PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Wednesday, 9 November 2016

(Extract from book 17)

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HANSARD150

1866–2016

Following a select committee investigation, Victorian Hansard was conceived when the following amended motion was passed by the Legislative Assembly on 23 June 1865:

> That in the opinion of this house, provision should be made to secure a more accurate report of the debates in Parliament, in the form of *Hansard.*

The sessional volume for the first sitting period of the Fifth Parliament, from 12 February to 10 April 1866, contains the following preface dated 11 April:

> As a preface to the first volume of "Parliamentary Debates" (new series), it is not inappropriate to state that prior to the Fifth Parliament of Victoria the newspapers of the day virtually supplied the only records of the debates of the Legislature.
>
> With the commencement of the Fifth Parliament, however, an independent report was furnished by a special staff of reporters, and issued in weekly parts.
>
> This volume contains the complete reports of the proceedings of both Houses during the past session.

In 2016 the Hansard Unit of the Department of Parliamentary Services continues the work begun 150 years ago of providing an accurate and complete report of the proceedings of both houses of the Victorian Parliament.

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 9 November 2016)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Training and Skills, Minister for International Education and Minister for Corrections	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms G. A. Tierney, MLC

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Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

Legislative Council committees

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

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

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — Mr Bourman, #Ms Dunn, Mr Eideh, Mr Elasmar, Mr Finn, Ms Hartland, Mr Leane, Mr Morris and Mr Ondarchie.

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

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

participating members

Legislative Council select committees

Port of Melbourne Select Committee — Mr Barber, Mr Mulino, Mr Ondarchie, Mr Purcell, Mr Rich-Phillips, Ms Shing and Ms Tierney.

Joint committees

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President:
The Hon. B. N. ATKINSON

Deputy President:
Mr K. EIDEH

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The Hon. G. K. RICH-PHILLIPS

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

Leader of the Greens:
Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina [2]	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David [1]	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O'Sullivan, Luke Bartholomew [4]	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona	Northern Metropolitan	ASP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin [3]	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	V1LJ
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Melhem, Mr Cesar	Western Metropolitan	ALP	Young, Mr Daniel	Northern Victoria	SFFP

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

PARTY ABBREVIATIONS

ALP — Labor Party; ASP — Australian Sex Party;
DLP — Democratic Labour Party; Greens — Australian Greens;

LP — Liberal Party; Nats — The Nationals;
SFFP — Shooters, Fishers and Farmers Party; V1LJ — Vote 1 Local Jobs

CONTENTS

WEDNESDAY, 9 NOVEMBER 2016

Wednesday, 9 November 2016

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

PETITIONS

Following petition presented to house:

Ormond railway station

To the Legislative Council of Victoria:

We, the undersigned citizens of Victoria, call on the Legislative Council of Victoria to note:

the foundation deck for the development of an up to 13-storey residential tower on the railway line on North Road above Ormond station has been constructed without informing or consulting the local community;

established low-rise suburbs should not be destroyed and permanently scarred by the construction of inappropriate, high-rise overdevelopment on railway land, particularly in the absence of community consultation; and

the local community does not support or consent to the construction of a residential tower of up to 13 storeys above Ormond station.

We therefore call on the Andrews Labor government to abandon its plans for the inappropriate overdevelopment of the Ormond station site and instead proceed with a development that is smaller in scale and more in keeping with the low-rise village atmosphere of Ormond.

By Ms CROZIER (Southern Metropolitan) (8 signatures).

Laid on table.

SUMMARY OFFENCES AMENDMENT (BEGGING OR GATHERING ALMS) BILL 2016

Introduction and first reading

Ms PENNICUIK (Southern Metropolitan) introduced a bill for an act to amend the Summary Offences Act 1966 to repeal the offence of begging or gathering alms and for other purposes.

Read first time.

PAPERS

Laid on table by Clerk:

Auditor-General's Reports on —

Financial Systems Controls Report: 2015–16, November 2016 *(Ordered to be published)*.

Security of Critical Infrastructure Control Systems for Trains, November 2016 *(Ordered to be published)*.

Judicial Entitlements Act 2015 — Own Motion Recommendations Report of the Judicial Entitlements Panel to the Attorney-General, October 2016 pursuant to section 33 of the Act.

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2013–14 and 2014–15 Financial and performance outcomes.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules No. 131.

MINISTERS STATEMENTS

Aboriginal early years services

Ms MIKAKOS (Minister for Families and Children) — I rise to inform the house of the Andrews Labor government's commitment to improving outcomes for children attending our Aboriginal early years services that deliver kindergarten across Victoria. The government is providing up to $1.6 million over the next two years for six Aboriginal community early years services to implement evidence-based strategies around early intervention and prevention.

