure that the deaf community in Victoria is well served by the provision of training. I am more than happy to continue my discussions with Kangan TAFE or any other providers about the continuation of those programs. We are not about to abandon any group of people, let alone the deaf community in Victoria. I am more than happy to work with the community to ensure that we have training for the particular important services that it needs.

Supplementary question

Ms HARTLAND (Western Metropolitan) — I also have emails from both Vicdeaf and the Deaf Society of New South Wales contradicting what the minister has just said. My supplementary question is: can the minister guarantee there will be a full-time diploma of Auslan offered in Victoria next year?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I give this commitment to work with those organisations who are interested in delivering these programs, and I will be doing what I can to see they are delivered. I cannot command anybody to deliver any training program. I cannot command that, but I am genuine in my sincerity to work with them, as I am with all providers of training in Victoria, to deliver outcomes that are needed for people in Victoria.

Planning: government initiatives

Mr P. DAVIS (Eastern Victoria) — I direct a question without notice to the Minister for Planning, and I ask: can the minister inform the house what action the government has taken to reform development contribution schemes, and how this reform will assist investment in Victoria?

Hon. M. J. GUY (Minister for Planning) — I thank Mr Davis for his question in relation to development contributions and development contribution plans in Victoria. What is to be noted in relation to development contributions is that the system this state has been operating with is one that is fundamentally broken. It is one that has seen costs go out of control over the last 10 years. In fact over the last 10 years there has been a 74 per cent increase in development contributions throughout Victoria, particularly in Melbourne's growth areas. This is an unacceptable situation. At the end of the day, development contributions are not paid, as many would think, by a developer. They are paid by a homebuyer; they are paid at the retail end. It is first home buyers trying to get into the housing market who pay for development contributions, and they make that contribution to the community they will be moving into at a rate set by either a government entity, be it local or state government, in discussion with a developer and local government in many instances.

In response to that the government set up 12 months ago a working group with all stakeholders who have an interest in development contributions. A number of models were put forward. The government has now chosen a model that will work for Victoria and be a clear model of reform that will set Victoria apart from the rest of Australia. While some people might be dripping with jealousy — —

Mr Tee — Who?

Hon. M. J. GUY — You, Mr Tee, dripping with jealousy that this government has had the strength, foresight and indeed the resolve to go ahead and reform development contributions to ensure that it can put in place a regime, as it is now doing, so that first home buyers are not worse off, that affordability can be maintained, but that infrastructure will be delivered. In fact the Auditor-General himself identified a lack of accountability on how contributions were spent and how infrastructure was delivered under the current system.

That is why this government has taken the bull by the horns and actually resolved the issue. A standard community infrastructure contribution levy will be part of the new system. A standard open space infrastructure construction levy will be part of the new system. A standard transport levy for each item of transport infrastructure, including the construction of council arterial roads, bridges, intersections and on-road bicycle paths, will be part of this new system. A standard drainage levy will be a part of it, and a public land contribution levy for open space, local community infrastructure and local arterial roads will form the five key principles that will now model developer contributions here in Victoria.

What we see is certainty being put back into this industry — not just certainty for those who want to invest, but certainty for people who are homebuyers across Victoria — for example, in Mr Davis's electorate of Eastern Victoria Region in some of the housing developments facilitated by this government in the city of Latrobe area in and around Traralgon. It will actually see people buying in those estates knowing that they will get value for money for the developer contributions that they are paying as part of the retail cost of their home.

It is yet more action from this government on affordability, on certainty and on planning reform, and we on this side of the house are proud to implement reform that our political opponents failed to carry out in 11 years of office.

WorkSafe Victoria: hearing injuries

Mr LENDERS (Southern Metropolitan) — My question today is to the Assistant Treasurer, Mr Rich-Phillips. The minister has said in this house on a number of occasions that Victorian WorkCover is the best in Australia. Does this include the reliable provision of services for workers with severe hearing injuries who seek to return to work?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Lenders for his question. Indeed the Victorian government does regard our WorkCover system and our occupational health and safety framework as the best in Australia. It is widely recognised as the best in Australia, and this government is committed to ensuring that it continues to be regarded as the best in Australia.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I thank Mr Rich-Phillips for the answer. My main question was regarding the good workplace practice and the return to work of people with severe hearing injuries. I ask the minister in my supplementary question: given the number of Auslan interpreters has been severely diminished by the closure of the course at the Kangan Institute of TAFE, how will WorkCover deal with that skill shortage going into the future?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I do not know that I accept the proposition that Mr Lenders is putting to me as minister responsible for WorkCover. Obviously under the accident compensation scheme the Victorian WorkCover Authority has an obligation to provide suitable medical and like services to claimants. It does that in a number of ways. It does that in collaboration with the Transport Accident Commission, through its health purchasing group. It does that effectively, and it will continue to do so.

Better Health Channel: accessibility

Mr ONDARCHIE (Northern Metropolitan) — My question is for the Minister for Health, the Honourable David Davis. I ask the minister if he could update the house on the performance of the Better Health Channel and new linkages that have been developed to ensure its effectiveness.

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question and for his interest in the provision of information to the community about health care and their health and about better health. I want to pay tribute to the Better Health Channel and in particular to those in my department who run that channel. It has been a highly successful channel, beginning in the 1990s and maintained. I pay tribute to the previous government for its decision to maintain and support the Better Health Channel, which I think is somewhat above party politics in this state.

Mr Jennings interjected.

Hon. D. M. DAVIS — I am very generous, Mr Jennings. Let me be clear. The Better Health Channel has gone from strength to strength, and the budget papers this year show it growing from 12 million hits to 17 million hits — an increase of around 40 per cent, which is a very significant lift in the number of people accessing that site and using the — —

Mr Viney — On a point of order, President, in terms of the anticipation rule, order of the day 7 is the resumption of debate on the budget papers 2012–13, with Mr Ondarchie to continue the debate. Clearly the Dorothy Dix question was set up as an opportunity for Mr Davis to talk about the budget papers, which he has just started to do. In terms of consistency with the decisions that were ruled upon yesterday, I seek that you direct the minister, in answering this question, not to refer to matters that relate to the budget papers in the context of the current debate before this house.

Hon. D. M. DAVIS — There is a long tradition that budget papers are debated through a number of weeks in this chamber, and it is very clear that any question could, in theory, relate to the budget papers. Any question could relate to a matter funded or supported by government through its budget

allocations, so the use of the anticipation rule as suggested by Mr Viney would be so broad as to cut out almost any question asked in this chamber. To explain perhaps, President, the point of the question that I am responding to here, I think — —

Honourable members interjecting.

Hon. D. M. DAVIS — My response to this question is that I have used the budget position of the Better Health Channel as a base, and I am about to say something quite distinct and new.

The PRESIDENT — Order! I indicate that I concur in this matter with the Leader of the Government — that is, that to suggest that the anticipation rule would apply to the budget could in fact significantly impact on the proceedings, particularly at question time, for a considerably extended period. I agree with Mr Davis's response to the point of order in that it would have a very broad scope. It would in effect cover all the workings of government. I take the view that essentially most questions would be permissible in this house if they have budget implications, on the basis that they are really incidental references to, if you like, line items in the budget rather than being specifically about matters that would be in anticipation in the same way that arose yesterday with general business. I do not uphold the point of order on this occasion.

Hon. D. M. DAVIS — What I wish to indicate to the house is that part of the success of the Better Health Channel in recent months has been the launch of an iPhone application, which has enabled many more people to access the Better Health Channel's information. It enables people, wherever they may be, to search for and find the information that is relevant. I want to pay tribute to the section of my department headed up by Geraldine O'Sullivan that has so successfully developed this iPhone app and has worked collaboratively with the Apple company to make this a successful outcome.

It is very clear that increasingly information will be accessed through these mechanisms, and to keep the huge bank of reliable and independent health and medical information accessible we need to look at new ways of enabling people to access that information. This has been a worthwhile development. It has meant that many more people are able to access the huge bank of information that the Better Health Channel has available.

I urge members in this chamber to use the site and to use the information for themselves and their families and to talk in the community about the benefits of accessing the Better Health Channel and using the information there at a community level. You can find reliable information on food and nutrition and reliable information on first aid and emergencies, whether it be snake bite or whatever might occur. You can find information about techniques and approaches to managing conditions, and there is information about when you should seek medical or other health assistance.

It is a valuable site. It is a site that has been built over a number of years, and it is a site that is updated frequently. It provides authoritative and independent information. The site is beholden to no commercial interest, of course, and it is able to put up the very best reliable health and medical information. It is becoming increasingly — and I know Mr Ondarchie will understand this — important to be able to access information through other mechanisms. The iPhone app — and I indicate to the chamber that there will be other steps — will ensure that the Better Health Channel is accessible to the community in the broadest possible way.

Again I pay tribute to my department for the work its officers have done there and for the creative thinking that is occurring on how we can broaden the access to what is amongst the best health information available in the country. Indeed it is true to say that the Better Health Channel has become known around the world as a reliable source of information.

South Korea and Japan: trade mission

Mr DRUM (Northern Victoria) — My question is to the Minister for Manufacturing, Exports and Trade, Mr Richard Dalla-Riva. I ask: can the minister update the house on any new and exciting export developments for manufacturers in the food and beverage sector?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — It is good to see that those opposite are at least awake, which is important. I am pleased to take the member's question, because we do see the importance of our trade missions. As I said earlier this week, the trade mission to Japan and South Korea was very important. I briefly talked about the first stop in South Korea and then went on to talk about Japan.

Today I am happy to talk about the food and beverage sector, in relation to which we took great pleasure in joining with South Korea as part of the trade mission. The first stop was obviously at the Australian pavilion at the Yeosu 2012 expo. It was part of the coalition's

election campaign commitment to support this important expo. We saw South Korea as being a priority market for Victoria where opportunities exist across a range of sectors.

Whilst I was in South Korea I was promoting the Victorian Dairy Innovation Program, which was important to increase our dairy exports across the agricultural sector to South Korea. It is important, because if you look at even just the last 12 months, you will see that in 2011 alone Victorian exports to South Korea increased by nearly 15 per cent in one year to close to $1 billion. A key part of those exports was almost $200 million in the important food and beverage products. That makes South Korea one of the largest destinations for Victorian produce. We know the South Korean population is growing — it is at around 50 million people at this stage — and that will continue to present further opportunities for Victorian primary producers and other business sectors.

I was also pleased to host the vice-mayor of our sister city, Busan, and the head of the Busan Chamber of Commerce and Industry at an event where we served Victorian grass-fed beef. It was important to share with those people our beef and what we have to offer — as opposed to the chewy bits that they provide on the other side of the chamber.

Hon. M. J. Guy interjected.

Hon. R. A. DALLA-RIVA — I have spoken to this chamber before about the importance of food manufacturing to the Victorian economy. Mr Guy rightly points out that lemons could be a very important part for those opposite. We are serious about promoting Victorian dairy and produce to the growing South Korean market, and we see this as another step in developing our key trade and export links as part of the Victorian government reform agenda. This trip reinforced the importance of the Victorian government's international engagement strategy — a $50 million commitment that aims to make sure that Victorian producers have increased opportunities to grow existing trade and capture new markets.

I was also pleased when I was over there to open the Victorian Connection program, which is about connecting expatriates and repatriates to South Korea and utilising their expertise and knowledge to help in the South Korean region. This program, which we know has been successful in other areas, including India, is also part of our international engagement strategy. What we were doing was supporting our export markets and our food and beverage producers in this emerging and growing market, and it is important that we continue to focus on opportunities for manufacturers and exporters to get their produce into growing markets.

Mr Viney — On a point of order, President, on the 22nd of this month, just a few days ago, Minister Dalla-Riva was asked questions about this trip overseas. I am just trying to get clarification on the fact that questions cannot be re-asked. What is the basis of the guidelines? Can we keep asking questions about the same trip if the questions are coming from a different person? This is going to become like a travelogue, I suggest, if that is the way we are going to go; we will have a whole series of days talking about people's overseas trips.

The PRESIDENT — Order! I have sat in this place for about 20 years, and I can tell Mr Viney that he would be setting a very high bar that I daresay the previous government could not have matched on any day of the week. The fact is that as long as the question is different, the question is allowable. It does not matter who asks it. If the minister chooses to give the same answer every day, I am not empowered to even prevent that from happening, because the minister is obviously able to answer a question as he wants. But the reality regarding the subject matter of a question is that, provided it is not exactly the same question asked, the minister is able to entertain and field questions on the same subject on an ongoing basis.

Members might consider that certain matters are of less interest to them than others, but I daresay that even the series of questions that the opposition was putting yesterday were sequenced questions. Therefore under the proposition that Mr Viney puts to me in this point of order for clarification I could have taken the view that all those questions were not allowable on the basis that they were basically the same subject matter. That would obviously be ludicrous.

The standing orders are quite clear: members can continue to ask questions on the same or similar subject without any problem and without any offence to the standing orders, but they must not ask the same question. The standing order which justifies what I have just been talking about is 8.02, and it is part (5) of that standing order. I accept that the Deputy President raised that point of order as a matter of clarification, but I hope that discharges it.

Sunshine Hospital: intensive care unit

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. It is not true that I am a little bit light-headed because in the

minister's last answer he was gracious to the previous Labor administration. I am very mindful that in a previous question when the minister was asked about the investment at the Sunshine Hospital he and the questioner gave a very clear indication that the Labor government had not invested in that hospital during its term in office. I remind the minister that in the 2007–08 budget there was $20 million; in 2008–09, $73 million; and in 2010–11, $90.5 million.

Hon. D. M. Davis — On a point of order, President, it is question time and the member has an opportunity to ask a question with a small preamble or a modest preamble, rather than a ramble.

The PRESIDENT — Order! There is no point of order. It was an attempt to try to describe the way the member was asking the question. Members are entitled to put a preamble as part of a question. I would have thought that a member trying to provide some facts that the minister might take into account in his answer could be helpful for the minister and the house to understand both the question and the answer.

Mr Drum — Provided they are facts.

The PRESIDENT — Order! Budget figures are pretty factual, Mr Drum.

Mr JENNINGS — Thank you, President, because you understand how question time works and you understand the importance of facts. I am trying to make sure that the minister understands those facts, can confirm those facts and can outline to the house how his investment of $15 million, compared to $184 million, actually dovetails with the investments made by Labor. Can he outline what the $15 million will do in the critical care beds?

Hon. D. M. DAVIS (Minister for Health) — I know this is a very sore point for the opposition, but I am going to have to step back into history to again give Mr Jennings the context for this. He would be aware that the Sunshine Hospital was actually a Kennett government project. There was a purpose-built section of the Sunshine Hospital that was set out in the original build as an intensive care unit.

Mr Finn — It's a Dorothy Dixer!

Hon. D. M. DAVIS — Yes, a Dorothy is a good description. I know Mr Finn's long-term advocacy on this.

The history is quite clear. In the early 2000s the then new Premier, Steve Bracks, commissioned a review of intensive care services in the western suburbs, with a specific focus on whether intensive care unit services were needed at Sunshine Hospital. I am happy to provide the review to Mr Jennings. I actually have a copy of it and have read it. The review in 2001 — and I stand to be corrected; I may be one year wrong on the date, but I think it was 2001 — pointed directly to the need for an intensive care unit at Sunshine Hospital.

The government at the time, the Bracks government, refused to permanently commission an intensive care unit at Sunshine Hospital. It refused to follow the advice of its own expert committee. Instead, as time progressed, it saw another use for the space. The government turned the intensive care unit into a film studio, and it began advertising the intensive care unit on the Film Victoria website. If you were an international person looking around for a site to film something, you could google it and you would find that you could rent the Sunshine Hospital intensive care unit for filming. There were famous films. *Stingers* was produced there. The *skitHOUSE* was produced there. I know Mr Jennings is a thespian by background, and I know it must hurt to have the intensive care unit built at Sunshine Hospital — —

Mr Jennings interjected.

Hon. D. M. DAVIS — Let me be clear: under Mr Jennings's government the use of the intensive care unit was as a film studio. Maybe there is something about Mr Jennings's thespian background that might be part of this. I have always said, and I have never deviated from this view, I do not believe intensive care units should be used as film studios.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I am happy to cop that. I am happy to cop it because in fact the western suburbs deserve intensive care beds. But I ask the minister: within his $15 million allocation will there be one intensive care bed that he delivers to that community within one term of being in office? Does his project management deliver him one bed before he is out of office at the 2014 election?

Hon. D. M. DAVIS (Minister for Health) — Let me be quite clear with Mr Jennings, after 11 years of government his team was not prepared to deliver this important project. What I said is that — —

Mr Jennings — When are you going to deliver this? When?

Hon. D. M. DAVIS — You can go and read the budget, Mr Jennings. I invite Mr Jennings to go and read the budget. It is very clear. The money is allocated,

and the opposition never allocated a cracker for an intensive care unit in its term of government. I think Mr Jennings and the Labor Party members for the western suburbs deserve to hang their heads in shame.

Mr Jennings interjected.

The PRESIDENT — Order! Mr Jennings asked a question and he had the opportunity of a supplementary question. He has been interjecting incessantly, and some of those remarks have been repeated. I do not think they are helpful to the house in terms of hearing the minister's answer and understanding that answer.

Building industry: code of practice guidelines

Hon. M. P. PAKULA (Western Metropolitan) — My question is to the Minister for Employment and Industrial Relations. Can the minister confirm whether the implementation guidelines for the Victorian code of practice, which he has discussed in this place previously, will apply to privately funded construction companies as well as taxpayer-funded projects?

Mr Lenders — He is looking for guidance from other ministers. He does not know.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — No, I am just confused as to why, Mr Lenders, I do not get a question from Mr Somyurek over there. That was all I was asking.

I thank the member for his question. I will certainly take the detail on notice and get back to him in due course.

Supplementary question

Hon. M. P. PAKULA (Western Metropolitan) — For the edification of the minister, let me say that I handle industrial relations in this chamber.

A Master Builders Association of Victoria media release of 3 April says:

> The implementation guidelines will apply to all on-site public building and construction projects delivered across Victoria and will require companies to comply with these strong rules on privately funded projects …

If the code is, as the minister claims, about reducing the cost of taxpayer-funded projects and is not about ideology, can the minister explain the justification for imposing the guidelines on projects that have nothing to do with the public sector or taxpayers money?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for his question, because we have taken very seriously the issue of the cost of construction in this state and we have believed for a long time that under the former government's regime construction costs have blown out. You only have to look at some of the examples we have seen, such as the desalination plant and the West Gate Bridge.

What I am saying is that we believe it is appropriate for construction codes to be applied across the board in areas where it is of strategic importance to do so. The reality is that we know that Mr Pakula's party abolished the Australian building and construction commissioner, and what we are doing is putting in place a regime which will allow construction costs to be maintained in this state such that we keep those costs as low as we can.

Children: supported playgroups and parent groups initiative

Mr ELSBURY (Western Metropolitan) — My question this afternoon is to the Minister for Children and Early Childhood Development, the Honourable Wendy Lovell. Can the minister inform the house of how the Baillieu government is promoting and supporting the supported playgroups and parent groups initiative?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for his question and his ongoing interest in early childhood development. I have always believed that strong investment in the early years will produce the best results both for individuals and for the community. It was in that context that we developed our early childhood budget this year, which provides $104 million for additional programs and also a 17.6 per cent boost to early childhood funding. This was the largest boost of any portfolio area in this year's budget, and I am very proud of that.

One of the very valuable programs that was funded as part of this year's budget was the supported playgroup and parent groups initiative. This is a program for which funding needed to be considered in this year's budget because of the way the former government had funded it on a time-limited basis. The opposition spokesperson was prepared to use this particular program for political gain and ran around the state raising unnecessary concern amongst parents and the sector that funding for this would not be continued. At the same time that she was using children for political gain I was working with the sector to secure ongoing funding for this program so that it would not lapse in four years time, as it would have under the former

government. Hopefully members of the opposition are done with the scaremongering and will now join with the government in promoting early childhood programs, particularly playgroups.

On 4 May I was delighted to launch the I Love Playgroups campaign at Playgroup Victoria's state conference. This initiative will promote the role of playgroups in our community and will ensure that the notion and idea of playgroups is understood by our communities. As far as I am concerned, the greater awareness there is of playgroups across Victoria, the better. I look forward to monitoring the success of this campaign and encourage all members of this house to get behind the campaign to promote playgroups and help redress the recent concerns seeded by the opposition.

I would also like to take this opportunity to join with Mr Hall in congratulating those who were finalists in the teachers awards last Friday night. In particular I would like to mention the finalists in the outstanding early childhood development teacher section, Doug Fargher of Westgarth Kindergarten and Ruth Wallbridge of Davis Street Kindergarten, and in particular I congratulate the award winner, Lori Farchione-zappia of Dawson Street Preschool.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 8218, 8315, 8327–40, 8358.

COURTS AND SENTENCING LEGISLATION AMENDMENT BILL 2012

Second reading

Debate resumed.

Mr O'BRIEN (Western Victoria) — I was referring to the important reforms the government has introduced with the community correction order (CCO), which commenced on 16 January 2012 and has resulted in a single, new, flexible community correction order replacing the previous, more complicated regime.

This bill will modify and streamline the laws to ensure the smooth operation of the government's community correction order reforms. It will do so in a number of ways. It will modernise the process for converting unpaid fines into community correction work, which was first started by the Sentencing Amendment (Community Correction Reform) Act 2011, or the CCR act. The CCR act created stand-alone orders called fine conversion orders and fine default unpaid community work orders. The bill removes the old complicated and confusing provisions and makes a number of technical amendments to improve the structural process surrounding these orders, such as: creating standard terms for the orders — for example, the person must not reoffend; allowing variation of the order — for example, the change in the number of hours of unpaid work; transferring powers from the regional manager to the secretary; and transferring the power of Corrections Victoria to suspend the orders and change reporting processes.