This funding could include tailored support for children and families experiencing family violence to a range of specialist support services from allied health professionals. The Aboriginal community-based early years services that will be eligible for this funding include Yappera Children's Services in Thornbury, Berrimba Child Care Centre in Echuca, Lulla's Children and Family Centre in Shepparton, Murray Valley Aboriginal Early Learning Centre in Robinvale, Bubup Wilam in Thomastown and Dala Yooro in Bairnsdale.

We know that high-quality early education plays a vital role in helping lay the foundation for children's futures and providing much-needed wraparound services that will help strengthen that support. This work builds on the government's $572 million response to the Royal Commission into Family Violence, which includes $25.7 million to work with Aboriginal communities in addressing family violence. Earlier this year the government's $168 million *Roadmap for Reform* was introduced to shift the children and family services system from crisis response to prevention and early intervention. We all share a collective responsibility to support Victoria's vulnerable children and help them to reach their full potential, and the Andrews Labor government is delivering on that commitment.

I note also that this morning the *Family Matters* report has been released in Canberra highlighting the overrepresentation of Aboriginal children in out-of-home care, and I indicate my support for the call that that report is making for a national comprehensive strategy to address the causes of Aboriginal children being overrepresented in our out-of-home care system. I certainly will continue to urge the federal government to work with states and territories on these issues.

Honourable members interjecting.

The PRESIDENT — Order! I guess the government is not really too concerned if opposition business is limited by conversation during the day.

MEMBERS STATEMENTS

Cranbourne and Lyndhurst bus services

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Public Transport relating to the provision of bus routes through the Cranbourne and Lyndhurst parts of my electorate. I have received representations from Cr Amanda Stapledon in relation to proposed new bus routes servicing those parts of Cranbourne and Lyndhurst which have been under-serviced for several years as new growth has been experienced. The representations from Cr Stapledon relate to the lack of consultation that Public Transport Victoria (PTV) is undertaking, both with the council and with the local community.

The bus routes that have been designed by PTV involve a quite complex flow through the relevant estate areas. The location of bus stops is heavily contested by residents and the council, and the fact that the buses are not proposed to follow a straight flow through the estates is also of concern. When these concerns have been raised with PTV by members of the local community PTV have referred local residents back to council and suggested it is a matter for council. The council is frustrated by this because they have not been adequately consulted as to the establishment of these bus routes and the location of bus stops, so I call on the Minister for Public Transport to undertake proper public consultation with the residents of Lyndhurst and Cranbourne so that they can have a bus service that actually services their needs.

Law Institute of Victoria

Ms PENNICUIK (Southern Metropolitan) — On 5 October I attended the launch of the Law Institute of Victoria's (LIV) animal welfare working group as part of the administrative law and human rights section of the law institute. The animal welfare working group was previously a Young Lawyers reference group which focused on researching and sharing information among its members. It is now open to all Law Institute of Victoria members with an interest in animal welfare. The group provides a forum for Law Institute of Victoria members to participate in discussion of animal welfare issues, to assist in researching and drafting LIV submissions for inquiries and bills to influence policy and legislative change and to advocate more broadly for law reform on animal welfare issues. It will also hold events and produce educative material for the profession and community on animal welfare laws.

Animal law is an area of law that is growing rapidly, with an increasing number of law schools teaching animal law courses and new animal law organisations being established. As a professional body for lawyers in Victoria it is important for the LIV to have a voice on animal welfare issues. The animal welfare working group was launched by Ms Carmel Morfuni of counsel, who is a member of the Victorian Bar, a former registrar of the Family Court of Australia and an independent chair of the Victorian ministerial Animal Welfare Advisory Committee. She spoke about how domestic animals are affected by family violence and how they are treated within the realm of family law.

I congratulate the Law Institute of Victoria on the formal establishment of its animal welfare working group, and I look forward to following its work.

Warrnambool Primary School and Maryborough Education Centre

Ms TIERNEY (Western Victoria) — I rise to congratulate two outstanding educational institutions — Warrnambool Primary School and Maryborough Education Centre — and their exceptional staff, most notably Warrnambool's Jacqui Gore and Maryborough's education support staff team. Both schools and Jacqui were recipients of 2016 Victorian Education Excellence Awards. The student bodies in these schools are very different, yet the schools share the same goal — to promote and celebrate inclusion and to enhance the lives of children and families in their wider communities. Jacqui won the Lindsay Thompson Award for leading Warrnambool Primary's Changing the Tide @ Jamo program, developed in conjunction with local Koori elders over 10 years. This program, for which the school won the Outstanding Koorie Education Award, brings together Indigenous and non-Indigenous students and builds Indigenous awareness, identity and pride. There are positives for all students at the school, which has around 10 per cent

Koori students. Jacqui developed two other programs that encourage good global citizenship and foster resilience.