In relation to questions by the Greens about how this will affect people who have been fined and are unable to pay those fines, the bill is designed to increase flexibility. Firstly, the court that will be sentencing an offender would take into consideration the offender's capacity to pay. More importantly, if something emerges and there is a need for a change in circumstances whilst a person is on an order, the bill will allow greater flexibility for that person to make application to vary the order rather than not comply with it, and that may include a suspension of the order for a period of time. It will not amount to the suspended sentence. It will add to the suspension of the order, so the time will still remain to be served but it can be served more flexibly.

In terms of some of the successes that have already been achieved by the government's community correction order, I can advise the house that by all accounts it has been working very well since it was introduced in January 2012. As of 10 April 2012 more than 2000 community correction orders have been imposed, of which more than 85 per cent were supervised orders as opposed to orders involving community work. A total of 145 of the CCOs have included one or more of the new restrictive conditions, such as curfews, alcohol exclusions, which prevent an offender from attending or remaining at a licensed premises between specified hours, non-association conditions, and place or area exclusions, banning a person from entering or remaining in a specified area or place.

This is another example of the coalition government putting in place a regime that supports business, particularly our important licensees, who carry the burden of administering alcohol responsibly in this state. I must say that our licensees, particularly our country licensees, do a fantastic job under trying circumstances in discharging that responsibility.

Turning briefly to the infringements section, to respond to the Greens, the trial has had an important success. We have mentioned the effect of more than 7000 offences that would have otherwise had to go to court and the benefits for shopkeepers and others who would have had to have been witnesses. I can advise that Victoria Police strongly supports the trial; it has freed up operational resources because it removes the need to prepare prosecution briefs and attend court.

A large stakeholder group has been involved in the consultation process for this bill, and the parties to that are Youthlaw, the Victims Support Agency, the Children's Court, the Federation of Community Legal Centres, the Law Institute of Victoria, PILCH, Victoria Legal Aid, the Magistrates Court and the Department of Human Services. It is fair to say that some of these community consultation bodies, particularly the Federation of Community Legal Centres et cetera, have some concerns about the infringement regime, especially in relation to vulnerable people. This is where it is very important to remember the context in which these orders are applied.

Concerns about infringements already exist, including the classic example of a person who uses a train service as a home when they are homeless. The government is committed to continuing to consider and review the infringement regime. It is an important issue, but there are also issues in relation to special and vulnerable people. Special circumstances under the existing infringement regime are defined to include mental health or intellectual disability. In relation to that, the government is continuing to consider stakeholder views and will make further information about the broader review of the infringement services available later this year.

Turning briefly and finally to the changes to the courts, I commend the role of all our courts, as have previous speakers, particularly on the reforms that have been made to streamline flexibility within the Children's and the Koori court divisions. I note that we had the one-off initiative of a visit from the judiciary this week, for which I thank the President and the Speaker. It was a good opportunity to demonstrate a greater understanding by both parliamentarians and the judiciary of the processes that go on in our separate and independent parts of the constitutional system of government in this state. In doing so the government is committed to maintaining and respecting the independence of the judiciary, but providing it with the resources and flexibility it needs to save the community costs and to better deliver justice in this state. With those few words, I commend the bill to the house.

Mr ELASMAR (Northern Metropolitan) — I rise to speak in the debate on the Courts and Sentencing Legislation Amendment Bill 2012. Essentially this is a housekeeping bill, so I say at the outset that we in the opposition are not opposing this bill, as my colleagues have already indicated to the house. There are several amendments contained in this bill with regard to community correction order (CCO) reforms. The bill also makes a number of amendments to the Sentencing Amendment (Community Correction Reform) Act 2011.

The bill's intent is to streamline and codify the process for dealing with the breaching of orders. After a charge for the contravention of a community correction order is filed in the Magistrates Court and an arrest is executed, the case can be transferred to the original sentencing court unless the offender is before the Supreme Court or the County Court for another offence committed during the term of the community correction order. The bill also specifies how bond money will be held and repaid under the community correction order bond condition. It amends the current process and will see money held in trust on behalf of the state rather than the courts. I understand the courts have requested that the government undertake this measure.

The bill also makes a number of amendments to the Koori court's jurisdiction. The bill amends the Sentencing Act 1991 to clarify matters relating to hours of unpaid community work and whether they can be performed cumulatively or concurrently when there are several orders. The bill simplifies a number of processes for the Koori court divisions of the Magistrates, County and Supreme courts. It will no doubt lead to a more effective and efficient system without unduly influencing the indigenous offenders who have breached their community correction orders.

The bill also seeks to amend the Juries Act 2000 as a result of reasonable requests from the juries commissioner, which will enable the courts to empanel jurors by name or number. It will also amend the process for excusing potential jurors so that they can be returned to the pool as a group rather than individually, and this is a sensible reform.

As I have stated, we do not oppose the bill, but government members will hopefully address the obvious conclusion that CCOs are an effective tool to reduce the incidence of violent crime within our community.

Sitting suspended 12.58 p.m. until 2.02 p.m.

Mrs COOTE (Southern Metropolitan) — I am pleased to rise to speak in the debate on the Courts and Sentencing Legislation Amendment Bill 2012 and to follow the very fine speaker prior to the lunch break. I will not go into too much detail because my colleague Mr O'Brien gave an excellent explanation of the bill. He explained its nuances, the necessity for it and gave a good analysis of the bill. This is a broad bill that amends numerous acts.

In his second-reading speech the Attorney-General outlined some of the major aspects of the bill. To reiterate, it clarifies the jurisdiction of the Koori Court, improves various Children's Court processes and makes other technical amendments, corrects anomalies in relation to the empanelment and excusing of jurors, makes judicial registrars a class of judicial officer that can be provided with judicial education by the Judicial College of Victoria and provides immunity to assessors in the Supreme and County courts.

I note that the opposition does not oppose the bill and that the member for Altona in the other place, Ms Hennessy, described it as a reasonable bill, with which the opposition has no policy or specific objection, which was a good move.

Today I will speak about the improvements to the Children's Court, which are relevant to community services and build on the Baillieu government's approach to the safety and care of children in this state. The Cummins report was released earlier this year. The coalition government has allocated a significant amount of money to make certain that the recommendations of Phil Cummins are implemented, and the government's track record is very good on issues dealing with children and the safety of children in our community.

I will briefly talk about the specific aspects of the bill which relate to the Children's Court process. The bill makes some technical amendments to the Children's Court legislation. It removes some of the anomalies in relation to time periods, bail provisions, the length of time a child may be remanded in custody and the delivery of a child into safe custody. These may seem to be provisions that should have been catered for earlier, but the reality is that these areas need to be tightened up. We have to make certain that there is no room for misunderstanding in any of those areas.

The bill clarifies the meaning of 'days' when dealing with bail provisions for the remanding of a child in custody. This is an important point because at present the legislation states that a child may be remanded in custody for 21 days. However, there is some ambiguity about whether this starts on the date the child first appeared before the Children's Court or whether it is from the day following. This can have quite an impact. Inserting the word 'clear', so that the legislation will state '21 clear days', means that the child may appear before the Children's Court on the same day of the week, three weeks hence. That is an important point of clarity. This is a relevant change in the legislation because in some regional areas the Children's Court may only sit one day a week, and on that same day every week. This needs to be clarified, so therefore it is a pleasing amendment.

If a child breaches a condition of the probation order, they must appear before the Children's Court. However, the current legislation states that they must appear before the magistrate who issued that order. This bill will amend the legislation to allow another magistrate to constitute the Children's Court to hear the contravention of the order, reducing delays and allowing the matter to be heard earlier than would otherwise have been the case if the original magistrate, for example, is on leave. Once again, this clears up a technicality, but it is an important and valid technicality.

Finally, the bill amends provisions for the delivery of a child into safe custody. Safe custody rolls off our tongues easily, but it is something that has many aspects to it, some of which can be very complicated. Presently the same member of the police force who executed the safe custody warrant must deliver the child to the location specified in the warrant. The bill will amend the provision to allow a different member of the police force to bring the child to the location. Obviously if the original police officer is off duty, the child would need to be left at the police station until that police officer is on duty again. I think all members would agree that that is unacceptable, so it is an important technicality and loophole that is being fixed by this bill. Removing the requirement that the same police officer has to deliver the child to the location specified in the warrant and allowing another police officer to perform this task means that the child will not be unnecessarily detained.

As I said in my introduction, Mr O'Brien has done an exemplary job describing the details and clarifying this bill. As he said, there are changes to jury empanelment and there are sentencing amendments. We should also note that the Court of Appeal is not the sentencing court. The bill makes changes to contravention procedure and some small amendments to the procedure involved in notifications to variations. There are amendments to unpaid community work. Drugs, poisons and alcohol are also dealt with, as are bonds. I will not go into those areas, but I wanted to clarify the

relevant issues in relation to the Children's Court. By putting it out there very clearly we can see that this bill does a very good job. I commend the bill.

Mr SCHEFFER (Eastern Victoria) — As members have heard from Ms Mikakos, this bill makes a number of changes that the opposition will not be opposing to the operations of the Koori Court, the Children's Court and the Supreme and County courts as well as to sentencing. The opposition's position has been placed on the record in the Legislative Assembly by Ms Hennessy, the member for Altona in that chamber, and by Ms Mikakos in this chamber, so I will not go over the points they have already made. I will use the time available to me to call the attention of the house to the costs of crime and to a very interesting research paper prepared late last year by Professor Russell Smyth from the department of economics at Monash University.

The purpose of this bill is to strengthen Victoria's justice system through various improvements to the court and sentencing legislation, as is set out in the provisions of the bill. I agree with the government that there is a need to strengthen the justice system, but there is most likely considerable disagreement over what this strengthening should or might involve. It is clear that the government's approach is to be tough on crime, and this means narrowing the discretion courts have in handing down sentences that they judge as appropriate and fair and capable of giving offenders a chance to get themselves out of the cycle that repeatedly brings them before the courts. In the government's view being tough on crime is also about zero tolerance, and that puts people in prison rather than finding and utilising approaches that take into consideration the complex factors that contribute to offending and reoffending.

It is abundantly clear that enlightened societies and their governments are moving away from a disproportionate reliance on law enforcement towards community development approaches that not only take into account the individual histories of offenders that draw them into crime but also look at town planning, access to education and training, employment opportunities and access to affordable health services, to name a few.

The paper, which is entitled *Costs of Crime in Victoria*, states that crime costs around $9.8 billion every year, which translates to $1678 per person per year. That is an astonishing amount of money, and it underscores the fact that however we tackle crime, we have to make sure that the costs are contained. We must find approaches that bring the community to consider what I am calling revenge regimes — which see effective crime control as involving zero tolerance and incarceration — as both immoral and wasteful of taxpayer resources.

According to *Costs of Crime in Victoria*, the biggest cost is attributable to crimes against property, at 46.8 per cent of the $9.8 billion. Crimes against the person make up 8.2 per cent of the overall cost and crimes associated with drug offences are 4.8 per cent. The balance of the costs comprises 27.4 per cent for administering justice, 2.2 per cent for victims of crime, 8.5 per cent attributed to the security industry and 1.7 per cent for insurance administration. Interestingly, deception holds the highest dollar value of all crime types, at 21.8 per cent, and the least expensive crime is sexual assault.

The elements of the costs for specific offences comprise medical costs, loss of income for victims of crime and the value of the property that has been forgone through theft and so forth. These figures do not take into account the intangible costs of crime that include fear, pain, suffering and lost quality of life. There are also the costs of administering criminal justice, victim assistance, the security industry and insurance administration. As the report says, these costs are not attributable to specific crimes and they need to be understood as part of the cost of criminal activity as a whole. These overall costs include police, courts and corrective services. Police come in at $850 million a year, courts at $158 million and corrective services at $480 million. The report gives us a very useful profile of what crime costs, and I guess experts in the field would be looking at where savings could be made through careful interventions.

It is clear that community safety and crime prevention strategies lie at the centre of this issue. The government has done the right thing in elevating crime prevention to a portfolio, establishing an office of crime prevention and also giving the Drugs and Crime Prevention Committee a reference to investigate some of the issues in crime prevention and community safety. That is a tick for the government. I think it is a positive step. The Drugs and Crime Prevention Committee's final report will be tabled shortly, and I will have more to say when that has been done.

I guess the connection with the bill before us today is that the operation of our courts, the police and our corrections services as well the impacts on victims all cost money, and money is quite a good way to express the relative resource requirements or costs of these activities and incidents. In debating legislation that has the effect of incarcerating increasing numbers of

offenders, for example, we need to be mindful of the financial as well as the social impacts of such measures. As has been said, the opposition will not be opposing this bill, and I commend it to the house.

Mr P. DAVIS (Eastern Victoria) — I have great pleasure in making some very brief comments on the Courts and Sentencing Legislation Amendment Bill 2012. As a consequence of previous contributions relating to the machinery provisions of the bill, I want to cast my comments narrowly. I want to focus simply on the issues relating to Koori courts. It would be fair to say that with the introduction of Koori courts some of us in this place and in the wider community were initially sceptical of their benefits. While I have to say that I have never spoken on the issue of Koori courts in the house — or publicly, for that matter — that I can recall, I was in that category of people who were wondering whether there would be a material benefit to the community from the advent of Koori courts.

Having observed the operation of Koori courts, in particular noting the operation in the Latrobe Valley of the Koori Court division of the County Court, I am interested that in fact it appears that the process of the Koori Court achieves a significant reduction in the recidivism rate. That is to say that reoffending amongst Aboriginal people who are brought before the Koori Court is much less common than for those who have stayed in what would be described as the mainstream court system. I am always one who is persuaded by evidence, and on the evidence it appears that the introduction of the Koori justice system has been a useful innovation in terms of applying appropriate justice.

It is certainly the case that I well understand, given that I have a significant Aboriginal population in various parts of my electorate of Eastern Victoria Region, that there is no doubt at all that in the Aboriginal community there is a great deal more respect for elders than there is in what is described by many Kooris as the conventional white man's justice system. An offender comes before a Koori Court where there are respected elders who sit at the table at the time that a sentence is imposed and who in a sense interpret the effect of the penalty and apply significant peer pressure to the Aboriginal defendant — who is only in the Koori Court because they have acknowledged that they have offended and have pleaded guilty — and their appearance is clearly influential in educating the offender not to offend again.

Irrespective of the fact that the penalty imposed by the court will be similar whether it is in the mainstream court or the Koori Court, the fact that there is an interpretive function in terms of applying the values of society and suggesting to the offender that it was an unconscionable act, whatever the offence was, and that it should not be repeated has an influence.

I was interested in an article that I saw on 22 February this year. It was quoting County Court judge John Smallwood, who discussed the issue. It says:

> … many of the defendants had long lists of prior convictions and the low reoffending rate had 'stunned' him. About 95 per cent of cases involved serious violence, he said, and victims were mostly indigenous.

The article continues:

> 'I had no idea what to expect … this is just stunning,' Judge Smallwood said. 'What we as white people don't really get a hold of is that dealing with the elders is a massive influence on them'.

I go to the issue of that particular jurisdiction. I understand that of 57 cases that came before him only one person has reoffended, and that is compared with a very high recidivism rate in the mainstream courts amongst Aboriginal people. I believe the offender who appears before the Koori Court has a better understanding that the behaviour that brought them before the court is not acceptable and therefore they have a better understanding about the relevance of the penalty that is applied in that circumstance.

It is clearly the case that the bill that is before the house actually deals with some outstanding issues relating to a Koori offender being able to be brought before a Koori Court in relation to matters which may have previously been dealt with in a mainstream court, and that has been covered in other contributions.

What I really want to speak to is the issue that this is a progressive development in justice in Victoria. I believe the evidence is available for us to see that this form of justice is more effective than other forms. Indeed the lesson may be that we can do a great deal more with mainstream courts to make the court proceedings more relevant to people who do not have any legal experience or understanding about processes of law and who therefore would have a lesser contempt for their experience at court than perhaps many offenders presently do. I support the bill.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2012

Second reading

Debate resumed from 3 May; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr LENDERS (Southern Metropolitan) — I rise in the debate on this bill today and advise the house that the Labor Party will not be opposing the bill, but it will be seeking to oppose one specific clause in the committee stage. I will speak very briefly to the bill itself, but most of the issues in the bill that are of substance to us as a party were addressed by my colleague Mr Helper, the member for Ripon in the Legislative Assembly. I will not recanvass what is in the bill, because that has clearly been outlined by the minister in his second-reading speech, nor will I recanvass the main observations of the Labor Party, because they have been outlined by Mr Helper in his speech in the Legislative Assembly. But I will certainly focus on the section of the bill that we will oppose in the committee stage. I will also refer in general terms to some questions that I will ask the minister about some of the details of the grandparented clause in the bill.

Where a person has a microchipped dog at the moment there is an obligation for municipalities to discount their registration. This bill removes that discount, which we from the opposition have no issue with as a policy position, but there are some transition issues associated with that. In the case of persons moving from municipality to municipality in some circumstances extra costs will be imposed on individuals as a result of that move. As I say, this is not a reason that we would oppose the bill and this is not a policy matter that we have an issue with, but I would ask the minister to explain during the committee stage why some of this is happening, and why in this several-year transition in some cases in my electorate — if my reading of the bill is correct — some people who move from one municipality to another will actually be paying more for the same dog than they would have paid if this legislation had not gone through.

But I guess the most substantive issue from the Labor Party's point of view is the one dealing with greater penalties under the act. To cut to the chase, the bill deals with the penalty units that are proposed in the amendments to the Agricultural and Veterinary Chemicals (Control of Use) Act 1992. This bill essentially seeks to enable the minister to increase maximum penalties for an offence from 2 penalty units, which is $244, to 5 penalty units. The Labor Party will vote against that provision.

The minister's advisers and departmental officials were very courteous when we had the briefing on this matter, and there were a lot of fairly technical questions across the three acts which they dealt with. They have replied in writing, and all the questions they have replied to — other than the ones I will ask Minister Hall about in committee — have been answered satisfactorily. I do not think it adds much more to the public debate for me to put them on the record here today. But I would like to put on the record that there was a very courteous response from the minister's office and department in getting information to the opposition.

But this particular issue, the ability to increase from 2 units to 5 units the maximum number of penalty units that may be prescribed for an offence for which an infringement notice may be issued under the act, is one that I guess in fairly philosophical terms we take exception to, and hence we will be voting against clause 7 when the bill goes into the committee stage.

On the face of it there is nothing objectionable in the minister's second-reading speech and the narrative from officials and advisers as to why this should be supported; but what we see in the second-reading speech and the advice is a request that this power be increased because the minister feels it appropriate. As a legislature I would hope that we would have some stronger policy argument than that the minister feels it appropriate'. Again let me put on record here that this is not some dastardly, awful, draconian, sinister method from the government. I am not implying any of that.

Mrs Petrovich — Unless you're about to be desexed.

Mr LENDERS — I will not pick up that interjection, Mrs Petrovich — that is a different bill, actually. On this particular item, I think as a matter of principle if the legislature is being asked to empower a minister to impose greater penalties on a citizen, we need a fairly heavy onus to the case as to why it needs to be done. Again the minister's office and adviser courteously wrote me back a letter following the briefing that we had and sought to link it to some other penalties in other pieces of legislation, which in good faith they said was roughly analogous to it and that is why we should do it. My dilemma on this is that you are going to a citizen and saying that penalties should go from 2 to 5 units, and the sole rationale is that it has not been changed for 20 years. I think we need to pause on that. Penalty units have been indexed to the CPI for a number of years, since about 2002 or 2003 when that piece of legislation came in.

Digressing to the budget, I know that the Treasurer has done a money-grabbing gouge and increased penalties in this budget, but the principle still applies, and in fact that makes even stronger the case for why you do not just up these penalties. They are indexed to deal with inflation. What the minister is asking us here is to agree to a piece of legislation that gives him the power to effectively put up penalties by 150 per cent. I will be as even-handed as I can be here, but you could argue that in the end the legislature can disallow a regulation if a minister seeks to do it. That is a check and balance, but the reason the Labor Party will be voting against this particular clause is that I think we need to draw lines in the sand on things that we think are appropriate in legislation.

I have raised with this minister on a number of occasions that I believe legislation in this area needs to have regulatory impact statements. We have not yet had one that has had such a statement. The argument often is that this legislation is minor or that the minister has formed a view that a regulatory impact statement is not necessary. I guess this concerns me, because in the end on all of these matters the legislation puts a burden on citizens, whether it is because there is no regulatory impact statement or whether, as it is here, penalties have gone up because a minister thinks it is appropriate that they go up. I think we need to apply a greater science and methodology to what goes forward.

From the Labor Party's perspective, on a number of bills that have come forward in the primary industries area we have in good faith taken that there have been no RISAs (regulatory impact statement assessments). We have in good faith taken it that good practice will be followed. As I said, this is not a dastardly, earth-shatteringly defining moment in legislation, but I think we need to draw a line on legislation when time after time there are no RISAs. Time after time the Parliament has simply been expected to act as a rubber stamp for the executive, so this is a line in the sand on that area. For that reason the Labor Party will vote against that clause, and I would urge the house to reflect on what is being asked of it. Again and again there are logical pieces of legislation that tidy up acts and deal with anomalies — and there is a whole history of little things in here that are sensible things to do — yet there comes a time when as a legislature we have to say that we need a better process. We need a better reason why citizens should have greater penalties other than the minister at this juncture thinking it is appropriate to change.

For those reasons the Labor Party will not oppose the bill. We will take it into committee and ask the minister a series of questions about the effects on people who move from one municipality to the other and about the charges they will pay for having microchipped and/or desexed dogs, and we will be voting against clause 7 of the bill, which is the one that gives the minister the power to increase penalties.

Ms PENNICUIK (Southern Metropolitan) — The Primary Industries Legislation Amendment Bill 2012 that we have before us today is a bill that makes mainly technical amendments to three acts: the Domestic Animals Act 1994, the Livestock Management Act 2010 and the Agricultural and Veterinary Chemicals (Control of Use) Act 1992.

Under the Domestic Animals Act 1994 cats and dogs that are microchipped are entitled to a reduced registration fee at the moment. This will be removed and the full registration fee which is set in the act as at least three times higher will need to be paid by pet owners. As Mr Lenders suggested in his contribution there will be some transitional issues there. While we will not be opposing that, we do say that it is making it more expensive for a family to own a pet. I cannot see the reason for that. It certainly should not be a revenue-raising exercise to register an animal; it should only be about the actual cost of the registration to do that.

The bill will also tighten the criteria for being exempt from having a pet desexed by requiring a vet to personally inspect the pet and state the reasons why it should be exempt. This seems a sensible amendment given that the aim is to have as many domestic animals desexed as possible. Also under the amendments to the Domestic Animals Act 1994 a minor will no longer be held liable for the behaviour of a dog under their control. The act currently deems responsibility at age 17; this will shift back one year, so that a person would need to be 18 years or older to be held liable for the behaviour of a dog under their control. I recall talking about that at some stage during another debate on a domestic animals amendment bill; however, I was not able to find my notes on that subject. Nevertheless, I certainly thought at the time that it was probably best that control of animals be vested in an adult rather than a child.

The changes under the Agricultural and Veterinary Chemicals (Control of Use) Act refer to the sale of livestock that may have been exposed to agricultural chemical products and the fact that there is an onus on the seller to notify the purchaser of that exposure. There is also a section that empowers inspectors to order the production of documents to assist in their duties to determine if a law has been followed. We think that certainly could be helpful for inspectors. As an aside, it

would be good if the documents we have asked for could be tabled in the Parliament so that we in the Parliament can see what is happening in the executive.

There is also the issue Mr Lenders raised regarding the regulation power or the power vested in the minister to increase penalties. I spoke to Mr Lenders briefly about that, and I agree it is not terribly controversial. I will be interested to hear what the minister has to say about this provision during the committee stage of the bill. On principle it is best whenever a penalty is increased under any act that that increase not be an arbitrary decision of a minister but that reasons be given for doing so. Obviously such an increase impacts upon the citizens of Victoria. The Greens are inclined to support the ALP on that, but I would be interested to hear the minister explain what the reason for that might be and how the Parliament is going to be made aware whenever that particular provision is implemented or used.

The changes to the Livestock Management Act are fairly technical, fixing a typographical error and clarifying the purposes for which infringements can be issued when someone breaches regulations and causes a serious risk to human health, biosecurity or animal welfare.

I take this opportunity to say that this act is meant to be an amending act, but there is nothing in it about the welfare of some livestock, including sows in sow stalls or battery hens in battery hen cages. I draw the attention of the house to the landmark decisions made in the Tasmanian Parliament to phase out sow stalls and battery hen cages. Members would be aware — perhaps not new members — that in the previous Parliament I moved to disallow the inaptly named *Code of Accepted Farming Practice for the Welfare of Pigs 2007 (Revision 2)*, which allows sows to be housed in sow stalls in which they cannot move around. It also allows other things, including the docking of tails and the removal of teeth without any pain relief et cetera.

All of these things have been phased out in the European Union and are now being phased out in Tasmania and in many states in the United States of America. Australia is very far behind in this regard. I congratulate the Tasmanian government on its phasing out of battery hens and its speeding up of the phasing out of sow stalls in piggeries, which had already been announced. I foreshadow that I will continue to pursue this matter in this Parliament, because we should not be allowing cruel and inhumane practices in terms of the keeping of livestock in this state.

With those comments, I indicate that the Greens will not oppose the bill.

Mr RAMSAY (Western Victoria) — I rise to speak on and support the Primary Industries Legislation Amendment Bill 2012, and I do so as a lifelong supporter of regional Victoria. I have lived and worked in primary industry for my entire life, and any changes in legislation that improve efficiency, food quality, safeguards and animal welfare and protect our important domestic and export trade are to be commended.

As has been said in previous contributions, the bill amends three acts: the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Domestic Animals Act 1994 and the Livestock Management Act 2010. These amendments are really just housekeeping changes that provide greater clarity in the acts, the regulations and the orders and ensure that the penalties are appropriate and consistent with other infringement offences. I will refer to issues raised by Mr Lenders in relation to the penalties.

This legislation is a sign of a government which is committed to the agricultural industry and is looking for ways to safeguard and protect our agricultural products by improving the legislation that provides quality assurance and food safety guarantees to domestic and export customers. There is no doubt that having a minister who has a vision of where he sees agriculture in the future along with the productivity and capability required to achieve those outcomes is a great asset for the primary industry sector.

The state budget clearly demonstrates this commitment, with the announcement of $61 million to be provided for investment in increasing productivity in agriculture, a goal consistent with the Baillieu government's policy platform of tight fiscal policy with good and sustainable economic management and a priority of boosting productivity in the state of Victoria. By providing a balance of fiscal reality, responsible financial management and the need to rationalise services that prioritise productive outcomes, Minister Walsh has managed under difficult circumstances not only to keep front-line services to the agricultural sector but also to consolidate assets to meet the needs of reducing costs without impacting upon productivity.

The amendment to the Agricultural and Veterinary Chemicals (Control of Use) Act imposes controls over the use of agricultural and veterinary chemicals in Victoria. It also controls the use, application and sale of product, which provides integrity of food safety and protects our markets. This bill empowers an authorised

officer to require the production of documents to ascertain compliance with regulations and orders under the act. It also provides a new offence where a person fails to return a suspended or cancelled authority to the chief administrator.

The bill amends the Agricultural and Veterinary Chemicals (Control of Use) Act to provide for a consistent reference to an authorised officer identification certificate or card and to increase the maximum allowable penalty for an infringement notice from 2 to 5 penalty units. This will require legislation, and the minister will still require regulation to enforce the penalty units. I suspect the issue raised by Mr Lenders will be responded to by Mr Hall, and, from what I hear, the matter will be discussed again during the committee stage. The issue is that we are talking about an increase from a low 2 penalty units, or $240, to 5 penalty units, or $610.

Mr Barber interjected.

Mr RAMSAY — It is a very small increase. It has not been changed for 20 years, and it still requires regulation for the minister to enforce. In respect of other jurisdictions and the Department of Justice — —

Mr Barber interjected.

Mr RAMSAY — It is only about a 10 per cent increase, whereas the industry average for penalty units is about 20 per cent. We are talking pretty small beer in relation to the increase. It has been there for over 20 years, and it is there to do a job — that is, to try to restrict misuse.

The important change is the requirement of a seller of livestock to inform the buyer if the livestock has consumed agricultural produce that has been harvested or obtained within the holding period for an agricultural chemical product that has been applied to it. This is normal quality assurance practice, and those primary producers involved in a quality assurance program will have done this already. In fact the national vendor declaration requires it for a producer to sell their product into the marketplace.

The bill also amends the Domestic Animals Act 1994. Currently under the act a 17-year-old can legally be responsible as an owner of a dog or cat rather than their guardian or parent. Consequently if she or he commits an offence, given the age it would be heard in the Children's Court. Changing the responsible age to 18 years will ensure that the charges will be heard in the Magistrates Court and that breaches of the Domestic Animals Act 1994 will not be tied up in the Children's Court, and I am pleased to see Ms Pennicuik is fully supportive of that amending provision.

The act also allows a council to resolve not to register or renew registration of a dog or cat unless it is desexed. In addition, there is a proviso that if there is a health risk confirmed in writing by a veterinary practitioner, then it would preclude the animal from being desexed. This is all common-sense stuff. The bill will now ensure that the proviso will only apply where the vet has personally examined the animal in providing health advice and giving reasons for that advice.

Mandatory microchipping has reduced desexing rates, but the priority has always been to encourage dog and cat owners to desex their animals. Given that the five-year introduction has reduced the rate of registrations here, this bill will remove the basis for reduced fees — but not for current owners of microchipped or registered animals. I wish to respond to Mr Lenders's inquiries in relation to rate reductions, particularly in the case of moving from shire to shire. There are also other opportunities; microchipping an animal is not the only eligibility criteria for a rate reduction. If you have a working dog or belong to DOGS Victoria, the Cat Protection Society of Victoria or certain other organisations, you are also able to claim the rate reduction.

This bill also makes administrative changes to the Livestock Management Act 2010 whereby the unintended limitation on which standards can be enforced through regulation is removed. This will allow the Department of Primary Industries and industry to have a range of better options for enforcement and ensure more effective delivery of compliance and enforcement. It is pleasing to see that the opposition members in the other house were supportive of these amending provisions. Even the previous Minister for Agriculture, the member for Ripon in the Assembly, Joe Helper, saw the merit of increasing the penalties, as outlined in clause 7, which is consistent with having a penalty that reflects the importance of protecting a food industry valued at over $8 billion.

As many members before have said, this is not earth-shattering, controversial legislation; however, the amending provisions will improve the intent of providing rules and regulations to provide written proof of food safety integrity, safeguard our domestic and export markets, keep our minors who own pets that commit an offence out of the Children's Court and provide more flexible enforcement options, without the need for regulation. They are all common-sense amending provisions, providing greater protection for our important agricultural industries and further

demonstrating the coalition's commitment to this sector. I support the bill.

Mrs PETROVICH (Northern Victoria) — I rise to speak in support of the Primary Industries Legislation Amendment Bill 2012. As a representative of Northern Victoria Region I would like to acknowledge the importance of the agricultural sector. In recent times it has been through some difficult periods, with 11 years of drought and significant other weather challenges, including, I think, up to four incidents of flooding, which have caused significant damage to properties, fencing and livestock.

We have a great commitment to our agriculture and livestock industry in Victoria, and we are very well placed in the world for the production of the best quality beef, sheep, fibre and harvests which have a reputation as a clean, green, high-quality product. As Mr Ramsay said, it is an industry worth $8 billion across the state. That is a significant contributor to our gross domestic product. The Minister for Agriculture and Food Security, Peter Walsh, has done a fine job in this portfolio. He certainly understands the industry, and this bill reflects a practical approach to issues that are in need of progressing.

The Agricultural and Veterinary Chemicals (Control of Use) Act 1992 is the principal legislation regulating the use of agriculture and veterinary chemicals. It is easy to see the importance of the proposed legislation before us today in the protection of our agricultural sector for both domestic and export products. It ensures that financial losses and the impacts on markets are minimised by the protection of livestock and plants. The act imposes controls in relation to the sale, application and use of these chemicals. The importance of this should be clear — that is, to ensure the protection of our domestic and export markets in relation to agricultural produce, livestock, the environment and, most importantly, public health.

The bill requires the production of documents to determine compliance with the act and improve administration compliance with the act as well as setting in train a two-year compliance framework. There is now a requirement for the livestock seller to inform the purchaser of livestock as to whether the animal has consumed fodder that has been in contact with an agricultural chemical within the withholding period — a minimum interval between the last application of chemical to the crop, pasture or animal and the harvesting, slaughter or consumption of that animal.

It is also interesting to look at the issue around microchipping and desexing. It is very important for us to ensure that we contemporise this legislation. There are many unwanted animals who are set for lives of misery, abandonment and destruction as a result of irresponsible ownership or the overproduction of kittens and puppies. It is very important that we look at how we can ensure that people are encouraged in every sense to make sure their animals are desexed. The issue before us today has come about perhaps because of the reduced registration fee implemented by some councils as a result of microchipping, which has taken away some of the emphasis from desexing animals.

I will not speak long on the bill today. You could say it is all part of continuous improvement. Some of the questions raised by Mr Lenders earlier will, I think, be addressed fairly easily as part of the committee stage. The clarification about costs and the moving of animals from council to council may be an issue, but the overriding issue is about ensuring that there is a proper process for animals to be desexed and that that can be carried out so as to avoid some of the other problems that can occur as a result. I will not go on about the issues of minors, because that has been well covered by Mr Ramsay. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms PENNICUIK (Southern Metropolitan) — As this bill amends the Domestic Animals Act 1994 I thought I would take the opportunity to ask the minister whether he is able to provide any update on the implementation of the puppy farms legislation. He will recall that while I welcomed the legislation, during the second-reading debate I was concerned about the implementation and enforcement of that legislation. That also included the issue of microchipping, which is covered in this bill. Can the minister give any update as to how that is being enforced in terms of closing down illegal puppy farms?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I appreciate the sincerity with which this issue has been raised, and I will attempt to provide an answer. Even though I could well argue that there is no provision relating to such measures in the bill, there are some related matters. Notwithstanding that, I am always happy to try to produce an answer. I am happy

to answer in either of two ways. If Ms Pennicuik is happy to allow me to take it on notice and provide her with a written response to that particular question, then I could do it in a more thorough way. Otherwise, because this matter has not been raised in my briefing notes, I could go across to the advisers box and get a rapid answer. As I said, given it is not exactly part of the bill, I am happy to get a thorough answer, if that is acceptable, by taking it on notice.

Ms PENNICUIK (Southern Metropolitan) — If we could get a very small and rapid answer, and then I would appreciate a written answer as well.

The DEPUTY PRESIDENT — Order! I think the minister has now been asked to do both of the things he offered. It is up to the minister.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I appreciate the way in which both the opposition and the Greens have facilitated the speedy passage of this bill and not drawn the house through long debates. The quick answer is that currently local governments are undertaking around 50 investigations into complaints against puppy farms. The Royal Society for the Prevention of Cruelty to Animals is undertaking around five investigations at the moment. I am advised that in each of those, councils and the RSPCA are going through the legal processes about warnings, investigations and compliance in relation to those matters that have been raised for their attention. That broadly gives the level of activity that is being undertaken in that area and, as I said, I am happy to have a more fulsome answer provided in writing.

Clause agreed to; clauses 2 to 6 agreed to.

Clause 7

Mr LENDERS (Southern Metropolitan) — I addressed most of the issues regarding clause 7 and why the Labor Party will be voting against it in my second-reading speech. To recap, this is not a die-in-the-ditch horror clause that Labor members are opposing, but it is the line we are drawing after multiple bills from this minister where there have been no reasons given and after a series of pieces of legislation where we have been asked to do a series of things without any scientific reasoning. In this particular clause the bill does not specify why the penalty needs to be changed.

The second-reading speech and explanatory notes only say it is because it has not been changed for 20 years. The letter I got back from the minister — and I am paraphrasing; I am not seeking to say anything that is not in it — says that it is considered to be low comparable to other areas. It does not say who considers it or that there has been a Sentencing Advisory Committee review, a parliamentary committee or any scientific view or a judge who has taken view on it. There is simply a statement that it is considered to be low, and the only rationale is in a sense that it has been 20 years since the penalty levels were changed.

Frankly, from my perspective that is why you index penalty units — to deal with those periods of time. There needs to be a stronger policy reason. We will not debate this further, but we will divide on it on the basis that this clause does not add value to the legislation and the reasons for taking away the rights of citizens have not been enunciated. The Labor Party will vote against this clause.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I will respond to the question Mr Lenders raised in the second-reading debate and here in committee. Ms Pennicuik also raised some points about this particular provision, which I will also attempt to answer.

First of all, there are probably two reasons that I would give for the government seeing it as appropriate to increase from 2 to 5 the maximum number of penalty units that can be prescribed. The first of those is that the increase will better reflect the differences in the statutory maximum penalties for offences under this scheme. I will provide some background. I do not usually read answers, but I want to read a couple of sentences here for the sake of accuracy. Section 69(1) of the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 provides that:

> An authorised officer may serve an infringement notice on a person whom the authorised officer believes has committed a prescribed offence …

Section 69(3) currently provides that the maximum penalty is 2 penalty units.

Schedule 2 of the Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices) Regulations 2004 prescribes 5 offences under the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 and 12 offences under the Agricultural and Veterinary Chemicals (Control of Use) Regulations 2007 as infringement notice offences. The five offences under the act — and we are talking about the agricultural and veterinary chemicals act — have substantive maximum penalties of between 50 and 100 penalty units. In contrast the 12 offences under the regulations have substantive maximum penalties of between 10 and 20 penalty units. While the current

maximum infringement penalty of 2 penalty units is considered reasonable for offences prescribed in the regulations, it is considered too low for offences in the Agricultural and Veterinary Chemicals (Control of Use) Act. The increase in penalty units is proportionate between offences under the act and offences under the regulations.

The second reason the government has decided to increase the maximum number of penalty units that can be prescribed from 2 to 5 relates to a comparison of those penalty units that may be prescribed under other acts. For example — and these are acts related to the one in question here — under the Plant Biosecurity Act 2010 the maximum infringement penalty is 10 units for an individual and 40 for a corporation. Under the Domestic Animals Act 1994 the maximum infringement penalty is 12 units. Under the Impounding of Livestock Act 1994 it is 5 penalty units. Under the Fisheries Act 1995 it is 10 units, and under the Livestock Disease Control Act 1994 it is 5 units. The government feels that increasing the maximum penalties that can be prescribed from 2 to 5 units is consistent with other comparable acts.

I also want to respond to the matter raised by Ms Pennicuik in the second-reading debate, and that was in regard to the ability of Parliament to be notified if this particular provision is utilised by the minister. In each sitting day of this house we have the tabling of certain regulations that are made, and any member has the discretion to move for disallowance. Over the years many of us have exercised that option. The Scrutiny of Acts and Regulations Committee makes judgements on those matters as well. They are the formal mechanisms that allow the Parliament and members to be notified of changes to regulations. The Scrutiny of Acts and Regulations Committee has been set up to assist members in that regard. The latter part of my answer responds to those issues raised by Ms Pennicuik.

Mr LENDERS (Southern Metropolitan) — As I said, it is not the intention of the opposition to delay the committee; however, I will make just two comments. The first is that it seems a bit churlish to not accept the answer from a minister who is a lot more forthright in respect of the committee than someone who normally sits to his left. That is the most comprehensive explanation we have had to date in this debate. If that had been in a second-reading speech, it might have given some more comfort. I am not seeking to have a debate with the minister, but from my perspective the minister's answer goes only part of the way to explaining it. There is still no foundation for anything like the sentencing review panel. Part of the explanation also mixes penalties imposed by courts and infringement notices, which are obviously of a different level and standard. While I appreciate the minister's endeavouring to answer, it will not change the position of the Labor Party in voting against this motion.

Committee divided on clause:

Ayes, 20

Atkinson, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	O'Brien, Mr (*Teller*)
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr (*Teller*)
Drum, Mr	Petrovich, Mrs
Elsbury, Mr	Peulich, Mrs
Guy, Mr	Ramsay, Mr
Hall, Mr	Rich-Phillips, Mr

Noes, 17

Barber, Mr (*Teller*)	Pennicuik, Ms
Broad, Ms	Pulford, Ms
Eideh, Mr (*Teller*)	Scheffer, Mr
Elasmar, Mr	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr
Pakula, Mr	

Pairs

Finn, Mr	Darveniza, Ms

Clause agreed to.

Clauses 8 to 16 agreed to.

Clause 17

Mr LENDERS (Southern Metropolitan) — As I flagged in my contribution to the second-reading debate, the Labor Party will not be opposing this clause. We do not oppose the policy of clauses 17 and 18 — the two of them run together — but I have a couple of questions of the minister. I will make some statements to the minister and then seek a response or a view from him. The policy intent behind these clauses is that microchipping was to be encouraged for a period of time, hence there was a financial incentive to do so, but microchipping is now mandatory, hence the financial incentive is being removed. The policy area is fine.

I made the effort to contact a number of municipalities in my electorate to see what the consequence of this would be. My first observation is that for many of the municipalities microchipping and desexing were merged in the fee rate; sometimes it was one and sometimes the other. In a couple of municipalities if you rang twice you got two different answers, which is always a bit frightening.

The long and the short of it is that under the provisions of this bill a citizen — and I am referring to people in my electorate in somewhere like downtown Bentleigh in the city of Glen Eira — who at the moment pays a reduced registration fee for their microchipped dog will find that benefit, for want of a better term, remains unchanged. The clause seeks to protect that. But my resident of Bentleigh in the city of Glen Eira may move across to a suburb in the city of Kingston, for example, with one of the grandfathered dogs — if that is a term you can use when the grandfathered clause is for a dog. If the citizen moves from one municipality to another, there are a couple of consequences, but the most significant one is that they simply cannot register their dog until they get it microchipped.

The point I am making to the minister is that while the policy is not something we oppose, I am alerting him to the consequences. There will be some senior Victorians in particular who will move from one municipality to the other and incur a greater fee. If my citizen from Bentleigh in the municipality of Glen Eira moves to Elwood or Elsternwick in the municipality of Port Phillip, the amount they will have to pay to register their dog will go from $45 to $165. It applies to a very small group of dogs between the ages of about 8 and 10 years whose owners are citizens who have moved.

My question to the minister is: the government does not have a regulatory impact statement, so is he aware of this issue and of how many citizens from places like Bentleigh who move will have to pay more to have their dogs registered?

Hon. P. R. HALL (Minister for Higher Education and Skills) — This was brought to my attention by Mr Lenders during the course of the second-reading debate. It is a good point, which he also made in the second-reading debate, so I thank him for bringing it to my attention. I acknowledge that there may well be a cost impact on those seeking to relocate from one municipality to another if the municipality they are moving to has a different rate or method of application for dog registration. I accept the point that if a dog pre-dates the mandatory implementation of microchipping back in May 2007, their owner is not required to pay the full fee while they remain at the current municipality, but if the owner moves between municipalities then, yes, depending on the structure for the new municipality they may incur a different cost.