Maryborough is just one of two combined P–12 and special schools in Victoria. The specialist setting teacher assistants won their award for outstanding education support, offering about 20 special needs students the chance to learn in the same school community with 900 mainstream students. Their learning is tailored to their needs, and they can move between the specialist setting and mainstream in a very flexible way that fits their individual education plan. In both schools the value of all people is recognised — Maryborough staff call it 'an unexpected magic' — and it is clear that respect for diversity and inclusiveness are their core values. The passion of the teaching staff is an inspiration, and each is an exemplar to other schools.

Jewish Christian Muslim Association of Australia

Mrs PEULICH (South Eastern Metropolitan) — I wish to commend the Jewish Christian Muslim Association of Australia and the work they have undertaken to foster understanding and good relations between some of the major religions, in particular the Jewish, the Islamic and the Christian religions and their various state communities. Last weekend I attended the Jewish Christian Muslim Association of Australia friendship walk being led by Rabbi Ralph Genende, Rabbi David Gutnick, Imam Dr Bekim Hasani and Father Hugh Kempster and facilitated also by the Jewish Community Council of Victoria and David Marlow. It was refreshing to see people from different backgrounds walking a similar journey and a similar path, albeit wearing different shoes, with a similar goal in mind but with an understanding that people have different beliefs, to which they are entitled, and of course religious freedom in Victorian and Australia guarantees their ability to hold those beliefs. The common understanding amongst all of them is that without religious freedom there is no democracy and there is no multiculturalism.

I just encourage people, especially members of Parliament, to support their activities. It is important that we show leadership during these difficult times but also understand that people who have different values and different beliefs should be afforded respect and the freedom to continue to practise their religion within the framework of our laws.

Western Metropolitan Region roads

Mr MELHEM (Western Metropolitan) — Local residents and commuters in the west in my electorate will benefit from a huge package of road upgrades and maintenance work that will cut travel times, improve road safety and better connect communities in key growth areas. The Andrews Labor government has called for an expression of interest for the western package of the outer suburban arterial roads program, an Australian first — a $1.8 billion investment. It combines eight high-priority road upgrades, with maintenance on more than 700 kilometres of road, stretching from Werribee to Footscray, ensuring that motorists benefit from new high-quality roads while the existing network is maintained to the highest standard.

The package will transform the outer western road network by boosting capacity and improving road pavement conditions, with intersection upgrades and almost 30 kilometres of lane duplication and road maintenance. The community can provide their feedback and help shape upgrade designs with VicRoads and also seek to engage local councils, planning authorities, freight operators and bus companies for local input. The eight high-priority upgrades will be delivered within five years, and the maintenance and rehabilitation contract will continue for a further 20 years.

St Albans level crossings

Mr MELHEM — Last week saw the completion of the removal of St Albans railway crossings on Main and Furlong roads. I want to take the opportunity to thank all the construction workers for their hard work and the contribution they made to delivering the project safely and on time. I just want to say that we are grateful for their hard work and dedication.

Local government elections

Ms DUNN (Eastern Metropolitan) — I am delighted to be able to report to this house the wonderful outcome for the Victorian Greens at the recent local government elections. The Greens increased their local government representation from 16 to 29 councillors across the state. This is an amazing outcome, and it demonstrates the power of grassroots campaigning. It shows that the values and policies of the Greens are embraced throughout the state.

The Greens were successful in Ballarat, with Belinda Coates returned as councillor. Banyule has its first Greens councillor in Peter Castaldo. Bendigo elected Jennifer Alden to council. In Cardinia, Michael

Schilling was elected. Colac Otway returned Stephen Hart. Dandenong did the same with Matthew Kirwan. Darebin saw Trent McCarthy returned, and Kim Le Cerf, Steph Amir and Susanne Newton were newly elected. Clare Davey was elected in Glen Eira. Jonathon Marsden will be the first Greens councillor in Hobsons Bay. Indigo returned Jenny O'Connor. Maribyrnong elected Simon Crawford. Melbourne re-elected Cathy Oke and Rohan Leppert. Monash elected Josh Fergeus. The City of Moreland saw Samantha Ratnam re-elected, along with Mark Riley, Natalie Abboud and Dale Martin. Mount Alexander returned Bronwen Machin. Port Phillip went green with Tim Baxter, Katherine Copsey and Ogy Simic. The City of Yarra returned Misha Coleman and Amanda Stone and also elected Mike McEvoy and James Searle. We congratulate all the councillors, and we know that they will work very, very hard for their communities in the upcoming term.

Level Crossing Removal Authority

Mr DAVIS (Southern Metropolitan) — Today I want to draw attention to the importance of the Office of the Victorian Government Architect (OVGA). This is a very important office that is an independent office, or it should be an independent office. It has offered advice on sky rail and on level crossing removals through its 'Lessons Learned' document. When that document was brought to public light, they went about putting out a new statement that supported sky rail. Now we know how that occurred. The Level Crossing Removal Authority (LXRA) monstered the government architect's office, and the FOI documents prove it.

The director, communications and stakeholder relations, at the LXRA sent a series of emails to the OVGA in the early weeks of February. One states:

> Suggest addition to the following para. This release is now even more critical given the Channel 9 story tonight …

That person went on to tell the Office of the Victorian Government Architect to insert the words:

> The OVGA fully supports the proposed design solution for the Caulfield to Dandenong level crossing removal.

Well, the fact is that there are no architects in the communications unit of the LXRA. They should not be dictating to an independent office what goes in the advice. We know also, from the architect's office itself, that they accepted that advice. The exact words that were put in front of them by the Premier's office and the LXRA were what was inserted in the architect's advice. It is doctored, it is shocking and it is the destruction of an important independent office. I have got to say that the LXRA director, communications and stakeholder relations, was thrown under a bus by Kevin Devlin at a recent parliamentary committee hearing. Devlin may not have known about this, but the communications officers were driving the independent architect's advice.

Mr Ondarchie — President, I draw your attention to the state of the house.

Quorum formed.

Mark Tregellas

Ms SHING (Eastern Victoria) — I rise today to congratulate Mr Mark Tregellas of Mallacoota, who is somewhat of a local legend in relation to the contribution that he makes to eastern Victoria and to East Gippsland as far as emergency services and community action and engagement are concerned. Along with his wife, Cate, the Tregellases have made an ongoing and amazing contribution to the way in which Mallacoota is engaged, resourced, informed and connected as far as emergency services and community discussion are concerned on a variety of matters. Congratulations to Mr Tregellas on the way in which he has received his second bravery commendation for assisting two people who were trapped and required urgent assistance.

Hazelwood power station

Ms SHING — On another matter, I wish to reiterate the government's commitment through $266 million and many, many months of direct community engagement to assist people directly affected and indirectly affected by the closure of Hazelwood. It is unfortunate that those opposite and those in the federal coalition have sought to politicise this issue, when in fact what communities on the ground require is a tripartite approach to collaborative problem-solving that actually leads to intergenerational improvement, to better prospects and to more prosperity for those in and around the valley.

Asbestos Council of Victoria

Ms SHING — Finally, I wish to commend the work of the Asbestos Council of Victoria in making sure that kits, information, education and resources are available for people, particularly the home asbestos removal kit for those in the home renovation and DIY space. I wish them all the best in continuing their efforts to make this resource available.

Glenelg roads

Mr RAMSAY (Western Victoria) — The RACV has given the Glenelg shire the dishonour of having the worst roads in the state. In south-west Victoria truck drivers face emotional stress every day as they dodge and navigate potholes that force them to cross over double lines just to stay safe.

If you think that is hyperbolic, I can tell you that there have been three truck rollovers in October alone and that the Glenelg region is leading fatalities in western Victoria with 11 deaths in the past 18 months. Truck operators are spending up to $30 000 to reinforce each vehicle to road train standard because the road conditions are causing so much damage. In wet weather the problems are exacerbated and have even impacted on important Victorian certificate of education final classes when school buses have not been able to pick up their students.

There is a clear need to upgrade these roads, but rather than fix the problem the government's solution has been to lower the speed limit to 40 kilometres an hour. Glenelg Shire Council CEO Greg Burgoyne says there are 11 sections of key arterial roads that are now reduced to between 40 and 80 kilometres an hour due to the broken pavement, which VicRoads has stated could 'no longer be patched'.