I accept that this is an anomaly, but it is one where the only way the government could fix it would be by mandating a set schedule of fees to apply to municipalities or by requiring them to have some commonality or transition measures. Mr Lenders himself said there are probably only a small number of animals involved in this. The cost of setting up some sort of structure to accommodate and reimburse councils et cetera in my estimation — I stress it is only an estimation — would probably outweigh the total costs incurred.

This is something where some people will incur a penalty — that is acknowledged — but, in terms of mandating and requiring councils and the state government to take particular action, it not something that we think on balance would override the purpose of the implementation of the legislation. Judging by comments received from both the opposition and the Greens, the policy position is agreed to.

Mr LENDERS (Southern Metropolitan) — I am not seeking to ask any further questions of the minister, but as part of the debate on this clause I would make the observation that regulatory impact statements sometimes pick up anomalies and alert citizens to the cost of measures such as this. I also pick up from the debate that I will be looking with interest at the family impact statement next year at budget time to see whether there is any reference to what this does to some senior Victorians in my electorate.

Clause agreed to; clauses 18 to 22 agreed to.

Reported to house without amendment.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I move:

That the report be now adopted.

Before moving to the adoption of the report, I want to thank both the opposition and the Greens for their cooperation in getting the bill through and for the responsible way in which debate was conducted.

Motion agreed to.

Third reading

Motion agreed to.

Read third time.

PRODUCTION OF DOCUMENTS

The Clerk — I have received a letter dated 24 May 2012 from the Minister for Water headed ‘Legislative Council order to produce documents — Goulburn-Murray irrigation district’:

Letter at page 2738.

Ordered to be considered next day on motion of Mr BARBER (Northern Metropolitan).

STATUTE LAW REVISION BILL 2012 and STATUTE LAW REPEALS BILL 2012

Second reading

Debate resumed from 1 March and 3 May; motions of Hon. D. M. DAVIS (Minister for Health) and Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr LENDERS (Southern Metropolitan) — These are perfunctory bills, one initiated in the Council and one in the Assembly, that deal with the missing semicolons and spelling mistakes in legislation. They have gone through the process of the Scrutiny of Acts and Regulations Committee. They have gone through some scrutiny in the Assembly, and I will not waste the time of the house. They are important tidying-up bills that have come to the house, and the Labor Party will not oppose either of them.

Ms PENNICUIK (Southern Metropolitan) — The Greens will support both the Statute Law Repeals Bill 2012 and the Statute Law Revision Bill 2012. It is always good to see errant commas and inappropriate semicolons removed from legislation. I have to say that I am very much in favour of good grammar in legislation. One thing I notice that still remains not only in the legislation but in second-reading speeches et cetera is the inappropriate use of the possessive apostrophe. I would like to see that stamped out of legislation, of departmental documents and of second-reading speeches. With those remarks, we will support the bills.

Mr O'BRIEN (Western Victoria) — Picking up from Ms Pennicuik's contribution, we would all like to see some things not being around, but regrettably we have to tolerate things we do not like.

An honourable member — We cannot tolerate apostrophes.

Mr O'BRIEN — We like apostrophes, particularly as there is one in my name.

These are important bills that tidy up the law, as has been said. I do not need to say much more on them because I have been part of the Scrutiny of Acts and Regulations Committee, which has reported on both the Statute Law Revision Bill 2012 and the Statute Law Repeals Bill 2012. I urge all members to read those reports for their study of this, as well as the excellent review that was done in May this year by the Regulation Review Subcommittee, chaired by Mr Michael Gidley, the member for Mount Waverley in the Assembly.

STATUTE LAW REVISION BILL 2012

Second reading

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

STATUTE LAW REPEALS BILL 2012

Second reading

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

EDUCATION LEGISLATION AMENDMENT (VET SECTOR, UNIVERSITIES AND OTHER MATTERS) BILL 2012

Second reading

Debate resumed from 3 May; motion of Hon. P. R. HALL (Minister for Higher Education and Skills).

Ms MIKAKOS (Northern Metropolitan) — I rise to put forward the Labor opposition's view on this bill, and I advise that the opposition will be opposing the Education Legislation Amendment (VET Sector, Universities and Other Matters) Bill 2012. Whilst the bill proposes to amend a number of aspects of the Education and Training Reform Act 2006 in relation to the regulation of the vocational education and training sector in universities, it is the transfer of the regulation of apprenticeships from the Victorian Skills Commission to the Victorian Registration and Qualifications Authority which the Labor opposition is most concerned about.

Effectively the changes to the regulatory functions of the Victorian Skills Commission will render this body a toothless tiger at a time when the sector is reeling from unprecedented cuts and poorly thought through decisions. That is something the Labor opposition is vehemently opposed to. We believe these changes are simply ideological ones which are anti-union, politically motivated and seeking to remove industry and union participation in skills training at a time when we are seeing a full-frontal attack on TAFE institutions in this state.

Labor recognised the value of TAFE institutes in our community and provided funding for them to operate effectively and to provide their community service obligations. But the Baillieu government has delivered the most savage cuts to TAFEs in Victoria that we have ever seen. Last year it announced cuts to the tune of $50 million in the Victorian certificate of applied learning program and $40 million from TAFEs. As a result of this year's state budget further cuts will equate to about $290 million a year by 2013. We believe this is a decision that will decimate the TAFE sector. There also appears to be no new state government capital investment for TAFEs in the budget. It would seem that the Baillieu government only supports capital upgrades for TAFE institutes if they fund themselves or if the commonwealth government pays for them.

The cuts also include the complete removal of the funding differential and full service provision paid to TAFEs. This funding provided essential community services, support for large TAFE infrastructure costs and essential training to smaller rural communities. This full service provision has covered cost of living salary increases from enterprise bargaining agreements since 2004.

The Victorian TAFE Association executive director, David Williams, is reported in today's *Age* as saying that an estimated 600 job losses are expected to come from regional and rural TAFEs and 1200 to 1500 in the metropolitan area, with many more across the training sector. Trade and vocational training courses not in high demand will be slashed, leaving students across the state with a much reduced course selection, larger classes and less support. TAFEs provide essential skills training, creating pathways into meaningful employment, particularly for young people. They also provide alternative pathways into university degrees.

In many regional areas TAFEs are the only option for people who want to take on further study or training, but with these cuts the future of many regional and rural TAFE institutes remains uncertain. Any closures will impact on the local economy and limit education options for Victorians. Victoria's TAFE system cannot afford to have millions of dollars per year slashed from its bottom line. I have no doubt that most if not all members of this house have received many emails from angry constituents over the last few weeks on the Baillieu government's cuts to TAFE. The sentiments of the Victorian public are well represented in those emails and raise many valid points of argument.

I will read from only a couple of those today, because if I were to read all of them we would be here into the wee hours of the morning. The first email is from Ms Maria Colaidis, who said:

> I am a full-time mum caring for two young children. I study at TAFE part time in the evenings. I am in my second year of study and have another five years to go. However, with the new cuts to TAFE announced, it may mean that I have to leave my course. I cannot even begin to explain the hard work I have had to put in to incorporate part-time evening study in my life while also looking after my two children full time.
>
> Studying is about gaining a qualification, making it easier for me to return to the workforce; it is about doing something for myself; it is about teaching my children that even though I look after them full time I am still looking after myself by doing this for me. It's all these things and many more. Cutting funds to the TAFE system doesn't just mean people losing their jobs and people being unable to study. It will have a greater flow-on effect to individuals and their families. If it really is all about money, imagine the impact on my family and the real cost involved if I am unable to continue to study.

I also want to read out part of an email from Mr Steve Ward, who is a teacher at RMIT University, who also emailed me about the impact the TAFE system has had on his life. He wrote:

> I am a successful product of the TAFE environment. After returning to study at the age of 25, I was able to graduate with a diploma in technical production at RMIT and have gone on to work with some of the biggest entertainers in the world. For example, I was given the honour to work directly with each member of the band U2.

I am very jealous of that, being a big U2 fan.

> Since graduating, I have been able to forge a business built solely on the reputation of my skills learnt at TAFE without the need to ever advertise. I have even returned to teach and help other aspiring learners reach their goals and dreams.

Mrs Peulich — On a point of order, Acting President, I am not sure whether the member thinks it is opposition business, but yesterday there was a motion about TAFE and funding of VET courses and so forth. Today there is a bill looking at a range of governance issues to do with transfer of apprenticeship regulation, adult education institutions, regional councils, injunctions against registered training organisations (RTOs), sharing of the registration and qualifications authority information of the commonwealth regulators,

the Victorian student number, remuneration of TAFE institute board directors and leave of absence. It is not clear to me which clause of the bill the member is addressing. Notwithstanding the fact that a second-reading response is typically broader and canvasses a range of broader issues, the overwhelming contribution by Ms Mikakos has been on matters that this bill does not contain. I ask you to try to contain her a little, because we are just reprosecuting the issues that were debated yesterday.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I do not uphold the point of order.

Ms MIKAKOS — Thank you very much, Acting President.

Mrs Peulich interjected.

Ms MIKAKOS — We heard what Mrs Peulich had to say about emails yesterday, and I am sure she will be able to say more about that in her contribution today. This is a bill that is about the further education sector, the TAFE sector, so if she thinks angry constituents' emails about the cuts that her government has made are not relevant to this debate, then she clearly needs to go back to read the second-reading speech on the bill.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I did not uphold the point of order, but I do ask Ms Mikakos to keep her contribution relevant to the bill at hand.

Ms MIKAKOS — I will try not to be provoked by Mrs Peulich in her interjections. She had her opportunity yesterday; in fact the filibustering by government members yesterday prevented me from making a contribution in the course of that debate. Mrs Peulich very frequently comes in here on a Wednesday and filibusters on whatever motion the opposition has before it.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Ms Mikakos should address her contribution through the Chair and not to Mrs Peulich.

Ms MIKAKOS — These concerns have been clearly identified by many constituents who have written to MPs, including members of the government. I do hope they have been reading about those concerns. There also have been many concerns that have been outlined to members of Parliament by people who are on the governance side of our TAFE sector, and this bill very much relates to the governance of the TAFE sector. In particular I draw attention to a letter that members of Parliament received today from the CEO of the Kangan Institute, Mr Ray Griffiths, in which he said to us:

> The net effect of the various budget decisions on Kangan Institute's existing course profile has been a real reduction in the student contact hour funding available to our departments in all courses but one, with a significant number of courses being analysed as economically unsustainable.

He went on to say:

> Fifty-two courses with significantly reduced government subsidy levels will be terminated as no projected mix of student fee increase and delivery improvement can be seen as sustainable. Regrettably, many of these courses have served as entry level pathways for disadvantaged learners. No new enrolments will be taken in these course areas from 30 June 2012, with current students being taught out until the end of 2012.
>
> In summary, we project that the direct impact of the budget will see a reduction on Kangan's government-subsidised business of around $25 million, with places for 1000-plus prospective students no longer available in the short to medium term and job losses of up to 175 over the next 18 months.

I am very concerned about the impact on Kangan Institute, because one of its campuses is in my electorate, in Broadmeadows. As the CEO has identified, it is a very disadvantaged community. Northern Melbourne Institute of TAFE, which is another one of my local TAFEs, has also been severely impacted. Universities have also made comments about the impacts — for example, RMIT vice-chancellor Margaret Gardner reportedly wrote to staff last week advising them that:

> Inevitably we will withdraw from teaching in some areas of vocational education …

She said the cuts were:

> … a severe threat to vocational education —

at RMIT. With RMIT being based in my electorate, this is obviously going to have a big impact on opportunities for young people and the broader community not only across the Northern Metropolitan Region but also more broadly across Victoria.

Many CEOs have made public comments in relation to these cuts. I will not go through them all, but the National Tertiary Education Union has identified the impact across campuses. I will quickly go through some of those impacts that were referred to in the NTEU's media release of 10 May. It referred to the Central Gippsland Institute of TAFE potentially losing $7 million to $10 million, losing 35 jobs and dropping its hospitality course. It referred to the Box Hill Institute reporting a 33 per cent budget cut, with redundancies expected. It referred to Wodonga TAFE reporting the

same — a 33 per cent budget cut, with redundancies expected. Chisholm Institute of TAFE, with campuses in Berwick, Cranbourne, Dandenong and Frankston, reported a significant budget impact, with course cuts on the way. Holmesglen TAFE reported $28 million slashed from its budget. I have already referred to Kangan Institute, where it is rumoured that there will be up to 150 jobs going. Sunraysia Institute of TAFE expects a $6.5 million cut to its budget, with 26 jobs shed, and another $3.5 million could be lost through cuts to the funding rates for courses.

Mrs Peulich — On a point of order, Acting President, it is a parallel experience here with Ms Mikakos. The debate on VET, subsidies and fees was yesterday; today it is the clauses of the bill. Ms Mikakos is yet to address any of the clauses of the bill in any substance, focusing overwhelmingly — 90 per cent of her contribution — on matters that are not contained in the bill at all.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I also share some of those concerns about Ms Mikakos's contribution. In fact I fear Ms Mikakos speaking every time I am in the chair, because I suspect she is trying to test me in relation to how far I will tolerate her fairly broad-ranging contributions. I have some sympathy with Mrs Peulich, and I am struggling to find anything in the bill that refers to the last four minutes of the contribution by Ms Mikakos in relation to the budget cuts to VET funding. Without upholding the point of order, I ask Ms Mikakos to keep to the discussion relevant to the bill at hand.

Ms MIKAKOS — This bill is about governance of the sector. It has a number of provisions that relate to how the sector works, and obviously the issue of funding is a fundamental part of that because without money to operate we end up having a piece of legislation that does not fulfil its stated intention, which is to provide further education opportunities for Victorians. Clearly there is some sensitivity from the government around these issues. We will continue to highlight the impact these cuts will have on the sector, the fact that campus closures are threatened and the fact that we have all this happening at a time of very high youth unemployment in Victoria. Youth unemployment reached its highest figure since 1998 in February this year, at 23.1 per cent. It has dropped slightly to 22.3 per cent, but I am concerned that, following on from the VCAL cuts, the TAFE cuts may well increase this even further.

The government needs to have a good hard think about this and the impact it is having on the community. The issue we are most concerned about in relation to this bill is the transfer of the regulation of apprenticeships from the Victorian Skills Commission to the Victorian Registration and Qualifications Authority. Part 2 of the bill will transfer the regulatory functions of the Victorian Skills Commission, including those relating to regulations, the monitoring of apprenticeships and appeals processes, to the VRQA.

In November 2009 Labor unveiled the new Victorian Skills Commission with a focus on industry leadership to meet the needs of industry and assist more Victorians into skills training. The Victorian Skills Commission currently has the authority to allocate funding for vocational training and regulation, to regulate apprenticeships and traineeships, to advise government on post-compulsory education and training and employment, to promote research, to cooperate with the Adult Community and Further Education Board and to monitor the outcomes of post-compulsory training and education. Rather than strengthen its capacity at a time of industry downturn and skill shortages, when employers' commitment to apprenticeship contracts will come under pressure, the government is now looking at moving to transfer these powers to the VRQA, which has itself been criticised for its lack of action on regulating dodgy and poor-quality training providers.

The Labor opposition also has concerns about the lack of resources provided to the VRQA to undertake the additional role of regulating the apprenticeship and traineeship system in Victoria. With the government announcing these changes to the Victorian Skills Commission at the same time as it is looking at abolishing industry training advisory bodies, there is concern about a lack of transparency in the regulation of apprenticeships. The announcement by the minister late last year that audits will now be conducted through a new departmental monitoring unit and rapid response team adds to the confusion about just who is responsible for quality and compliance in the sector. I look forward to the minister being able to provide a little bit of clarity around how this new rapid response team and unit will operate.

There has been no explanation to date of how the powers of this unit will link in with the powers of the VRQA or what resources will be supplied to these bodies. This highlights the serious weaknesses in the Baillieu government's regulatory regime to date. Given the scale of the problems regarding regulation of the training market and the massive and rapid growth in private training providers, the VRQA resources would need to be substantial. These cutbacks can therefore only be seen as an attack on existing arrangements rather than the inclusion of industry participation in

identifying skills needs in our state as part of sensible policy decisions.

New section 29 of the bill proposes to transfer from the Victorian Skills Commission to the minister himself the power to recommend the removal of an unsatisfactory TAFE director. There appears to have been little public consultation on this issue; that has come to be expected from this government, which just has blazed through the training sector, taking an axe to anything in its path. Given the considerable financial pressure on TAFE directors at the moment and the talk of amalgamations, we have serious concerns over the potential for ministerial gagging of TAFE directors who are critical of government cuts or political appointments.

This transfer of powers has come just as TAFEs have been forced to go public in raising their concerns over these cuts that will devastate their budgets, result in the loss of their staff, result in course closures and leave students with unbelievably high fees. And yet Mrs Peulich had the temerity to question why the budget cuts have some relevance to this legislation. They absolutely have relevance, because the government is looking at changing the governance structures that are regulating the TAFE sector and further education in this state at precisely the same time as it is cutting back on funding to our TAFE system.

There has been no explanation by the government as to why such powers need to be removed from an independent authority and given directly to the minister. I note also that while Labor was in government the then coalition opposition was critical of any centralisation of authority or powers to the minister; that was when the shoe was on the other foot. It is interesting that the government has moved to do this, particularly at a time when TAFE directors need to be able to speak freely and openly about what is going on in their TAFEs. It is the view of the Labor opposition, and of concern to it, that these amendments only go to serve the Baillieu government's political agenda and increase ministerial power over TAFE governance.

The bill also makes minor governance reforms in the adult, community and further education sector, requiring the Centre for Adult Education and Adult Multicultural Education Services to submit long-term strategic plans to the minister and hold annual general meetings. I have had some opportunity to become familiar with the adult education sector and the work done by Adult Multicultural Education Services in our state. It is very important work, and I commend it for the work it does in our communities.

Under the bill the new education regulator, the VRQA, will also have an additional option available to it where a registered training organisation (RTO) is not complying with its obligations. Currently the VRQA may ask an RTO for an enforceable undertaking in relation to its future conduct. Such undertakings depend on the RTO being willing to acknowledge the need for improvement and therefore enter into an enforceable undertaking. However, where an RTO is unwilling, proposed part 4 of the bill will allow the VRQA to seek a legal injunction against a registered training organisation that is not complying with relevant education laws. The bill also enables the VRQA to share information with the new commonwealth education regulators. This is important to ensure consistency across all RTOs.

But whilst the capacity to injunct rogue RTOs would quickly appear to be a useful mechanism and one that brings the VRQA in line with its national counterpart, the Australians Skills Quality Authority, the measure comes at a time when the government is transferring powers of audit and investigation directly into its own department. Further amendments extend the Victorian student number system to commonwealth-regulated RTOs, but their commencement is dependent on validating the commonwealth regulations.

The bill also clarifies that full-time public sector employees are not eligible for extra pay as directors of TAFE institute boards; and there is also a change to each of the eight university acts to enable more flexible leave of absence to be granted to university council members. We do not have concerns in relation to those latter technical changes. As I said earlier, our greatest concern relates to the changes to the Victorian Skills Commission and in particular the centralisation of powers to the minister at a time when the sector is reeling from these budget cuts.

In conclusion, the government has delivered a blow to the TAFE sector that threatens the survival of many of our TAFE institutes. The government is proposing stripping the Victorian Skills Commission of its last remaining regulatory function and transferring them to the VRQA, with no clear explanation as to what the future role of the VRQA will be. It is proposing transferring the ability of the Victorian Skills Commission to remove unsatisfactory TAFE directors from an independent authority directly to the minister himself, again with no explanation as to why. It is proposing that a rapid response team set up from within the department conduct quality and audit investigation, with no explanation as to how this unit will interact with the regulatory functions of the VRQA.

The truth appears to be that the government is acting to shut down all avenues of independent advice. It is looking at also abolishing the industry training advisory boards. We understand that will be the subject of a further piece of legislation. But again it is gutting the ability of unions to work in a tripartite way with the industry, the department and the government to identify training needs. These boards were strongly supported by Labor in government.

The government does not or cannot understand the devastating impact of its decision on communities across Victoria. Premier Baillieu lacks empathy as to what the impact will be on the cost of living issues and the impact that the fee increases will have on young people in particular who are looking to undertake further training. The Labor opposition strongly opposes these cuts. We will continue to hold this government to account for the decisions it makes and the impacts that those decisions have on the community. We will continue to hold this government to account, no matter how inconvenient it might be for its members, for its disgraceful disregard for skills and further education in Victoria. With those words, the opposition will be opposing this bill.

Mrs PEULICH (South Eastern Metropolitan) — I will not reprosecute all the issues that were canvassed yesterday in relation to the Victorian vocational education and training (VET) reforms — reforms which were even acknowledged by the federal education minister as having been necessary to strengthen the system because of an unsustainable structure left behind as a result of the Labor Party reforms introduced in 2008 and which were subsequently also endorsed by the Essential Services Commission. I will not speak about that at length, but I would like to refer to some quotes from that ESC document, which identifies a number of factors that are pursued in the review of VET fees in particular. I will quote from a summary on page 5, which is on the website. It says:

> There are both private and public benefits arising from education and training. Government intervention in VET is also sometimes justified to pursue distributional and equity objectives:

It goes on to say that individuals accrue a private benefit by undertaking education and training in the form of improved labour market opportunities. There is obviously a public benefit. In terms of making those changes to increase the subsidies of courses that are to do with skills shortages, clearly that is relevant here. From education and training, obviously benefits can emerge in the form of higher productivity and faster economic growth as a result of a more skilled workforce. It goes on to talk about the distribution and equity considerations that have led governments to intervene in the provision of VET on the basis of affordability, accessibility and fairness.