At least $180 million over the next 10 years is needed to reconstruct these key freight routes, but the state government has not invested one cent on upgrades. The Glenelg Shire Council has done an incredible job to campaign for the required funding, with a series of videos that have been viewed hundreds of thousands of times on social media. However, Mr Donnellan's best response was to highlight that four south-west councils have received a meagre $44.5 million to share amongst themselves for road maintenance and repair. Even VicRoads has recognised that maintenance is futile at this point and only a total rebuild will be enough to prevent a disaster on the Glenelg shire's decrepit roads.

The minister also wrote to the *Portland Observer* to defend his lack of attention to the region, citing the Andrews government's investment in Anglesea and Bellbrae, which I am sure was not well received by the Portland residents who would have to drive 3 hours to use those roads. Mr Donnellan also claimed that road funding for the shire had increased, but funding for road maintenance is down by $1 million compared to the previous year.

The PRESIDENT — Order! Thank you, Mr Ramsay.

Bayswater level crossings

Mr LEANE (Eastern Metropolitan) — I was very lucky last Wednesday night to be out at Scoresby Road, Bayswater, when the boom gates were being removed as part of the level crossing removal. Wednesday night was the first evening of the 37-day shutdown of a section of the railway line, and part of this process was the Scoresby Road boom gates being removed.

I was actually quite surprised and delighted that O'Donnell Griffin was the electrical company engaged to remove the boom gates, because that is the company I did my apprenticeship with 200 years ago. To my surprise, there was someone there who remembered me, which was even better. Similar to Mr Melhem's members statement about the Sunbury line, I wish all the workers well. I hope safety can be delivered to them over the next few weeks, when this intensive round-the-clock work will be undertaken. I look forward to the two grade separations having been completed by then.

Shepparton drug initiatives

Ms LOVELL (Northern Victoria) — Last Friday I had the pleasure of launching Shepparton's Our Town's ICE Fight initiative. In July this year Rumbalara CEO, Kim Sedick, called together a group of concerned community members, the City of Greater Shepparton, the police, service providers and government departments to discuss a community response to the growing problem of ice and other drugs in our community. Over the past four months Kim and I have co-chaired the meetings of this group, which has initiated the first multi-agency community response to addressing this issue in our community.

Our group is working across six areas that cover prevention and harm minimisation through the Safe Summer in Shepp initiative, service mapping to gain a comprehensive picture of the services currently available, informing the community on who to call and when to call if they encounter someone affected by ice, how to improve the response and engagement of emergency services with someone affected by ice, community strengthening through education programs and the ability of our region to cope with detox.

The public launch of Shepparton's Our Town's ICE Fight coincided with the first initiative of the group, the Safe Summer in Shepp event, which was held on 3 and 4 November. More than 100 students from secondary schools in the Shepparton district attended the pilot event. The aim was to educate students about safe ways to have fun in Shepparton over summer and reduce

risk-taking behaviour. Every young person who attended received a movie pass for participating and hopefully learnt a lot about safe ways to enjoy themselves over summer.

Next year we hope to hold this event earlier and expand it to include all secondary schools in the district. Other initiatives of the group will be rolled out in the coming months, and I look forward to positive results for Shepparton's young people and their families.

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

Reference

Debate resumed from 26 October; motion of Ms CROZIER (Southern Metropolitan):

That, pursuant to sessional order 6, this house requires the legal and social issues committee to inquire into and report on, no later than Thursday, 24 November 2016, issues at both Parkville and Malmsbury youth justice centres including, but not limited to —

(1) matters relating to incidents including definitions, numbers and changes to the reporting of incidents;

(2) the security and safety of staff, employees and young offenders at both facilities; and

(3) any other issues the committee considers as relevant.

And Ms SPRINGLE's amendment:

That all words after 'no later than' be omitted with the view of inserting in their place —

'Tuesday, 1 August 2017, issues at both Parkville and Malmsbury youth justice centres including, but not limited to —

(1) matters relating to incidents including definitions, numbers and any changes to the reporting of incidents;

(2) the security and safety of staff, employees and young offenders at both facilities;

(3) reasons for, and effects of, the increase in the numbers of young people on remand in the last 10 years;

(4) implications of incarcerating young people who have significant exposure to trauma, alcohol and/or other drug misuse and/or the child protection system, or who have issues associated with mental health or intellectual functioning, in relation to —

(a) the likelihood of reoffending;

(b) the implications of separating young people from their communities and cultures;

(5) additional options for keeping young people out of youth justice centres;

(6) the culture, policies, practices and reporting of management at the centres;

(7) the role of the Department of Health and Human Services in overseeing practices at the centres; and

(8) any other issues the committee consider relevant.'.

Ms CROZIER (Southern Metropolitan) — Thank you, President, for clarifying where we are on this important motion that I introduced into the house a few weeks ago. In the last sitting week Ms Springle made a very heightened contribution in relation to her concerns — and I will come back to her amendment to my motion — and Ms Patten also spoke about her own personal experiences and expressed her concerns about elements of what is happening in our youth justice system. I thank both of them for sharing those insights into their thoughts and raising their concerns during their contributions to the debate.

When I started my contribution I actually referred to the Department of Health and Human Services website, where one of the stated objectives of the youth justice system is to:

engender public support and confidence in the youth justice service.

I think it is fair to say that the community does not have that confidence in the youth justice system at the moment, because as we have heard for many months now serious incidents continually arise within the youth justice facilities, whether they be at the Melbourne Youth Justice Centre in Parkville, where there were significant riots earlier this year, or at the Malmsbury Youth Justice Centre. I will return to Malmsbury, where incidents have occurred recently, in fact only yesterday, which go to the heart of this motion and why we need to be looking into what is actually occurring.

On Friday the department published the latest figures in relation to category 1 incident reporting for the first quarter of this year. As I said in my members statement yesterday, I found these figures absolutely extraordinary because they are actually going down. We have got a 50 per cent decrease in some of these figures. There were 12 incidents of assault reported, down by 40 per cent from the previous quarter. Reported incidents of behavioural issues remain steady at 2, and other incident types are recorded as only 3, which is down 50 per cent.

I know the minister has absolutely ridiculed these reports, but reports of issues that are arising out of these facilities are appearing in our media on an almost daily

basis, and they do not stack up with the serious incidents that are occurring. If you again go to the department's website, it clearly indicates that category 1 incidents are the most serious types of incident and include incidents such as death of clients, allegations of physical or sexual assault and serious client behavioural issues that impact on client or staff safety.

I do not understand. I have asked time and time again for information in relation to some of the serious reports that are out there — the ongoing threats to female workers within these facilities, including serious threats of rape, the serious assaults that are occurring from offender — —

Ms Mikakos interjected.

Ms CROZIER — Ms Mikakos, you might deny this, as you did — through you, President — —

Ms Mikakos interjected.

Ms CROZIER — Twenty staff that you claimed went into the education facility, so you are absolutely incorrect about this. This is under you. You have been here for two years, and you have been absolutely hopeless on this issue, Ms Mikakos, and you know it, and these figures absolutely show it.

Yesterday we had another serious incident. How does a man walk out on crutches, for God's sake? He was a serious offender with serious driving and firearm offences who was known to have guns and to be very violent. How on earth does somebody walk out on crutches?

Ms Mikakos interjected.

Ms CROZIER — This happened yesterday, Ms Mikakos, under your watch. You are in government — through you, President.

The PRESIDENT — Order! Ms Mikakos, the summing up process is effectively a monologue. The member actually gets to present her summing up without interference. Ms Crozier to continue without that assistance.

Ms CROZIER — Thank you, President. I think yesterday demonstrated just why this system is in absolute chaos. We have had riot after riot, review after review and yet another review of this incident yesterday. Well, the strategy is not working. We need to get to the bottom of what is actually going on. We need to understand why these serious allegations of assault and riots and damage that is occurring are not being referred to as category 1 incidences. I do not know what in their own departments — —

Ms Mikakos — You're making things up.

Ms CROZIER — I am not making things up.

Ms Mikakos — You are. You make things up.

Ms CROZIER — Ms Mikakos, you might say that. You do not think riots are going on, either. You do not think gang activity is happening. You have said that gang activities are not happening in these youth justice facilities. Well, they are, and you know it and you are denying it. You are absolutely hopeless.

Those incidents, as I say, are happening on an ongoing basis. This minister does not have any capacity to control any of these issues. Ms Mikakos is in complete denial about the gang activity that is occurring. Some of those gang members who are in these youth justice facilities we know have been removed after constant questioning by us in this house because, as I said, the Victorian community actually want to have confidence in the system but they do not. They think it is a joke. They think: how does a man on crutches escape from a youth justice facility? Somebody in his position, known to have committed serious gun offences and other serious offences, should be escorted. Why was that person not escorted? Was it because there were no staff available? Was it because the staff were inexperienced? What were the circumstances regarding the escape by this man — who, I might add, is still on the loose? Ms Mikakos, you have completely lost control of this.