These are the factors taken into account by the Essential Services Commission, and it goes on to say — and this is essentially what the debate yesterday was about — how the coalition government and the Minister for Higher Education and Skills have tried to deal with that. It is about how to get that mix of elements right, and clearly Labor had not got it right because it left a system where there was a trajectory of growth which had not been funded. As a way of undermining the whole system I think it is a legacy that potentially could have destroyed the TAFE system.

The minister has had to take some tough decisions. Unlike our eurozone friends, we are determined not to suffer from the eurozone epidemic, which is to ignore reality and stick your head in the sand. It is about making the right decisions in order to strengthen the system. This bill is about that, and I will just quote from one paragraph of the report, which says:

> Each of the elements above is addressed most efficiently through a different form of policy intervention. For example, students are expected to pay a tuition fee to reflect the private benefit that arises from the provision of education and training. Employers may also contribute to the cost of training their employees. Meanwhile, the broader public benefits to the economy, and society as a whole, justifies the provision of a subsidy for VET training. In practice, this involves some government funding of training providers. In the case of increasing the affordability and accessibility of VET to pursue distributional/equity goals, concessions can be used to ensure that income inequality is not a barrier to training.

The minister has addressed all of those issues in the reforms that he has recently announced. What should have occurred is when the new system associated with the reforms was introduced in 2008 there should have been staged implementation of those reforms. There has not been, so regrettably this is a catch-up on what basically is an absence of leadership and good policy setting over those years. The report goes on to say:

> Much of the content of this report is based on a clear demarcation between the design, funding, administration and ongoing calibration of these three different forms of policy intervention.

The debate yesterday was very much about getting that mix right. Clearly Ms Mikakos thinks that we do not have the mix right, but in actual fact she would have preferred to have left an uncapped market-driven system and an unfunded entitlement system in place. We have a different view. We want to see the education system strengthened. We want to see the governance of

education institutions and education provision strengthened, and this minister has been associated with many of those reforms.

Specifically on the bill, it makes a number of governance changes, albeit small, but they are significant. These types of changes should never be underestimated in terms of their significance. This bill does strengthen the vocational training system in Victoria. It makes a series of amendments relating to the Education and Training Reform Act 2006 and the university acts. It makes some significant changes in the VET sector, obviously through the latest budget process, and clearly these changes have been absolutely necessary, despite all the bleating of people like Ms Mikakos, to ensure that we have a sustainable VET system into the future.

What this government inherited from the former Labor government was an unsustainable VET funding system plagued with dodgy RTOs (registered training organisations). The minister has already acted on that, and this bill takes further action to better regulate RTOs and lift the quality of education that RTOs deliver. He has taken action to address the oversupply of some courses, such as the exponential growth of courses such as personal training, and indeed to increase the subsidy to those courses where there are skills shortages left over from the abolition of technical schools under the Labor government back in the 1980s — something from which our community still has not fully recovered. There is also the problem of lacking connection to Victoria's industry and business skill needs.

Ms Mikakos calls this an ideological bill. That could not be further from the truth; it is actually a reality bill. Yesterday the minister spoke about the legacy. We have been debating the legacy. He spoke about reality and he spoke about the vision, and I think it is a commendable common-sense vision. It certainly is not driven by ideology; it is driven by practical common sense. Obviously we have made some tough calls, and the minister has been taking the brunt of that. No doubt in 10 years time he will be positively commented on for taking decisive action.

Mr Leane — You should suck up to him in your own time.

Mrs PEULICH — This is my own time. The government has also committed to new measures to ensure that our training system architecture is fit for purpose. That is something that the Labor government failed to do, and some of those measures have been necessitated by a national movement or a national trend. For example, in relation to the transfer of apprenticeship and traineeship regulation, this bill provides for the transferring of regulation of apprenticeships and traineeships from the Victorian Skills Commission to the Victorian Registration and Qualifications Authority. It does not enable the VRQA to regulate training delivered to apprentices and trainees by both RTOs as well as employers. The proposed amendments would see that functions associated with compliance, enforcement, advice, support and dispute resolution for apprenticeships and traineeships are transferred to the VRQA, and the VRQA would continue to accredit courses, register qualifications and investigate training-related complaints. I think this is a very positive move. It is intended to create a more effective and efficient regulation of apprenticeships and traineeships in Victoria, and I commend the minister for taking that action.

The bill also makes a number of governance reforms that deal with the oversight of two adult education institutions, notably the Council of Adult Education and Adult Migrant Education Services. These are necessary. AMES specialises in providing settlement, training and employment assistance to refugees and newly arrived migrants. The CAE assists adults to complete their secondary education and to begin or change their employment pathways. What the bill does do — because there have been some challenges there — is ensure that the institutions operate in accordance with their strategic plans and that the chairperson of each governing board is appointed by the Governor in Council instead of being chosen by the board itself. Hopefully these small but significant changes will strengthen the viability and performance of those two institutions.

The bill changes the legal status of regional councils, to which Ms Mikakos so loudly objects. They will no longer be incorporated because many of their responsibilities will be transferred. They will no longer employ staff, and as a result of that they will no longer need to be incorporated entities. They will instead become unincorporated bodies with purely advisory and consultative functions, and the staff now employed will be employed by the department. I know that the minister has a very good plan for making sure that the decisions that govern higher education and skills will be made based on industry needs and industry advice, and I think this is long overdue.

The bill also enables the Magistrates Court and the County Court, on the application of the education regulator, the VRQA, to issue injunctions. There are three different types of injunctions: positive, negative and so on. That is a way of managing that behaviour and being able to improve quality and address issues of

concern that might arise out of complaints that need to be dealt with. That certainly gives the VRQA a greater toolkit to use.

There is the sharing of VRQA information with commonwealth education regulators. Because of the national trends in relation to education and the fact that there are RTOs operating both in Victoria and in other states that have overlapping responsibilities and operations, there is a need for harmonisation. We have seen this across other portfolio areas. This bill provides the VRQA with the ability to disclose information or give documents to certain commonwealth authorities or bodies. Obviously the Australian Skills Quality Authority is one of the commonwealth government established regulators. ASQA regulates VET, provides delivery in other jurisdictions and provides training to overseas students, as well as the Tertiary Education Quality and Standards Agency, which regulates all higher education institutions.

Basically the bill provides a straightforward and effective means of allowing the provision of that information from the VRQA on written request from the commonwealth regulator. I was keen to see what view the Scrutiny of Acts and Regulations Committee (SARC) had in relation to this, and its members are confident that the privacy of that information will be managed appropriately. I certainly hope that is the case.

Extending the Victorian student number to commonwealth-registered providers is obviously necessary, given that it applies to RTOs that operate in Victoria. That includes the 14 TAFE institutions and the 4 dual-sector universities and those that have been transferred to or been registered by the commonwealth VET regulator.

The commencement of this bill is subject to commonwealth approval for constitutional reasons, so no commencement date has been fixed. I know this matter has been raised by SARC; however, it is contingent upon the commonwealth proceeding with this. I think it was delayed as a result of the Queensland elections, and there is every confidence that this will proceed as agreed.

The bill clarifies that full-time public sector employees are not eligible for additional pay as part-time directors of TAFE institutes. It prevents double-dipping, and I think that is what the public expects in terms of the administration of public funds. That is an appropriate reform.

The bill also provides for leave of absence for members of university councils. The amendment allows each of the universities, under their acts, to authorise formal leave of absence for members of the university council, which in itself can approve leave for up to three months. Furthermore, the council may grant leave for up to 12 months, with the minister's consent. Obviously that is to accommodate such things as illness, overseas travel, sabbaticals, overseas employment, maternity leave and so on. That makes a lot of sense, and I am glad to hear the opposition does not have concerns with that either. As I said, the bill will enable university councils to keep vacancies open for legitimate and good reasons, and I think that is a good improvement.

In closing let me say that many of these issues will improve the governance of our educational institutions. The funding issue was a tough one but a necessary one; however, what the debate should not overshadow is that there is a record investment in the sector, which is to be commended, especially given the budgetary and economic circumstances. We should not lose sight of the fact that this minister is making the necessary and the tough calls that Labor failed to make when it introduced the system in 2008. With those few words, I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — The Education Legislation Amendment (VET Sector, Universities and Other Matters) Bill 2012 is not entirely what you would call an omnibus bill because it mainly amends the Education and Training Reform Act 2006. It also makes minor amendments to the eight university acts.

I will start by commending the minister on his explanatory memorandum to the bill. The explanatory memorandums of most bills are not as thorough as this one. I would also like to thank departmental staff for the briefing they gave me on the bill and for answering the queries I raised about the bill. I also thank them for furnishing me with a marked-up copy of the bill so I could see exactly where the amendments fit into the act. It would be good if other departments did that during briefings, as it does make it easier when looking at a bill to work that out.

As I said, the bill makes amendments to the Education and Training Reform Act and to the eight university acts. The bill provides that leave of absence can be granted to university council members; that is basically the amendment to the university acts.

Regarding the amendments to the Education and Training Reform Act, the major amendment is the transfer of the regulatory functions of the Victorian Skills Commission to the VRQA (Victorian Registration and Qualifications Authority). During the

briefing we were told that this is because the role of the VSC has changed to policy advice and development, hence its regulatory functions should be transferred. I think the Greens agree with the opposition that the scaling down of the Victorian Skills Commission is probably premature. I cannot really see the policy justification for that. The Victorian Skills Commission has performed its role for a long time, and I have not heard anybody suggest that it has not done that well.

Part 2 of the bill, which encompasses clauses 3 to 26 — virtually half the bill — is devoted to the issue of transferring the regulation of apprentices to the VRQA. We were told that this would not involve substantive changes to the existing regulatory legislation, only a change of the responsible agency. However, this would require the approval by the regulator of employers employing apprentices, training contracts being lodged with the regulator, arrangements for the apprentice to be enrolled in the appropriate training course and the determination of grievances between employer and apprentice. There are also consequent changes to the administrative powers of the agency, such as the register of apprentices to be transferred from the VSC to the VRQA, the ability of the VRQA to appoint authorised officers for the purposes of administration and enforcement of apprentice provisions under part 5.5 of the Education and Training Reform Act, and the inclusion of apprenticeship regulation in the VRQA functions statement. Ms Mikakos went to that matter in some detail.

I also took the opportunity to consult with the unions and the Victorian TAFE Association on this particular issue. I have to say that the VTA has expressed no issue with the legislation, but in terms of our consultation with the Australian Education Union, its view was that, considering the role currently undertaken by the VSC, it is arguable that the VRQA does not currently have the resources to handle the explosion of private registered training organisations (RTOs) or the regulation of the RTOs and that it should be focusing on that. As I mentioned during the debate on TAFE yesterday, there have been many cases reported in the media about some private providers rorting the system and private providers providing less-than-adequate qualifications to students so that those students are left ineligible for further subsidised study. This is an issue I raised with the minister as well. The VRQA is not equipped to perform its role.

The second issue is that under part 2 of the bill the power to recommend removal of an unsatisfactory TAFE director would be transferred from the Victorian Skills Commission to the minister. We would prefer that function not to be in the control of the minister, but rather in a body removed from the minister, as it currently is. Our conversations with the National Tertiary Education Union were more equivocal and along the lines of yes, these things that are happening could be positive or negative, but certainly concerns are raised about the removal of the regulatory functions of the Victorian Skills Commission as proposed by this bill.

The next issue is that regional councils of adult education would no longer be incorporated entities, as they would no longer employ staff or allocate funding. They would become advisory bodies. I asked in the briefing how, if that were to be the case, they were going to perform their functions as advisory bodies. The answer was that they would still have a small secretariat staff provided by the department. That takes that function of providing to the department advice about skills away from being at arm's length and moves it into the department. We are not quite sure whether that is necessarily the best way to go, particularly now.

Under other amending provisions, the bill would be able to issue injunctions against registered training organisations for contravening irrelevant law; aiding, abetting et cetera a contravention or a relevant law; or being involved in any way in a breach of a relevant law. When I asked questions about that, I was advised that the provisions are based on consumer laws and the Australian injunctions could be made ex parte. I understand about those types of things in consumer laws and in other statutes as well; they are probably a good idea. As the minister has said, and as was pointed out in the briefing, some of those could be positive injunctions, such as to institute a training program, refund money to students, provide a service or a facility, make a facility available, disclose information or honour a promise made in the course of misleading or deceptive conduct. The idea is that currently the penalties for such contraventions may not bring about the desired outcome.

The bill also enables the sharing of information with the commonwealth regulators, the Australian Skills Quality Authority and the Tertiary Education Quality and Standards Agency. ASQA regulates half the VET (vocational education and training) providers in Victoria, including the 14 TAFE institutes and the university TAFE divisions, and TEQSA now regulates all the higher education providers. Given that some of the regulations have moved to the commonwealth level, there is obviously a need to share that information. It also enables the VRQA to disclose information to provide records to commonwealth education regulators in accordance with a written request.

The extension of the Victorian student number (VSN) to commonwealth-regulated RTOs in Victoria is an issue I raised with the minister. I remind the house that when the VSN was introduced in the previous Parliament, the Greens did not support its introduction as a unique identifier for two main reasons. One of those was that with the introduction of these particularly unique identifiers there is inevitably use creep, and we are seeing that here. Instead of keeping the VSN within the Victorian public education system, which is what we were told would happen, that number is now going to be provided to commonwealth-regulated RTOs. We raised issues at the time it was introduced about other possible uses, particularly the requirement for students to produce their Victorian student number on request.

The other reason we did not support the introduction of the Victorian student number was because at the time, the then Minister for Education, Ms Pike, the former member for Melbourne in the Assembly, put forward the proposition that one of the benefits of the Victorian student number would be that it would enable the Department of Education and Early Childhood Development to better track and follow up young disadvantaged students, students who were having problems at home or with their studies or other students with life problems that meant they were having discontinuity and problems in their education. We were not convinced by that argument.

The minister said at the time that we would be able to track students by their address, which would be linked to their student number. It seems to me that the very students who are falling through the cracks because there are troubles at home or any other sorts of troubles are the least likely students to worry about updating the address that is associated with their Victorian student number. In fact it is the students, or their parents, who are not having problems who will contact the department to update their address details et cetera attached to the Victorian student number, and it is the students who are having problems who are not likely to do that. The Victorian student number is not going to be able to assist in keeping track of those students and assisting them when they get into trouble.

I asked the minister for an update on that particular question, and I thank him for the letter he gave this morning with regard to that.

Hon. P. R. Hall — Yesterday.

Ms PENNICUIK — Yesterday, I should say. Mr Hall gave the letter to me yesterday. I asked if he could provide me with information about what is happening in other states, and without reading all of it into *Hansard*, it seems that in one way or another most states — although possibly not to the extent of Victoria — have some sort of a student number, but Victoria's is probably the strongest. I also asked whether any evaluation of the VSN, including compliance levels and its success or otherwise in enabling student records to be traced, had been undertaken. The minister informs me that:

> No formal review of project outcomes against success (or otherwise) measures has been conducted, though levels of compliance against regularity of data submission, and data quality and volumes have been regularly monitored in an operational capacity. The project has also complied with Victorian audit requirements. To date, very little has been carried out in relation to tracing student records.

In terms of the Victorian student number achieving its aim, the minister can furnish me with no evidence in the positive or the negative. It seems that it has not achieved that aim, or we certainly cannot say that it has, and for the reasons I just outlined I would be sceptical about whether it has.

The bill also provides that if full-time public officials serve on TAFE institute boards, they will not be able to receive additional payment. That is obviously sensible; it is something which could be applied in the Parliament so that if people serve on committees, they do not get any extra payment for doing so. I have been through the amendments to the university acts, and the rest of the amendments in the bill are more technical and machinery-type amendments.

I have mentioned before the issues involved with the abolition — as it seems will happen; certainly it is abolition by stages — of the Victorian Skills Commission and its role in particular in overseeing apprenticeships. That is premature to say the least and probably not well advised. The issue that has been raised with us is that of the VRQA having the resources and the wherewithal to undertake this task and what negative impact that might have on apprenticeships over and above the negative impact that the budget cuts are already having on the TAFE sector.

Referring back to the debate yesterday, I read into *Hansard* a list of TAFE institutes that have provided information regarding the cuts that are going to be applied to the budget and the fact that they are going to lose staff and close some courses. I also said in the debate yesterday that the previous government shares part of the blame for starting this problem back in 2008 with its philosophy of market contestability in the VET system. I raised it in the Parliament at the time and I spoke with the minister about the problems associated

with going that way, and obviously it has resulted in problems.

I raised with the minister in the previous Parliament the issue of the problems with some private providers falling over, not providing the courses they were meant to provide, taking money from students and leaving them in the lurch. That was a problem which I described in 2009 as a 'complete mess'. There have been longstanding problems in the TAFE system arising from that move to market contestability for which there has really been no rationale or justification. Since then we have seen the share of training in Victoria of TAFE go from 75 per cent to 48 per cent. I know Mr Hall will talk about that, but generally the TAFE sector conducted about three-quarters of the VET training for decades prior to this. It has been the bedrock of training for Victorians because the fees were low and there was accessibility to concession fees. It was very accessible for people from low-income and disadvantaged backgrounds, people returning to the workforce, single parents et cetera. That is where they gained their qualifications, as Ms Hartland said so eloquently in her contribution yesterday.

Along with what the government is doing with the Victorian Skills Commission, it has also removed funding from the 16 industry training advisory boards (ITABs) that have been around for a long time. They vary in size from small organisations to larger ones. They have been providing independent advice on training needs and skill shortages and encouraging the training of workers by giving a consolidated view of industry needs, taking into account union as well as employer views. They have served the community well in that way.

The minister has said that the new arrangements for the industry skills consultative committees will be drawn from peak industry associations and employers, but that leaves out the other section, which is the associations representing workers. That is where the industry training advisory boards were very valuable in that they were able to present a view to government about the skills needed in the Victorian community, and they have done that for a very long time. It was a very unfortunate move for the minister to remove the support funding from ITABs, and it appears that some of them, if not most of them, will not be able to survive.

It is estimated that around 80 people will lose their jobs. Not only will those 80 people be affected personally but they are also people with a lot of experience and a lot to offer in terms of providing advice to government about skills requirements. Given the small amount of money that is required for the government to support the ITABS, I would certainly urge the minister to reconsider that decision and ensure that the ITABS keep going and are able to provide advice as they have done for a very long time.

The question is: are we able to support the bill? When you are presented with a bill that has some good features in it — and I think this one does, such as the injunctions and the changes to the university acts, which are not that huge but are certainly positive changes — it is difficult to make a decision. You have to weigh up some positive aspects of the bill against the negative or questionable ones. As I mentioned, part 2 of the bill — basically half of the bill — is related to the transfer of apprenticeship regulation from the VSC to the VRQA. I agree with the opposition on that particular point.

The other point I have raised and still have concerns about is the Victorian student number. Obviously it is there. We have never supported it being there. It is now being expanded, which is what we predicted would happen. That is another issue that the Greens have with the bill and have had with that particular subject ever since it was introduced into the Parliament several years ago under the previous government. You could amend a bill to take out a whole part of it; in this case, that would basically take the guts out of this bill.

After weighing up the pros and cons of that, the Greens will not support the bill.

Mrs KRONBERG (Eastern Metropolitan) — I rise to support the Education Legislation Amendment (VET Sector, Universities and Other Matters) Bill 2012 because the thrust of this bill is to simply strengthen the vocational training system in this state. Along the way those who drafted the bill have taken this opportunity to make amendments to the Education and Training Reform Act 2006 and also the university acts that affect eight universities: Deakin University, La Trobe University, the University of Melbourne, Monash University, Royal Melbourne Institute of Technology, Swinburne University of Technology, the University of Ballarat and Victoria University. I did not participate in the debate about the budgetary impacts on the VET (vocational education and training) sector yesterday, but I am very pleased to inject a couple of comments pertaining to that now that I have the opportunity to do so.

I just want to say that I am quite sensitive to the anguish of my former colleagues, friends and associates with whom I worked for 10 years in the VET sector, and I say this to them and to the house: when I saw the graphic representation of the growth of the VET sector

and the funding shortfall and looked at the gradient that illustrated the path of unsustainability that the TAFE sector was on, I was utterly convinced that the decision, albeit a tough one, that was made during the budget formulation, with the expertise that the minister brought to bear on this, was a wise decision, the best decision and the only decision.

The VET sector was really let down by the former Labor government because it failed to respond to the imperatives brought before it through the changes it made back in 2008. In fact the Labor government was very sluggish in responding to what the VET sector should be delivering, how it is governed, how it is managed and administered, who is at the top and its performance in general. One of the things I would like to say is that this may give various TAFE institutes an opportunity to review their management structure, the key performance criteria of those in senior roles and their contribution to the export of education services in this state.

It is quite alluring to have international campuses to which many people like to go and have extended stays. This is an opportunity to review the value and return on investment of the maintenance of overseas campuses, because not only are we leaving our intellectual property behind in different marketplaces but sometimes the downward pressure has been on the conditions of staff who leave Australia and go to work in international campuses. All their conditions suffer great pressure, and I am just wondering how competitive their negotiations are in a world market and whether, in some instances, TAFE campuses should not be reviewed at this time.

There are plenty of opportunities for providing a viable sector. In addition to that, I want to inject some elements of history. I am not sure whether or not I am the only person who has actually worked in the VET sector in this chamber, but if that is the case, it is important to make note of this: in terms of the VET sector's misalignment to the needs of industry — and I have heard Greens member Ms Pennicuik talk about the need to keep financing and funding the industry training advisory bodies — my experience was that in the time of the Hawke government, which seems like a generation ago, and in fact it was, the then federal education minister, John Dawkins, actually instituted a regime for the vocational sector that was more responsive to the needs of business and industry.