The PRESIDENT — Order! The minister is right that this right of reply is not an opportunity to address matters directly to the minister. The motion in fact does not even mention the minister's name. You really do need to keep to the motion itself and not use this as an opportunity to interrogate or attack the minister. There will be plenty of opportunity to consider perhaps the minister's role within this inquiry, but not today.

Ms CROZIER — Thank you, President. I just make the point that these are serious issues and concerns, and that is why I moved the motion in relation to matters relating to incidents, including definitions, numbers and changes to the reporting of incidents; the security and safety of staff, employees and young offenders at both facilities; and any other issues the committee considers relevant.

I note that Ms Springle has moved an amendment to my motion to include a number of other issues that she has concerns about. I note that they include reasons for and effects of the increase in the numbers of young

people on remand within these facilities, implications of the incarceration of young people who have significant exposure to trauma and other areas that she has highlighted. I think they are absolutely relevant and pertinent to why we do have some serious young offenders who are repeat offenders, the rates of recidivism and what is actually occurring. I acknowledge Ms Springle's amendment in relation to that. I also note that the date which she has included in that will give the committee the time it requires to look into these very serious issues in a thorough and considered way.

Can I say, President, on your own words in relation to some of the issues that I have raised in this house about what is happening, that in one of your contributions you did say it is actually about everybody understanding the extent of the problem and perhaps bringing various solutions to that problem. I think this is what at its heart this motion is trying to achieve: finding out what is actually going on, how we can improve the situation, what those solutions are and what needs to be done to look at the issues at hand. For those reasons, I want to conclude my remarks by saying that this is an important issue that all Victorians have concern about because they are reading just far too many reports in the newspapers on a daily basis. I support the amendment moved by Ms Springle to include those additional issues that she raised in her debate and that are listed in this motion before the house. I urge all members to support this motion as proposed to be amended by Ms Springle so that we can get to the bottom of what is actually happening.

Amendment agreed to.

Amended motion agreed to.

EQUAL OPPORTUNITY AMENDMENT (EQUALITY FOR STUDENTS) BILL 2016

Second reading

Debate resumed from 22 June; motion of Ms PENNICUIK (Southern Metropolitan).

Mr LEANE (Eastern Metropolitan) — The government's position on Ms Pennicuik's private members bill is that it will not be supporting it. Obviously even as we speak there is a live debate on a bill that was introduced into the chamber regarding the Equal Opportunity Act 2010 and very similar issues, but the government's bill is centred around employment, not around students. I think as far as government schools go there can be no discrimination for students in government schools, so I assume that this bill is particularly aimed at non-government schools.

I have got to say that during the government's consultation on its particular amendment to the Equal Opportunity Act this issue was never brought up by any of the stakeholders — the issue that Ms Pennicuik's bill addresses. I am not too sure how much consultation there has been, as I said, with non-government schools, because it does not affect government schools. I am not too sure what formal consultation about this bill has been afforded to that particular group. But, as I was saying, the government is not prepared to support this bill.

In saying that, the government is proud of the agenda that it has set in equality. In this term, as an example, the amendment to the Adoption Act 1984 is something that we are very proud of. We are very proud that we have a Minister for Equality, who is doing a great job, and we are very proud that we have set that precedent. We do intend to push on with the legislation that we brought forward as far as reintroducing the bill that we brought in in 2010 around certain institutions not being able to discriminate against people in their employment in certain areas. Obviously we respect that there are some situations and some employment opportunities that should be relevant to the organisation and relevant to their beliefs. We look forward to progressing our bill in the coming days. We hope we get the support of the chamber for our bill. In saying that, the government is in no position to support this private members bill today.

Mr DAVIS (Southern Metropolitan) — I am pleased to rise and make a contribution to the Equal Opportunity Amendment (Equality for Students) Bill 2016. I understand the reasons that this bill has been brought to the chamber by Ms Pennicuik and the work that has gone on behind it. It does seek to address what is regarded by some as an issue — that religious schools have an exemption from aspects of the Equal Opportunity Act 2010 to enable them to practise their religious beliefs.

I am not going to make this a long contribution, but essentially this bill touches on much of the same territory as the government bill, although it does so in a somewhat distinct and different way. It seeks to balance the rights of individuals to practise their religious beliefs with the rights of people to not be discriminated against, but in my view it strikes the balance wrongly. The coalition will oppose this bill. We will do that because our view is that the balance is very much right in the way it is struck at the moment.