It took more than a decade for relevant training packages to be developed. I had the opportunity to interrogate the people who were looking at the formation of those training packages. I asked them which industry sectors they consulted with and which companies they were prepared to name as having participated and provided advice for the structure and content of courses delivered within the TAFE system. No small or medium enterprises were ever consulted. The only two companies — and this is burnt in my brain — which were consulted on what was brought in in the first half of the last decade of the century were Qantas and McDonald's. That is the depth of connection with the industry base, and that is my personal testament as to how misaligned and poorly informed course content can be within the TAFE sector.

I see this as a golden, historic, seismic-shift opportunity to look at what TAFE is delivering and to make sure that it nurtures and looks after the beleaguered teaching staff who are under downward pressure and are asked to do extraordinary things in the light of a considerable amount of indulgence by decision-makers further up the line.

We also know that desperate times require desperate measures. We can clearly measure that the market response of some of the providers to a new form of competitive regime has been skewed to the oversupply of some courses. They might have sought comfort from that. They might have been poorly advised.

The sector has also strayed from a beneficial, robust and relevant interface with Victorian industry, and it needs to respond to that. The sector's interface with industry in terms of relevance is very much tied to the sustainability of the sector and the skills base, the export opportunities and the prosperity of this state.

The Baillieu government is focused on the new additional measures to ensure that the training system architecture in this state is actually fit for purpose. The former Labor government rusted in skills reform in 2008 and 2009, and this led to its failure to ensure the future direction of the VET sector. The new system will give consumers more choice about their training access, better information and importantly a high-quality learning environment. One of the first things I did when I was first elected and had the opportunity to speak in this place was to highlight the need for maintaining high-quality learning environments and a strict adherence to the standards. There has been an erosion of standards.

In addition to the pressures on the TAFE system, the high Australian dollar has impacted on inbound student numbers. Some of the problems for students from the subcontinent affected that. We have to ask how sluggish we are in a competitive environment vis-a-vis

the Victorian TAFE sector luring students from the Northern Hemisphere when lined up against community colleges in North America. Just how competitive are we in a world market?

Getting back to the essential elements of the bill to hand, it complements the coalition government's commitment to developing a strong, high-quality and — the operative word today — sustainable VET system in Victoria. Importantly, the bill gives the Victorian Registration and Qualifications Authority — the abbreviation is the VRQA — additional powers against providers who fail to meet their obligations under state laws. Fee-paying students, undergraduates returning to study after a long time away, people coming into the vocational system and people who perhaps have learning difficulties who are coming into the vocational training system from the criminal justice system all deserve a fair go. There have been a lot of shonky, dodgy operators which have prevailed as RTOs (registered training organisations), and this cannot go on. It is exploitative and outrageous.

Thank goodness that the bill provides for improved governance practices for our major adult education institutions, the Centre for Adult Education and Adult Multicultural Education Services. Parenthetically, the Centre for Adult Education has recently been amalgamated into the Box Hill Institute, which I worked at for 10 years. I watch with great interest to see how the amalgamated entity works in that setting.

The bill enables the transferring of responsibilities for regulation of apprenticeships from the Victorian Skills Commission to the Victorian Registration and Qualifications Authority. It also authorises the VRQA to share information and records with the new commonwealth education regulators to facilitate cooperation. Importantly, the bill provides for the extension of the Victorian student number system to RTOs so they are not out of the loop. This includes the 14 Victorian TAFE institutes that transferred to the new commonwealth VET regulator.

Henceforth full-time public sector employees will not be eligible for pay as part-time directors of TAFE institutes, because frankly it is double dipping. The eight university acts will be amended to facilitate the granting of leaves of absence for members of university councils. This is quite equitable, giving council members, especially women, expression and opportunity to seek leave for sabbaticals or to have children, knowing that they can be accommodated back at that level without disadvantage and that their skills and knowledge will not be lost to the system. I commend the bill to the house.

Hon. P. R. HALL (Minister for Higher Education and Skills) — In reply I will just say a couple of words. First of all I thank Ms Mikakos, Ms Pennicuik, Mrs Peulich and Mrs Kronberg for their contributions to the debate. It is disappointing that both the opposition and the Greens could not bring themselves to support this bill, but I guess I am not surprised at that conclusion, given the prevailing debate on matters of some relation to this bill. I wonder whether or not the view of the opposition and the Greens may have been different if we were at a different time, in a different place and in the absence of some of those other issues. However, that will never be tested.

I just add to the kind remarks and compliments made by Ms Pennicuik about those involved in the preparation of this legislation, their attendance at briefings and their diligence in following up those matters. I also convey my thanks to those persons from my department and the staff who have been involved. You only get to understand the complexity of these sorts of matters when you see people working on them for months at a time, so I extend my thanks to all my staff and the departmental staff who have been involved in the compilation of this legislation.

In terms of a couple of the matters that have been raised, I think both the opposition and the Greens referred to changes to the Victorian Skills Commission and changes to the industry training advisory boards. Those changes were announced some time ago, but there will be further legislation in this house that will look towards making those changes permanent, and there will be an opportunity for further debate on those matters at that time.

On the Victorian Skills Commission, the biggest change to the functions and role of the skills commission was back on 1 July 2009, when we went to a market-driven training system in Victoria. Previously the skills commission was a legal body which contracted for the purchase of training in the state. Under a market-driven system the purchaser-provider arrangements — and therefore that function of the Victorian Skills Commission — are no longer. That drove much of the changed role of the Victorian Skills Commission, but, as I said, we will have a lengthy debate about that at a future time.

I also want to comment on the Victorian student number, the unique identifier that has been referred to, in terms of tracking student progress. That was one of the intents of it. Ms Pennicuik has expressed concern that the information will be made available to a national regulator, the Australian Skills Quality Authority, therefore further risking exposure to matters of privacy.

My comment in regard to that is that our training system is now very much a national one, and the providers which students attend here in Victoria are the same providers which deliver training all over Australia and even internationally. Also, under national partnership agreements between the states and the federal government, often we are required to keep an account of numbers of people who have achieved certain levels or attained certain things so as to validate the outcomes under national partnership agreements. Therefore the common use of student numbers to track through those issues is already of benefit and will continue to be so.

I can recall that when I came into my current task 18 months ago we were trying to track what I thought would have been a rather simple thing: how many students who start a diploma course end up completing a diploma course and where they might exit in between. That sort of data is not easily tracked when you have 18 different TAFE institutes and a whole range of other providers that provide training at that level.

The student number has virtually just come into the TAFE vocational system. Time will show that through the use of the student number we will get better data on how effective training is in this state, and that is going to be important for matters like those Ms Pennicuik mentioned — testing the robustness of the training market, how it is currently designed and whether it is delivering. They are all important.

I have to say that in respect of the use of the Victorian student number, during my time at least, I cannot recall an issue of privacy actually being raised with me. While I can understand the thought that there might be some concern, to my knowledge that concern has not materialised into any complaints or issues being raised directly at this point in time. With those few comments, I again say that this bill presents an important advance on aspects of the vocational training system we have in Victoria and also on the provisions relating to the university acts. We should not ignore those. They are certainly provisions that will be helpful for the governance of Victoria's universities as well, so I add my commendation to the bill, as I did when I made my second-reading speech.

House divided on motion:

Ayes, 20

Atkinson, Mr
Coote, Mrs
Crozier, Ms
Dalla-Riva, Mr
Davis, Mr D.
Davis, Mr P.
Drum, Mr
Elsbury, Mr
Guy, Mr
Hall, Mr
Koch, Mr
Kronberg, Mrs
Lovell, Ms
O'Brien, Mr
O'Donohue, Mr
Ondarchie, Mr (*Teller*)
Petrovich, Mrs
Peulich, Mrs
Ramsay, Mr (*Teller*)
Rich-Phillips, Mr

Noes, 17

Barber, Mr
Broad, Ms
Eideh, Mr
Elasmar, Mr
Jennings, Mr
Leane, Mr
Lenders, Mr
Mikakos, Ms
Pakula, Mr
Pennicuik, Ms
Pulford, Ms
Scheffer, Mr
Somyurek, Mr
Tarlamis, Mr
Tee, Mr (*Teller*)
Tierney, Ms (*Teller*)
Viney, Mr

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

The PRESIDENT — Order! The question is:

That the bill be now read a third time and do pass.

House divided on question:

Ayes, 20

Atkinson, Mr
Coote, Mrs
Crozier, Ms
Dalla-Riva, Mr
Davis, Mr D.
Davis, Mr P. (*Teller*)
Drum, Mr (*Teller*)
Elsbury, Mr
Guy, Mr
Hall, Mr
Koch, Mr
Kronberg, Mrs
Lovell, Ms
O'Brien, Mr
O'Donohue, Mr
Ondarchie, Mr
Petrovich, Mrs
Peulich, Mrs
Ramsay, Mr
Rich-Phillips, Mr

Noes, 17

Barber, Mr
Broad, Ms
Eideh, Mr
Elasmar, Mr (*Teller*)
Jennings, Mr
Leane, Mr
Lenders, Mr
Mikakos, Ms
Pakula, Mr
Pennicuik, Ms
Pulford, Ms (*Teller*)
Scheffer, Mr
Somyurek, Mr
Tarlamis, Mr
Tee, Mr
Tierney, Ms
Viney, Mr

Question agreed to.

Read third time.

APPROPRIATION (PARLIAMENT 2012/2013) BILL 2012

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer); by leave, ordered to be read second time forthwith.

Statement of compatibility

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) 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 (charter act), I make this statement of compatibility with respect to the Appropriation (Parliament 2012/2013) Bill 2012.

In my opinion, the Appropriation (Parliament 2012/2013) Bill 2012, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the Appropriation (Parliament 2012/2013) Bill 2012 is to provide appropriation authority for payments from the Consolidated Fund to the Parliament in respect of the 2012–2013 financial year.

Human rights issues

1. Human rights protected by the charter act that are relevant to the bill

The bill does not raise any human rights issues.

2. Consideration of reasonable limitations — section 7(2)

As the bill does not raise any human rights issues, it does not limit any human rights, and therefore it is not necessary to consider section 7(2) of the charter act.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006 because it does not raise a human rights issue.

Gordon Rich-Phillips, MLC
Assistant Treasurer

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The bill provides appropriation authority for payments from the Consolidated Fund to the Parliament in respect of the 2012–13 financial year including ongoing liabilities incurred by the Parliament such as employee entitlements that may be realised in the future.

Honourable members will be aware that other funds are appropriated for parliamentary purposes by way of special appropriations contained in other legislation. In addition, unapplied appropriations under the Appropriation (Parliament 2011/2012) Act 2011 have been estimated and included in the budget papers. Prior to 30 June actual unapplied appropriation will be finalised and the 2012–13 appropriations adjusted by the approved carryover amounts pursuant to the provisions of section 32 of the Financial Management Act 1994.

In line with the wishes of the presiding officers, appropriations in the bill are made to the departments of the Parliament.

The total appropriation authority sought in this bill is $101 175 000 (clause 3 of the bill) for Parliament in respect of the 2012–13 financial year.

I commend the bill to the house.

Debate adjourned on motion of Mr LENDERS (Southern Metropolitan).

Debate adjourned until Thursday, 31 May.

POLICE AND EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2012

Introduction and first reading

Received from Assembly.

Read first time for Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations), Hon. G. K. Rich-Phillips 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 (charter act), I make this

statement of compatibility with respect to the Police and Emergency Management Legislation Amendment Bill 2012.

In my opinion, the Police and Emergency Management Legislation Amendment Bill 2012, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will amend:

the Bushfires Commission Implementation Monitor Act 2011 to extend the operation of that act and reporting requirements under it for a further two years;

the Country Fire Authority Act 1958 to expand the category of persons who are able to exercise the powers of the chief officer of the Country Fire Authority in circumstances where the Country Fire Authority is not present;

the Police Regulation Act 1958 to remove the limitations on the number of deputy commissioners and assistant commissioners that may be appointed under the act, and to enable the chief commissioner to determine standards as to grooming and clothing accessories; and

the Sale of Land Act 1962 to require a vendor's statement to contain disclosure of whether land is in a bushfire-prone area.

Human rights issues

The power to determine standards as to grooming and clothing accessories of members of the police force engages a number of human rights, including the rights to equality, privacy and freedom of expression in sections 8, 13 and 15 of the charter act.

1. Power to determine standards of grooming and acceptable clothing accessories for police members

Clause 9 inserts new subsection 5(2)(c) into the Police Regulation Act 1958 which provides the chief commissioner with authority to determine standards of grooming and acceptable clothing accessories for members of the force, police recruits, police reservists and protective services officers. The provision grants the chief commissioner statutory authority to differentiate on the basis of sex, gender identity, physical features or religious belief or activity in determining these standards. The provision also provides that the chief commissioner may provide for exceptions based on genuine medical, cultural or religious grounds.

Grooming and accessories standards are currently set out in the Victoria Police manual which is available to all members of the Victorian police force. The standards include specific guidelines on grooming and accessories, such as hair, facial hair, jewellery, kirpans, sunglasses and make-up. Facial hair is not permitted, with the exception of sideburns and moustaches that are clean, neatly trimmed and do not extend beyond a prescribed point. The wearing of jewellery is not permitted with the exception of wristwatches, minimal rings of conservative style and emergency medical alert bracelets or pendants. Earrings and facial/body piercing jewellery are not permitted. The standards specify separate rules for males and females regarding the grooming of hair, with males not permitted to have long hair, ponytails or buns. Women are permitted long hair provided it is tied or pinned back and worn close to the head. Practising Sikhs are permitted to carry a kirpan provided it is concealed under clothing at all times. Headdress approved by the Uniform and Appearance Advisory Committee to support religious requirements may be worn by practising members, including the turban, hijab and yarmulke.

Right to equality (s 8)

Section 8 of the charter act provides that every person has the right to equality before the law and freedom from discrimination. 'Discrimination' under section 3 of the charter act has the same meaning as in the Equal Opportunity Act 2010 (the EO act), which includes direct and indirect discrimination. Under the EO act, direct discrimination occurs if an employer treats, or proposes to treat, a person with a protected attribute unfavourably and that treatment is because of that attribute. The attribute must be a substantial reason for the unfavourable treatment. Indirect discrimination occurs if an employer imposes, or proposes to impose, a requirement, condition or practice that is not reasonable and has, or is likely to have, the effect of disadvantaging persons with an attribute.

By enabling the chief commissioner to set both compulsory standards of general application and specific standards that are based on the attributes of sex, gender identity, physical features or religious belief or activity, clause 9 may authorise direct or indirect discrimination. For example, standards may discriminate against a male member with long hair on the basis of sex, or a member with facial hair or piercings on the basis of physical features. The standards also permit certain exemptions on the basis of religious belief or activity, which are not otherwise available to other non-practising members.

Consideration of reasonable limitations — section 7(2)

It is my view that while the operation of clause 9 may result in limitations on the right to equality, these limitations would be reasonable and demonstrably justified in a free and democratic society.

The purposes of enabling the determination of standards for grooming and acceptable clothing accessories for members of the police force are significant and important. As a representative of Victoria Police, Victoria Police members are required to present a consistent and professional appearance and project a favourable image of Victoria Police as a professional and disciplined organisation. It is critical to their role as members that they are identifiable to the public through a consistent standard that is clear and prescriptive. Members are also the first point of contact for community members when attending at a time of loss or where community members are victims of crime or other offences. It is important to this role that members present in a respectful and professional manner at all times, with an appearance that promotes public trust. It is considered, for example, that facial hair and long hair in male members results in diminishing public trust in police.

The standards are also concerned with improving the safety of members through eliminating physical aspects that could be exploited by others in confrontational situations, such as grabbing ponytails or body piercings. Finally, uniform standards facilitate unity and commitment of members to the organisation, as well as enhance morale among members. In

order to maintain consistency across Victoria Police's large membership base, it is necessary for the standards to provide clear, stringent and unambiguous rules so that they can be properly enforced in each division. The limitation is closely related to the purpose of maintaining the integrity and public image of Victoria Police, increasing safety of members and promoting public trust in the organisation.

While the limitation may have a permanent effect on members' lives beyond the workplace, I consider that clause 9, which enables the chief commissioner to provide for exceptions to the standards, ensures that the power does not constitute an unreasonable limitation on members' human rights. Under the procedure currently set out in the Victoria Police manual, aggrieved members will be able to apply for a temporary exemption on medical, pregnancy or operational grounds, or a permanent variation on medical, cultural or religious grounds. All applications will be referred to the Uniform Appearance and Advisory Committee, who must take into consideration a member's needs, the nature of their duties and the broader aims of the uniform and appearance guidelines. As officers and other members of the police force, the committee will be a public authority and therefore will have obligations under section 38 of the charter act to act compatibly with human rights and give proper consideration to relevant human rights when making a decision.

Clause 9 and the standards set out in the Victoria Police manual are focused on achieving legitimate safety, uniformity and image objectives. Accordingly, I consider that there is no less restrictive means of achieving these purposes, given the availability for aggrieved members to seek a variation before a committee that will be required to consider their human rights and personal circumstances against the broader aims of the policy. I also note that the chief commissioner, as a public authority, will have obligations under section 38 of the charter act to act compatibly with human rights and give proper consideration to relevant rights when determining the standards published in the Victoria Police manual as well as any subsequent amendments, including to the procedures available for seeking temporary exemptions or permanent variations.

Right to privacy (s 13)

Section 13 of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. The right to privacy includes the right to respect for a person's 'personal identity', including the right of a person to choose how they dress. However, the charter act only prohibits unlawful and arbitrary interferences with privacy. Any directions given as to appropriate dress and standards authorised by this bill will be precisely formulated and published in a form accessible to all members. As discussed above, the standards will be set and maintained by the chief commissioner, who will have obligations under section 38 of the charter to act compatibly with human rights. I consider that the standards are reasonable and proportionate in the circumstances and will not be arbitrary given the ability for members to apply for temporary exemptions on medical, pregnancy or operational grounds, and permanent variations on medical, cultural or religious grounds.

Right to freedom of expression (s 15)

Section 15 of the charter act provides that every person has the right to freedom of expression. 'Expression' has been interpreted broadly and includes acts of protest as well as expression of feelings. Consequently, the power to impose limitations or prohibitions on dress may potentially engage the right to freedom of expression. For example, persons may choose to express their support for a particular political cause by wearing an accessory, or refraining from cutting their hair or beard. Further, acts which are not covered by the right to religious belief may nevertheless constitute expression of one's convictions. Dress is also a protected form of artistic expression. However, it is considered that certain human rights such as the right to expression apply less strictly to members of the police force than to ordinary citizens, given their important public functions.

Section 15(3)(b) permits limitation of this right as reasonably necessary for the protection of national security and public order. Accordingly, I consider that the provision constitutes a lawful restriction on free expression as it is intended to preserve the independence and integrity of individual members and the integrity and reputation of the police force generally as discussed above, which falls within the broad definition of 'public order'.

Conclusion

I consider that the bill is compatible with the charter act because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Richard Dalla-Diva, MLC
Minister for Employment and Industrial Relations
Minister for Manufacturing, Exports and Trade

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The coalition government is committed to improving the emergency management arrangements in Victoria for the benefit of all Victorians and developing a truly modern and efficient policing force of which all Victorians can continue to be proud.

The Police and Emergency Management Legislation Amendment Bill 2012 will further this commitment by amending the Bushfires Royal Commission Implementation Monitor Act 2011 to extend the operation of that act, the Sale of Land Act 1962 to implement the government's response to recommendation 53 of the 2009 Victorian Bushfires Royal Commission (VBRC) final report, the Country Fire Authority Act 1958 to expand the class of persons who are able to exercise the powers of the chief officer of the Country Fire Authority (CFA), and the Police Regulation Act 1958 to remove the limitation on the number of assistant commissioners and deputy commissioners who may be appointed, and provide a power for the Chief Commissioner of Police to issue standards for the dress and appearance of members of the police force.

The government is committed to implementing all 67 recommendations of the royal commission's final report to prevent a tragedy of the scale of the 2009 bushfires from ever happening again. The bushfires royal commission implementation monitor plays a crucial role in this process and holds the state accountable by assessing its progress in implementing the government's response to the royal commission's final report and reporting directly to Parliament on the findings.

In 2011, the coalition government strengthened the independence of the implementation monitor by enacting the Bushfires Royal Commission Implementation Monitor Act 2011. This act is due to sunset on 30 September 2012, following the tabling of the implementation monitor's final report on 31 July 2012. The implementation monitor has recently brought to the government's attention a number of outstanding actions in the state's implementation plan that are due for completion or further review after the implementation monitor's current final reporting date.

The reports by the implementation monitor provide valuable feedback to the government and are an open and transparent record for the public of the government's progress in delivering on its commitments. The government, therefore, proposes to extend the operation of the Bushfires Royal Commission Implementation Monitor Act 2011 until 30 September 2014 and require the implementation monitor to produce two further annual reports by 31 July 2013 and 31 July 2014.

For these annual reports, the bill requires the implementation monitor to report on the progress of any implementation actions set out in the implementation plan that have not been completed as at the date of the implementation monitor's previous report. The bill also requires the implementation monitor to report on any other matter requested by the Minister for Police and Emergency Services, such as any ongoing actions or programs that originated from a completed implementation action. The annual reports will be subject to the same procedural requirements as for the other implementation monitor reports, including the requirement that they be tabled in Parliament.

The bill will implement the government's response to recommendation 53 of the VBRC final report by amending section 32 of the Sale of Land Act 1962 to require a vendor's statement, if land is in a bushfire-prone area, to include a statement to that effect. Free and easily accessible online tools are available on the Department of Planning and Community Development website to assist vendors to determine whether land is in a bushfire-prone area.

The bill addresses the substance of recommendation 53 by encouraging prospective purchasers of land to undertake their own due diligence and ensure that any prepurchase inspection of properties in bushfire-prone areas assess the bushfire safety of the property, without significantly increasing the regulatory burden on vendors.

Part 5 of the bill, which amends section 32 of the Sale of Land Act 1962, will come into operation on a date to be proclaimed, with a default commencement date of 31 July 2013. This will allow time for the conveyancing industry and vendors in bushfire-prone areas to be adequately informed of the new disclosure requirements.

The bill will make a minor amendment to the Country Fire Authority Act 1958 to enable the Department of Sustainability and Environment's networked emergency organisation partners, as well as interstate and international land management firefighting personnel, to exercise the powers of the CFA chief officer in the country area of Victoria if the CFA is not present and there is a danger of fire occurring, a fire is burning or has recently been extinguished.

In addition to the bushfire-related amendments, the bill will also make a number of legislative amendments relating to the police force. The community has a legitimate expectation that Victoria Police is an effective and highly responsive force. On 1 March 2012, the government tabled in Parliament Mr Jack Rush QC's report of the special inquiry into the command, management and functions of the senior structure of Victoria Police. The government is committed to implementing all but one of the 25 recommendations made in the Rush inquiry report.

The bill seeks to implement the government's response to recommendation 16 of the Rush inquiry report by removing the limit on the maximum number of deputy commissioners and assistant commissioners. Currently, the Governor in Council appoints deputy commissioners under the Police Regulation Act 1958 and the chief commissioner engages assistant commissioners on executive contracts under the Public Administration Act 2004. However, the provision in the Police Regulation Act 1958 regarding the caps on appointments covers both types of commissioners.

The amendment to remove these caps is being sought ahead of other legislative amendments required to implement the Rush inquiry report to provide the Chief Commissioner of Police with the necessary flexibility to develop a new senior command structure to strategically position Victoria Police for the future. In this respect, the chief commissioner will play a significant role in determining the reasonable number of deputy commissioners and assistant commissioners that will be required.

The Victoria Police 'Uniform and appearance' policy in the Victoria Police manual was recently revised and made a number of changes relating to grooming and accessories. It is extremely important for members of the police force to present a professional and well-groomed appearance to maintain the public's confidence, trust and respect, and contribute positively to Victoria Police's image and reputation as an authoritative and disciplined organisation.

The new policy will also improve the safety of members through eliminating physical aspects that could be exploited by others in confrontational situations, such as ponytails or body piercings that could be grabbed by an attacker.

The bill proposes to amend the Police Regulation Act 1958 to put the amended 'Uniform and appearance' policy into effect by providing an explicit statutory power for the chief commissioner to issue standards of grooming and acceptable clothing accessories, such as jewellery, headgear, sunglasses and make-up, for members of the police force, police recruits, police reservists and protective services officers. The bill provides that such standards may differ based on sex, gender identity, physical features or religious belief or activity, and provides for exceptions to be granted based on genuine medical, cultural or religious grounds.

This amendment to the Police Regulation Act 1958 is critical to enhance the chief commissioner's powers to effect improvements in the public perception of the force and for the benefit of the force itself.

This bill will play a small part in delivering on the comprehensive reform of the emergency management arrangements to ensure the safety of all Victorians and of Victoria Police to ensure it remains responsive to contemporary community needs.

I commend the bill to the house.

Debate adjourned for Ms PULFORD (Western Victoria) on motion of Hon. M. P. Pakula.

Debate adjourned until Thursday, 31 May.

GAMBLING LEGISLATION AMENDMENT (TRANSITION) BILL 2012

Introduction and first reading

Received from Assembly.

Read first time for Hon. M. J. GUY (Minister for Planning) on motion of Hon. G. K. Rich-Phillips); by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. M. J. GUY (Minister for Planning), Hon. G. K. Rich-Phillips 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 (charter act), I make this statement of compatibility with respect to the Gambling Legislation Amendment (Transition) Bill 2012.

In my opinion, the Gambling Legislation Amendment (Transition) Bill 2012, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The Gambling Legislation Amendment (Transition) Bill 2012 makes a number of amendments to the Gambling Regulation Act 2003 which are intended to facilitate the transition to the new gambling industry structure which will commence on 16 August 2012.

The bill also amends the Gambling Regulation Act 2003 and the Casino Control Act 1991 to ensure that the prohibition that will apply to automatic teller machines located in gaming venues from 1 July 2012 is not undermined by the proliferation of new types of cash access devices.

Human rights issues

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

Section 13: privacy and reputation

A person has the right —

(a) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and

(b) not to have his or her reputation unlawfully attacked.

Clause 14 of the bill amends the Gambling Regulation Act 2003 to require certain persons conducting technical work for a venue operator or the monitoring licensee to hold a gaming industry employee's licence.

An application for a gaming industry employee's licence requires an individual to provide information to the Victorian Commission for Gambling and Liquor Regulation (commission) and for the commission to make an assessment of the integrity, responsibility, personal background and financial stability of the applicant, the general reputation of the applicant having regard to character, honesty and integrity, and the suitability of the applicant to perform the type of work proposed to be performed by the applicant.

While the requirement to apply for a gaming industry employee's licence may engage the section 13 right, it does not limit the right to privacy because the interferences with privacy are proportionate and not unlawful and arbitrary. The commission is tasked with monitoring the conduct of gambling and the licensing process is necessary to ensure that gambling is conducted honestly and is free from criminal influence and exploitation. The commission is subject to a general duty of confidentiality under section 10.1.30 of the Gambling Regulation Act 2003.

Conclusion

I consider that the bill is compatible with the charter because it does not limit any human rights under the charter act.

Hon. Matthew Guy, MLC
Minister for Planning

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Since coming to office in 2010, this government has worked closely with industry to facilitate a smooth transition from the existing gambling licences to the new industry arrangements.

New licences for keno, monitoring and wagering and betting have been issued. Further measures to assist transition to the

new gaming industry arrangements were enacted through the Gambling Regulation Amendment (Licensing) Act 2011.

Under the new industry arrangements, the Victorian gaming industry will transition from the current duopoly gaming operator system, comprised of Tattersall's and Tabcorp, to a venue operator structure. From 16 August 2012, venue operators will have direct control over their gaming operations.

The transition to this new industry structure is a significant project and the commencement of these new licences is rapidly approaching.

This bill has two purposes. The first is to deliver on the government's commitment announced in December last year to extend the ban on automatic teller machines (ATMs) in gaming venues. The second is to further enhance and strengthen the legislative framework to facilitate a smooth transition to the new industry structure.

I now turn to the main provisions of the bill.

The bill demonstrates the coalition government's commitment to taking strong and effective action to tackle problem gambling.

From 1 July 2012, a new prohibition on ATMs in gaming venues and the casino will come into effect. From this date, a venue operator will be prohibited from providing, or allowing another person to provide on the venue operator's behalf, an ATM in an approved gaming venue unless the venue operator holds an approval granted by the Victorian Commission for Gambling and Liquor Regulation that authorises the provision of the ATM. The commission can only grant exemptions for venues to retain an ATM in very limited circumstances.

This bill extends the prohibition on ATMs to include alternative cash access devices which do not require staff interaction before any decision to withdraw cash is actioned by the customer. A cash access device that does require staff interaction before action to withdraw cash is taken by the customer will not be prohibited and will instead be subject to the existing restrictions on EFTPOS devices in gaming venues.

The prohibition will apply to gaming venues and to the casino.

The government is taking this action after being made aware of the marketing to gaming venues of alternative cash access devices that have the capacity to undermine this important harm minimisation measure. These devices appeared to be a means of providing ready, anonymous access to cash in gaming venues, with staff interaction only taking place after the customer had initiated a transaction.

The government has consistently said that it would not allow the policy intent of the ATM ban to be undermined by devices clearly designed to circumvent the ban on ATMs. Such devices are not captured by the existing legislated prohibition. The introduction of this bill to extend the existing prohibition is further evidence of the government's strong commitment to tackling problem gambling.

The prohibition on ATMs will require gaming venue patrons to leave the venue in order to access cash from an ATM. This provides patrons with a break in play that will give them the opportunity to make a decision, outside the gambling environment, about whether to continue gambling.

The extension of the prohibition is based on available research. The Productivity Commission's 2010 report into gambling found that face-to-face interaction when making a withdrawal is less risky as it can deter problem gamblers from withdrawing large sums of money.

It is important to note that patrons will still have the opportunity to withdraw cash in gaming venues where there is face-to-face interaction with staff, subject to the existing restrictions that apply to EFTPOS facilities including a $200 withdrawal limit per transaction and a prohibition on such facilities in gaming areas of venues.

These measures will ensure that Victoria has the strongest regulation of ATMs in gaming venues of any Australian jurisdiction. The changes that will commence on 1 July go further than the Productivity Commission's recommendations or measures proposed by the commonwealth government.

In addition to this responsible gambling measure, the bill makes a number of amendments to the Gambling Regulation Act 2003 and other gambling legislation to facilitate a smooth transition to the new gambling industry arrangements that come into effect on 16 August 2012.

Under the current legislative structure the two gaming operators have responsibility for the installation, maintenance and repair of gaming machines and they employ technically qualified persons as licensed gaming industry employees to undertake those functions.

Gaming industry employees are licensed by the Victorian Commission for Gambling and Liquor Regulation. In assessing an application for a licence, the commission considers the responsibility, personal background and financial stability of the applicant, as well as their general reputation having regard to character, honesty and integrity, and the suitability of the applicant to perform the type of work they are to be licensed to conduct.

Under the new industry structure the work currently undertaken by the gaming operators' licensed gaming industry employees will become the responsibility of venue operators and of the monitoring licensee. Venue operators will need to employ their own staff or engage service providers to undertake technical work such as the installation, repair and maintenance of gaming machines, and the monitor will also employ staff to link gaming machines to the monitoring system and to maintain that system.

It is necessary to amend the Gambling Regulation Act 2003 to ensure that individuals performing these technical functions are required to be licensed. Additionally, the bill will require any provider of services to a venue operator to be listed on the roll of manufacturers, suppliers and testers if the provider installs, services, maintains or repairs gaming equipment for venue operators. These amendments will assist to maintain the integrity of gaming and ensure that the management of gaming machines and gaming equipment is free from criminal influence and exploitation.

The bill also contains a number of other amendments which are necessary to facilitate the transition from the current gaming operator structure to the new venue operator model for gaming.

In 2009 the previous government introduced legislation providing that for the period following the allocation of gaming machine entitlements until 16 February 2013, six months after the commencement of the new industry structure, a venue operator who sold gaming machine entitlements for a profit would be required to pay a 75 per cent tax on the profit made. The purpose of this tax was to deter speculative bidding in the auction for gaming machine entitlements.

An exemption from the tax can be given if the Treasurer is satisfied that the reason for the transfer is that a government agency has refused to give an authorisation, such as a liquor licence or premises approval, which has resulted in the original purchaser being unable to use the entitlements.

The bill will extend the grounds for an exemption to include where the Victorian Commission for Gambling and Liquor Regulation refuses to grant an application by a venue operator to amend their venue operator's licence to increase the number of gaming machines permitted in an approved venue. The commission may refuse an application for an increase to the number of gaming machines for a range of reasons, and it is not appropriate that the venue be subject to a penalising tax for selling entitlements they cannot use if this occurs.

The taxation arrangements for the current gaming operator structure include the payment of a health benefit levy by the gaming operators. The levy applies on the number of gaming machines operated by the gaming operators. Venue operators, under the new industry structure, will not pay the levy.

The Gambling Regulation Act 2003 provides the formula for calculating the quantum of the levy and the dates on which payments of the levy are due to the state. The act provides that the levy is to be calculated in November each year, in reference to the average number of gaming machines in operation from December in the previous year to November in the current year, and for payments to be due at set dates.

The prescription of specific dates for calculating the quantum of the levy and due dates is inappropriate at the end of the gaming operator's licences and creates uncertainty with respect to determining how the levy will be calculated and when it is due for the final financial year.

The bill amends the act to provide the Treasurer with flexibility as to when he or she can determine the quantum of the levy and when the levy is payable. It is important to note that this amendment is not intended to increase the quantum of the levy that would have been payable by the gaming operators for the period until 16 August 2012 if the gaming operator licences had not ceased.

The gaming operators are currently responsible for all aspects of the operation of jackpots on gaming machines, including accounting for money in the jackpot prize pools and payment of winnings. From 16 August 2012, venue operators will be responsible for conduct of jackpots.

It is likely that on cessation of the gaming operators licences there will be funds remaining in the jackpot prize pools. Any money remaining in the jackpot prize pools will be unwon player funds, and it is important that it is distributed appropriately. While it is the government's preference that this money is paid to players before the cessation of the licences, in the event that there are remaining player funds in the jackpot prize pools, the government believes this money would be best directed to the Victorian Responsible Gambling Foundation.

For this reason, the bill amends the act to provide that any money remaining in the jackpot prize pools at the end of the gaming operators licences be directed to the foundation.

Money paid to the foundation will contribute to the provision of education and information programs to promote responsible gambling behaviours and to provide treatment and counselling services in relation to problem gambling. The payment of this money to the foundation is consistent with the purposes and objectives of the Gambling Regulation Act 2003.

The bill also creates a new transitional provision that will only apply from its commencement until 15 August 2012. The bill provides that the existing restrictions on the authority conferred by the act on venue operators licences and gaming operators licences do not prohibit the supply of gaming machines by venue operators to gaming operators. This amendment is intended to overcome obstacles faced by venue operators in ensuring that gaming machines that they have purchased are installed in venues and ready for operation by 16 August 2012.

Finally, in relation to transitional issues, the bill imposes an explicit requirement on the outgoing gaming operators and the wagering licensee to ensure that they continue to discharge any obligations remaining at the end of their licences and do everything necessary to conclude their obligations.

These obligations include the payment of moneys due to the state and the payment of prizes to players.

The bill also makes a number of technical amendments to the Gambling Regulation Act 2003 including the repeal of provisions that have been identified as obsolete under the new industry structure.

In summary, this bill further strengthens the legislative framework for transitioning into the new industry arrangements and builds on the government's commitment to strong and effective action to tackle problem gambling.

I commend the bill to the house.

Debate adjourned on motion of
Hon. M. P. PAKULA (Western Metropolitan).

Debate adjourned until Thursday, 31 May.

MONETARY UNITS AMENDMENT BILL 2012

Introduction and first reading

Received from Assembly.

Read first time on motion of
Hon. G. K. RICH-PHILLIPS (Assistant Treasurer);
by leave, ordered to be read second time forthwith.

Statement of compatibility

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) 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 (charter act), I make this statement of compatibility with respect to the Monetary Units Amendment Bill 2012 (the bill).

In my opinion, the bill, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act.

I base my opinion on the reasons outlined in this statement.

Overview of the bill

The bill will amend the Monetary Units Act 2004 (MUA) to provide the value of a fee unit and the value of a penalty unit for the financial year commencing on 1 July 2012 and clarify that the 'annual rate' under the MUA is 2.5 per cent for 2012–13. The bill will also repeal spent transitional provisions related to the implementation of the MUA.

Human rights issues

1. Human rights protected by the charter act that are relevant to the bill

There are no human rights protected by the charter act that are relevant to the bill.

2. Consideration of reasonable limitations — section 7(2)

As the bill does not limit any of the human rights protected by the charter act, it is not necessary to consider section 7(2).

Conclusion

For the reasons set out in this statement, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Gordon Rich-Phillips, MLC
Assistant Treasurer

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill amends the Monetary Units Act 2004 (the act) by providing the value of a fee unit and a penalty unit for the financial year commencing on 1 July 2012.

Fee units

Fee units are used in the act to calculate the cost of a certificate, registration or licence that is set out in an act or regulation. For the avoidance of any doubt, the Monetary Units Amendment Bill 2012 (the bill) clarifies that the value of a fee unit is $12.53 for the 2012–13 financial year.

Penalty units

Penalty units are used in Victoria's acts and regulations to describe the amount of a fine. The act sets out the way that penalty units are set and calculated. The bill raises the value of a penalty unit to $140.84 for the financial year commencing on 1 July 2012. This is over and above the annual indexation increase of 2.5 per cent for the 2012–13 financial year.

Maintenance and promotion of 'law and order' is a top priority for the government. Significant achievements include the progressive introduction of 1700 additional front-line police and 940 protective services officers. The government intends to complement these and other initiatives by deterring unlawful behaviour through the imposition of adequate fines.

This government is very clear that persons who offend against the laws of Victoria should be punished and that these punishments should have unwelcome consequences for those who offend. It is the intention of the government to increase fines so that people are further deterred from unlawful behaviour.

The bill proposes to amend the act by increasing the amount of a penalty unit. The amendment will provide for the value of a published penalty unit to be increased to $140.84 in 2012–13. Following these amendments, the provisions of the act relating to automatic indexation of fee and penalty units will continue to operate as before.

It is in the power of each person to behave in a way that does not cause them to incur a fine. Ideally, no person will incur a fine. Fines should not be a regular part of the budget of any household or business in Victoria.

If a person does offend, one of the punishments they may receive is a fine. The amendments set out in the proposed bill will increase fines. This change is one part of the longstanding commitment by this government to reduce offending in our community.

Annual rate

For the purpose of clarity, the bill clarifies that the 'annual rate' for the 2012–13 financial year is 2.5 per cent.

Repeal spent provisions

Section 11 of the act deals with transitional provisions in the 2004–05 financial year which are now spent. The bill repeals this provision.

I commend the bill to the house.

Debate adjourned on motion of Mr LENDERS (Southern Metropolitan).

Debate adjourned until Thursday, 31 May.

PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT (SALARY RESTRAINT) BILL 2012

Introduction and first reading

Received from Assembly.

Read first time for Hon. D. M. DAVIS (Minister for Health) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. D. M. DAVIS (Minister for Health), Hon. G. K. Rich-Phillips 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 (charter act), I make this statement of compatibility with respect to the Parliamentary Salaries and Superannuation Amendment (Salary Restraint) Bill 2012.

In my opinion, the Parliamentary Salaries and Superannuation Amendment (Salary Restraint) Bill 2012, as introduced to the Legislative Council is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The object of the Parliamentary Salaries and Superannuation Amendment (Salary Restraint) Bill 2012 is to limit the increase in the salary payable to members of the Victorian Parliament for the financial year beginning 1 July 2012 to 2.5 per cent.

Human rights issues

1. Human rights protected by the charter act that are relevant to the bill

Section 20 — Property rights

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

I consider that the bill does not limit this right. The bill sets out a limit on the increase to the salary payable to members of the Victorian Parliament which is precise and not arbitrary. Any impact on this right will therefore be in accordance with law, as permitted by section 20.

2. Consideration of reasonable limitations — section 7(2)

As the bill does not limit any of the rights under the charter act, it is not necessary to consider section 7(2).

Conclusion

I consider that the bill is compatible with the charter act because it does not limit human rights.

David Davis, MLC
Minister for Health
Minister for Ageing

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Parliamentary Salaries and Superannuation Amendment (Salary Restraint) Bill 2012 demonstrates the government's commitment to responsible financial management.

The commonwealth Remuneration Tribunal has decided that it is acceptable for federal members of Parliament to receive very significant increases in their basic salaries. The salaries of members of the parliaments of several states, including Victoria, are set by a formula linked to the salary of a federal member of the House of Representatives.

The Victorian government does not believe that the increase given to federal parliamentarians should flow on to Victorian parliamentary salaries in the current economic circumstances.

The government believes that the proper course would be for members of the Victorian Parliament to receive an increase in line with the public sector wages policy, and for a new mechanism to be established for future adjustments.

Accordingly, this bill limits the increase for the financial year 2012–13 to 2.5 per cent.

Furthermore, the government will establish an independent review to assess alternative methods for determining the remuneration of Victorian parliamentarians in the future, and to provide the government with options for transparent and accountable governance arrangements. New legislation will be required in due course.

I commend the bill to the house.

Debate adjourned on motion of Hon. M. P. PAKULA (Western Metropolitan).

Debate adjourned until Thursday, 31 May.

ADJOURNMENT

Hon. W. A. LOVELL (Minister for Housing) — I move:

That the house do now adjourn.

Goulburn-Murray Water: irrigation fees

Mr LENDERS (Southern Metropolitan) — The matter I raise tonight is for the attention of the Minister for Water, Peter Walsh. It relates to the concerns of Vicki Holland and others who are irrigators at Nyah West in north-western Victoria. Vicki has raised a number of issues about the capacity share fee that she and 235 other irrigators are charged by Goulburn-Murray Water. A $24 million pipeline completed in 2003 was partially funded by the Victorian government and irrigators through Goulburn-Murray Water. Vicki told me that irrigators agreed to partly fund the pipeline and had expected a fixed annual fee of the order of $2200, but instead, Vicki told me, the capacity share fee has gone up significantly to $4150. In addition to this Vicki is concerned about the financial accountability of the fees being paid by irrigators.

Vicki has already contacted the minister's office and Goulburn-Murray Water and lodged an FOI request, but so far she has received unsatisfactory responses. I acknowledge that the minister has corresponded with her, but not to her satisfaction in relation to what she expects from a minister, particularly one who is her local member of Parliament. The action I seek is for the minister to obtain further advice and promptly meet with Vicki to explain where the government's contribution appears in the Goulburn-Murray Water accounts and where the money has gone that she and other irrigators have already paid into those same Goulburn-Murray Water accounts.

Potato growers: contract negotiations

Mr RAMSAY (Western Victoria) — I wish to draw to the attention of the Minister for Agriculture and Food Security, Peter Walsh, a current issue involving potato growers in the Ballarat-Central Highlands region. At present potato farmers who have contracts with the McCain Foods company in Ballarat are becoming increasingly anxious about those contracts. The McCain Foods company has for years continuously served the Ballarat community well and provided much-needed employment to hundreds of people and sponsorship of many events and organisations in Ballarat. The company and its growers have a history of robust contract negotiations over tonnage prices for the valuable potatoes grown in the district. Generations of families can talk about their decades of commitment to the company and the stresses and rigours involved in the ongoing fight for a fair price for their product. Like all producers they feel the effects of the rise and fall of markets, the weather, imports and the spectrum of possibilities that impact any commodity value. However, I am sure these stresses are being felt to a greater extent now that the company is no longer negotiating with the McCain Potato Growers Association. Instead McCain is choosing to negotiate directly with individual farmers.

In today's Ballarat *Courier* the company admits to difficult times. Cutbacks in production will lead to an unknown number of farmers accepting the tonnage price or there being no contract all. Today's *Courier* indicates that the outcomes of these individual negotiations will be realised over the next few days. It is a difficult time. Company representatives have reportedly said the company is in this position because of an increase in food imports into Australia. The company is right to renegotiate the best price it can. It is a commercial entity fighting for survival in a highly competitive global market. However, this scenario comes about as the coalition government and the Minister for Agriculture and Food Security have announced the need for Victoria to double its food and fibre production by 2030.

The current uncertainty about potatoes focuses attention on how producers of commodities proceed and increase their output and income in this very testing global environment. It is not this government's role to interfere in commercial contracts or negotiations or to tell companies how to run their operations. It is, however, our role to make sure we create the best environment for companies, contractors and producers to work together. As such, I make a request to the minister to join me to meet potato farmers in the Ballarat region so that we can understand not only their situation and their plans for the future but how best the coalition government can help them to achieve these things.

Liberal Party: fundraising events

Hon. M. P. PAKULA (Western Metropolitan) — The matter I raise is for the attention of the Premier. Yesterday during members statements 'Senator' Finn regaled us with tales of Mr Guy's ministerial visit to Point Cook. According to Mr Finn, Mr Guy stayed well into the night. Mr Finn went on to detail how the member for Tarneit in the Assembly and Minister Guy attempted to gatecrash an event that evening. What Mr Finn did not say was that the member for Tarneit was accompanied by the Fix Wyndham's Roads group; nor did he mention that the event in question — far

from being a community meeting — was in fact a $100-per-head Liberal Party fundraiser.

The event was advertised as follows: 'The North West 200 Club invites you to an evening with the Honourable Matthew Guy, MLC, Minister for Planning'. At the bottom of the advertisement Stuart McCraith, a former Liberal candidate, is listed as chairman, and federal Senator Scott Ryan is listed as the patron. Where it gets interesting is the next page, where the invitation suggests that payment be made by direct bank deposit or by cheque payable to the North West 200 Club, PO Box 561, Moonee Ponds.

Late last year the Premier released his long-awaited fundraising code of conduct — like it has made any difference! At point 6.6 the code says:

> Where a supporters' club exists to support a minister, parliamentary secretary or government member, it must operate its account at the central office of the Liberal or National Party organisation and the proceeds of any fundraising must be paid into that account …

It is not at all clear from the collateral regarding this fundraiser whether that element of the government's fundraising code of conduct has been complied with, so I ask the Premier, as the minister responsible for that fundraising code — —

Mrs Peulich — I think it has.

Hon. M. P. PAKULA — If it has, Mrs Peulich, that will be fine. I ask the Premier, as the minister responsible for that fundraising code of conduct, to investigate the account structure of the North West 200 Club and advise whether it complies with the fundraising code of conduct.

Tourism: Chinese visitors

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Tourism and Major Events, Ms Asher. It concerns the growing importance of the Chinese tourism market for Victoria. In that context, I am very pleased that the government has allocated approximately $4.4 million in funding for Puffing Billy in the 2012–13 budget. This is very exciting for the relevant organisation and will give it some certainty and stability in terms of its future.

Mr Lenders — Is it a lapsing program?

Mr O'DONOHUE — I take up Mr Lenders's interjection. The fact is, Mr Lenders, your government contributed zero dollars for that very important infrastructure — that very important Victorian tourism asset. Zero dollars in 11 years!

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! Members should allow Mr O'Donohue to make his contribution.

Mr O'DONOHUE — I am very pleased that this government has supported the Puffing Billy tourist railway. I note the comments of the Puffing Billy chief executive officer and board members to the effect that the Chinese market is of growing importance to that critical piece of the Victorian tourism industry. The disappointing thing is that despite the challenges of the high Australian dollar and slow global growth, the federal government has decided to increase the departure tax in its budget, which is of course a disincentive to tourism to Australia. The tourism market in Australia faces a number of challenges, and I note in that context the growing importance of the Chinese tourism market to tourism infrastructure in the Eastern Victoria Region and in Victoria more generally.

The action I seek from the Minister for Tourism and Major Events is for her to provide me with advice as to what policies and actions the Victorian government is taking to ensure that Chinese tourism continues to grow in Victoria.

Disability services: Ballarat student

Ms PULFORD (Western Victoria) — My adjournment matter this evening is for the Minister for Community Services, Mary Wooldridge. I wish to bring to the minister's attention the case of an inspirational young woman I recently had the privilege of meeting.

Tess Pearce completed her VCE (Victorian certificate of education) at Ballarat Secondary College's Barkly Street campus last year. It is an amazing effort for any student to complete year 12 — let alone one who suffers from cerebral palsy and is confined to a wheelchair. Tess was one of the two highest achievers in her VCE legal studies subject in the region. She achieved an equivalent national tertiary entrance rank score of 86.5, entitling her to be enrolled in law at Victoria University.

It is a four-year degree that Tess plans to complete on a part-time basis. Tess requires a range of assistance, including help with drinking, eating and other activities of daily living. Once Tess completed her secondary education, the assistance provided by the Department of Education and Early Childhood Development ceased. Tess applied under the Department of Human Services Futures for Young Adults program for an aide to assist her with her university studies. Tess's application was

successful, and she was granted 32 contact hours per fortnight for support. However, given that Tess lives with her mother, Sandy, in Ballarat, she is required to travel by train to Victoria University's Melbourne central business district campus. The contact hours Tess requires to complete her course, even part time, including travel time, exceeded the allotted 32 hours per fortnight being provided.

Tess commenced her first semester at the beginning of this year and tried many options to make her study work, given her circumstances. Tess's preferred option of a carer meeting her at her home in the morning, travelling with her to Melbourne, staying with her during her classes and returning home with her in the evening would exceed the 32 hours of support she is entitled to, even on the basis of attending university two days a week. Under the current arrangements Tess has had to leave class early to make trains. She has been unable to talk after class to lecturers and classmates or to be involved in group work, and she has been forced to rush for trains. The rigid funding structure also put pressure on Tess if a train was delayed or cancelled.

Victoria University provides a scribe for Tess during class, but the scribe is not allowed to assist Tess in any other way, including doing tasks like assisting with a drink and a break. If Tess lived in Melbourne, the 32 hours would work fine. However, with the travel to and from Ballarat, Tess has had to defer her studies indefinitely. Tess attempted to arrange for carers through Melbourne agencies to meet her in Melbourne, even though this meant Tess's mum, Sandy, would have to assist her in the morning and that she would have to travel alone on the train from Ballarat to Melbourne, but this option could not be made to work.

I seek that the minister take urgent action to explore options that might enable Tess to fulfil her dream of completing her law degree and having a career as an advocate. Based on my meeting with her, she would be incredibly well suited to that. I also ask the minister, if she is at all able to provide some resolution of this matter, that she do so in a timely manner so that Tess is able to resume her studies at the earliest possible opportunity.

Libraries: Dandenong

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Local Government. It is in relation to a funding program she administers that is called the Living Libraries Infrastructure program. That funding program is designed to improve Victorian public library infrastructure and make libraries more accessible and better able to meet the changing needs of communities, which is very important. Victorian councils and regional library corporations typically apply for funding, and under that particular program grants of up to $750 000 are given. Obviously there are guidelines, and supporting documentation is required.

I am aware that the City of Greater Dandenong has made an application in the current round of funding under the Living Libraries Infrastructure program. I am aware also of the significant amount of work that the City of Greater Dandenong is doing under the outstanding leadership of the chief executive officer, John Bennie, on the project to construct a new city centre that will include a 2500 square metre library to replace the existing 1000 square metre facility. It is a very large upgrade from the existing library. The object is to enhance and broaden the range of products and services to embrace technology with more customer assistance levels.

I typically do not raise funding programs. I believe that there is a process and that applications are judged on their merit. In this instance I am making an exception, insofar as this particular community is multicultural, it has low socioeconomic status and it has many people who are refugees who are from multicultural and emerging communities. There is a significant amount of poverty, and of course it is the heart of the manufacturing sector so there are significant job losses in that area. I ask that the minister — if, of course, the application complies with all the guidelines — give additional consideration to those factors.

In addition to that, it is obviously part of a much larger project costing $62 million. The cost of the library component of that is something like $7.5 million, so $75 000 is a portion of that. I ask the minister to give favourable consideration to the City of Greater Dandenong's application under the Living Libraries Infrastructure program for 2011 and 2012. Hopefully that will make just a little bit of difference to allow the city to proceed with what will be an important revitalisation of Dandenong and very important infrastructure for the City of Greater Dandenong and its families. I look forward to hearing the outcome.

Mental health: advice line

Mr EIDEH (Western Metropolitan) — My adjournment matter is for the attention of the Minister for Mental Health, Ms Wooldridge. Mental health is a significant issue which receives little to no attention from this government. This is most apparent now that it is ending the life of our state's only 24-hour mental health helpline. I use those words deliberately because,

according to mental health persons with whom I have spoken, this could well lead to the deaths of some people.

What is the logic in placing people's lives at risk? Is it to save money for a government that has instead blown a treasure chest of dollars on a host of new websites that make it look good when it actually does little for the people of Victoria? We established this vital service to help people with mental health problems. We showed that we care, but what has this government shown in contrast? What has this minister shown? I cannot believe the penny pinching of a government that places a dollar value on some lives and, as it appears in this case, that values the lives of people with mental health issues very lowly. It seems that mental health has a low priority in the Baillieu government.

I therefore ask the minister to provide an outline to the house of the government's long-term plan for combating mental illness.

Wattletree Road bridge: rebuilding

Mrs KRONBERG (Eastern Metropolitan) — My adjournment matter this evening is addressed to the Minister for Roads. For some time the prospect of rebuilding Wattletree Road bridge, which spans Diamond Creek in Eltham North, has been the subject of discussion, tension and even angst in the community. The bridge is critical to the provision of vehicular access from areas north of Eltham and is an important north–south route. Eltham is currently suffering from heavy traffic congestion that prevails outside peak periods, so the new bridge will be important in helping to alleviate this.

Many people in Eltham are anxious to see this rebuilding take place as soon as possible. However, the upgrading of the bridge's structure will mean that heavier, even articulated, vehicles will use this enhanced element of the system. For some time now I have advocated on behalf of residents in the area, in particular families with children who use Wattletree Road for pedestrian access to the local kindergarten and Eltham North Primary School. Whilst much detail has been made available regarding the structure of the bridge, very little is known about what provisions have been made regarding the alignment of Wattletree Road with the approaches to the bridge and what consideration has been given to improving pedestrian safety for those using the unprotected footpath on the south-western side of Wattletree Road heading away from Eltham North. At the moment the footpath is completely exposed to traffic and people are hemmed in by a steep escarpment that rises vertically from the footpath. This is a very dangerous precinct indeed, and it is used daily by families walking their children to school, often pushing prams et cetera.

The visual amenity of the new bridge structure is also important to the people of Eltham. Whilst a number of the features and improvements for the community are commendable, a bridge built to last 100 years should fit into the local landscape — a treasured tract of land crossing a beautiful watercourse.

My request of the minister, whilst asking him to heed the points made in my earlier comments, is for him to provide greater detail on the realignment of Wattletree Road and the safety measures for pedestrians, along with finer details of the colour palette likely to be used in any surface coatings of the bridge's structural elements and any opportunities for the innovative use of natural-looking facings so that the new bridge can break new ground not only in its design as a sound structure but also in terms of blending into its surroundings. I also request an update on the impact of the works on the established trees growing along Diamond Creek.

Gas: regional and rural Victoria

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is directed to the Minister for Regional and Rural Development and is in relation to natural gas connections to rural and regional townships. The promised natural gas extension to Terang and the increasing delays experienced by the township are causing significant angst. The Terang community has been in limbo in relation to the commitment made by the coalition before the last state election. Community members are particularly concerned about the lack of consultation and the lack of work done in relation to this commitment since the coalition came to power. It is very difficult for residents to get phone calls back from the local member on this issue. The community has now learnt from an article published in the *Terang Express* on 10 May that they will have to wait, that this will just continue and there will be further delays. No reasons have been given.

Other townships in Victoria which are also in limbo over the promise that this government would provide natural gas connections to them include Winchelsea, Avoca and Bannockburn. On 11 May the *Pyrenees Advocate* reported that a number of Avoca residents are now starting to wonder if natural gas will ever be delivered as promised. Local resident Peter Spark was quoted in the *Pyrenees Advocate* as stating:

> Ted Baillieu arrived in our town before the last election.

> He proudly promised Avoca would have gas if he won the election.

Peter Spark questioned:

> How many people believed him and as such voted for him?
>
> He won the election — still no gas in our town or any hint of it ever happening …

All our communities are just getting excuses after excuses. The reality is that if this government actually did something rather than constantly citing excuses, then maybe in the future communities would accept that sometimes there are valid excuses. However, the community does not see any action from this government in relation to the connection of natural gas. I ask the minister to give a firm commitment that the election promise will be fulfilled as soon as possible and to provide me with an outline of the timetable for the connection of natural gas for all the townships in Victoria for which it was promised.

Kindergartens: funding

Mr ELSBURY (Western Metropolitan) — The matter I wish to raise tonight is for the attention of the Honourable Wendy Lovell — she is in the chamber right now — in her capacity as the Minister for Children and Early Childhood Development. For many months I have been receiving representations from parents, kindergarten committees and local government across the western suburbs expressing their desire for funding to undertake infrastructure improvements to kindergartens. Many of these concerns have been generated by the federal government's requirement that contact hours in four-year-old kindergartens be increased from 10.75 hours to 15 hours per week.

While on the face of it an increase of 4.25 hours does not seem to impact all that much, that is far from the case. With many of our kindergartens already operating at capacity, this change requires kindergartens to expand their facilities. In the city of Wyndham and the shire of Melton there is rapid growth, both by way of people moving into the region and through high birth rates. According to the council's website, the shire of Melton is averaging 41 births per week. In Wyndham the statistics available on the council's website really drill down to the crux of the issue, with the following information being provided: in the period September 2010 to September 2011, on average 60 babies were born every week; over the period 2011 to 2021 it is forecast that there will be 45 725 children born to Wyndham mothers; in 2011 the most populous of any five-year age group is the 0–4-year-olds, with 16 630 persons; and 0–4-year-olds account for almost 10 per cent of Wyndham's population.

Certainly pressure is being felt to provide high-quality preschool education infrastructure, and that is why I was pleased to hear that the state government is supporting the kindergarten sector by offering the Children's Facilities Capital program. Over $80 million in funds has been allocated to this program, which seeks to assist in dealing with the challenges faced by kindergartens. What I seek from the minister is a fair share of these funds for Melbourne's west to assist in dealing with our growth and the new kindergarten requirements imposed by the federal government. The children of the western suburbs deserve improvements to their kindergartens as a foundation for their lifelong educational opportunities.

Food and fibre production: western Victoria

Mr O'BRIEN (Western Victoria) — My adjournment item is for the Minister for Agriculture and Food Security and Minister for Water, Mr Walsh. The action I seek is in relation to our important food and fibre producers in western Victoria, particularly our red meat producers. In raising this matter on the adjournment, I note the challenge that the minister has in a sense issued to the food and fibre producers of Victoria to double our agricultural production over the next 20 years. What I ask the minister to consider are the issues particularly relating to our red meat and food and fibre producers.

I note in relation to those issues that on last year's figures Victoria's agricultural exports increased by 17 per cent in the 2011 calendar year to a record $8.7 billion, compared to $7.4 billion in 2010.

That is part of the global demand for food and fibre, which is rising steadily and to which Victoria has responded. I note the extensive answers the minister provided recently in the Public Accounts and Estimates Committee hearings in relation to our food and fibre producers. In particular I note in relation to the issue of red meat production that the government has announced that the research facility at Hamilton, the red meat innovation centre, has received additional funding to the tune of $2.3 million to recruit new lamb researchers and to build new animal handling facilities at Hamilton Department of Primary Industries.

I need to disclose that my family and I are red meat producers in the Hamilton district, and my family has been, in various capacities and in various shapes and sizes, producing red meat for over 160 years. We share that interest with many other people and family farming businesses in the area. At this point I would like to pay tribute to families who have helped us out over the years and who continue to do so and continue to

provide a great service to Victoria in terms of innovation in a family farming manner by getting on with our job. I include the Mibuses, Burgers, Ubergangs, Rentschs, Kings, Pages, Ealeses, Ritchies, Huttons, Nagorkas, Dohertys, Triggers, Cooks, Rosses, Landwehrs, Krugers, Kinnealys, Camerons and Kellys, and many, many others over the years, who are continuing to power ahead in their own quiet way by looking after their interests first, then their animals' interests and Victoria's interests — in a very important sector.

I ask the minister therefore to visit this region and meet with some of these very important family farmers and advise on and assist with how we can improve our lamb production rates particularly and how we can reduce our mortality rates and increase our twinning rates so that we continue to power ahead in agriculture under the coalition government for the benefit of Victoria over the next 10 years.

Responses

Hon. W. A. LOVELL (Minister for Housing) — I have written responses to the adjournment debate matters raised by Mr Finn on 26 October 2011, Ms Broad on 6 December 2011 and Mr Pakula on 17 April 2012.

On the adjournment debate tonight Mr Lenders raised a matter for the Minister for Water on behalf of Nyah West irrigators about the cost of capacity share charges, which I note were introduced by the Labor government.

Mr Ramsay raised an issue for the Minister for Agriculture and Food Security regarding potato farmers in Ballarat and issues to do with their contracts with McCains, and he asked the minister to meet with the farmers.

Mr Pakula raised a matter for the Premier regarding Mr Finn's members statement from Wednesday, 23 May, and also raised the fact that the Liberal Party has a code of conduct for fundraising, which Labor does not.

Mr O'Donohue raised a matter for the Minister for Tourism and Major Events and thanked her for the coalition's support for Puffing Billy. He raised the importance of the Chinese tourism market and asked the minister to provide advice on policies to grow that market.

Ms Pulford raised for the Minister for Community Services the matter of a disabled constituent of hers who has 32 hours of support and asked the minister to explore options for additional support.

Mrs Peulich raised a matter for the Minister for Local Government regarding the Living Libraries program, asking the minister to give favourable consideration to the City of Dandenong's application.

Mr Eideh raised a matter for the Minister for Mental Health and asked her about the government's long-term plan to combat mental health issues.

Mrs Kronberg raised a matter for the Minister for Roads regarding the Wattletree Road bridge in Eltham North and asked for details to be provided on the realignment of Wattletree Road and the impact on trees along the Diamond Creek.

Ms Tierney raised a matter for the Minister for Regional and Rural Development seeking information on natural gas connection to regional towns. I must note that in 2002 I was at the Nathalia hall when the then Labor candidate for the Assembly seat of Rodney, Mal McCullough, promised Nathalia that Labor would connect natural gas to Nathalia, and Labor never delivered. There were many other towns in northern Victoria that were also promised natural gas by Labor, but it never delivered.

Mr Elsbury raised a matter for me, as Minister for Children and Early Childhood Development, about the need for kindergarten infrastructure in the city of Wyndham and the shire of Melton. I must say that Mr Elsbury has been a really strong advocate for kindergartens in both of these shires. Since the grants round opened last November he has spoken to me on a number of occasions. He has written to me and has raised this matter on the adjournment. Any success that these two shires have in the grants round next week will be a direct result of the advocacy of Mr Elsbury, Mr Finn, Mr Ramsay and Mr Koch, who have all been very strong advocates for those shires.

Mr O'Brien raised a matter for the Minister for Agriculture and Food Security, who I must say has been a very popular minister tonight, regarding producers of food and fibre — particularly red meat producers — in his electorate. He asked the minister to visit the region and meet with family farmers about ways they can increase their production.

I will pass all those matters on to the ministers concerned.

The DEPUTY PRESIDENT — Order! The house stands adjourned.

House adjourned 5.41 p.m. until Tuesday, 5 June.

Minister for Water

Ref: MBR020574
File: FOI Unit

1 Spring Street
GPO Box 4440
Melbourne Victoria 3001
Telephone: (03) 9938 5954
Facsimile: (03) 9658 4191
DX 210404

Mr Wayne Tunnecliffe
Clerk of the Legislative Council
Parliament of Victoria
MELBOURNE VICTORIA 3002

24 MAY 2012

Dear Mr Tunnecliffe

LEGISLATIVE COUNCIL ORDER TO PRODUCE DOCUMENTS –GOULBURN MURRAY IRRIGATION DISTRICT

I refer to the Legislative Council's resolutions of 2 May 2012 seeking the production of all correspondence between the Minister for Water, any government departments and Goulburn-Murray Water in relation to the preparation and postage of a letter dated 12 April 2012 addressed to irrigators from the Minister for Water, regarding the Goulburn-Murray Irrigation District Update, file no. 033/32157/956.

The Victorian Government is in the process of responding to this resolution.

Regrettably, the government is not able to respond to the Council's resolution within the time period requested by the Council. The government will endeavour to respond as soon as possible.

Yours sincerely

PETER WALSH MLA
Minister for Water