There is some history to this. Prior to the 2010 election the then Brumby government amended the Equal Opportunity Act to change arrangements, but that act was never brought into operation. The new coalition government legislated to reverse those changes and to leave the established pattern in place. The decisions of the then government were taken to an election, and we did make that change, I think, with broad community approval. At the end of the day you either take the religious beliefs of the community seriously, or you do not. You either allow some zone in a broadly based community with different multicultural and religious bases to manifest those beliefs within reasonable bounds and enable people to practise their religious beliefs, including importantly through schools, or you do not.

A very important part of the religious life of our state is allowing communities to establish schools that actually reflect their religious beliefs. Freedom of religion is a very important human right, and in many of these human rights there needs to be a balance struck between different and competing rights. We believe the Greens bill, the Equal Opportunity Amendment (Equality for Students) Bill 2016, strikes this balance at the wrong point. We believe that the bill does not strike a balance that accords a serious position to freedom of religion.

The coalition has consulted widely on this, and I want to put on the record my thanks to the Greens for their briefing on this bill. This is a bill that they have brought to this chamber in good faith, and whilst people may disagree about aspects of it, I am thankful for the information that they did provide. The coalition has also consulted broadly in different electorates, at different schools and in different religious and multicultural communities. I am sure Mrs Peulich will have something to say about that consultation process.

We have also consulted with the large groups in schools — the Catholic Education Office, which is the largest, and Independent Schools Victoria — and both of those groups quite clearly do not support this bill. Independent Schools Victoria has provided a brief, and I think it in fact tries to cover both bills that are live in the Parliament at the moment, both the government's bill and the Greens' bill. I am thankful to Michelle Green, the chief executive of Independent Schools Victoria, for the advice.

I think it is important to note the views of both those groups. As I said, the issues paper in the communication from Michelle Green, the chief executive of Independent Schools Victoria, is a persuasive document. It points out failings in the government's bill. It also points to failings in the Greens' bill. I am going to quote some sections from it because I think it is important to put these on the record. It says:

> We believe similar issues and principles apply to the bill introduced by the Greens to amend the Equal Opportunity Act to provide that religious schools cannot discriminate against students on the basis of sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity.
>
> Member schools are committed as part of their duty of care to provide respectful, safe and inclusive school environments for all students, in schools that are free of discrimination, harassment, bullying, vilification, victimisation and otherwise unlawful and unacceptable behaviour. This includes gay, lesbian, bisexual, transgender and intersex students.
>
> In addition to meeting their legal requirements, member schools have their own policies, practices and codes of conduct …

I think what is important here is it says:

> As with the government's bill, implicit in the amendment proposed by the Greens is the suggestion that discrimination which the bill seeks to outlaw currently takes place in religious schools, and that legislative change is the best or the only way to deal with it.

I want to put very firmly on the record that the coalition is opposed to bullying, victimisation or harassment of individual students for whatever reason. Whether it is because of gender, whether it is because of religion or whether it is because of body shape or body type, clothing or other matters, we are opposed to that victimisation, bullying or harassment. But the question is whether preventing religious organisations from conducting themselves in a lawful and peaceable way and exercising their religious beliefs responsibly should be outlawed — should be stopped. That is the key question here.

Michelle Green's advice goes on:

> Without questioning the motives behind the bill, to the best of our knowledge no evidence has been presented to prove this discrimination takes place to such an extent that it requires a legislative remedy. Without such evidence, it is difficult to provide a definitive view on the need for the proposed amendment.
>
> Dealing with issues of adolescent sexuality and gender identity is complex for students, parents, teachers and school principals, requiring a sensitive, sympathetic and sophisticated response. Certainly modern schools have a greater awareness of these issues and are better able to respond to them in a way that meets the needs of individual students.

She is quite right. These issues are difficult and complex, and students deserve some zone of protection and support and freedom from harassment, intimidation

or bullying. I think everyone agrees with that. Students should be able to proceed without those aspects. Michelle Green continued:

> Proponents of the amendment have insisted it will have no impact on section 30 of the Equal Opportunity Act, which allows education providers to operate a school solely for students of a particular sex. While this might be the intention —

and this is quite important —

> it is not clear that this would remain the case if the amendment was passed. At the very least, it potentially raises an issue of definition, given the fluid nature of gender identity. Again, this is a sensitive and complex issue, requiring the application of informed and sympathetic judgement that might not be easily dealt with by legislation.

I think that is a fair point. Again, the idea of single-sex education is an important one. Not everyone agrees with it, and that is the point here.

I am going to make a more general point on this here. There is, by and large, across the state great diversity in our education system, primary and secondary. This bill targets registered schools, public and private, and there is a great diversity of schools. But that diversity is a strength. It provides different models that suit different children. It provides different models that respect people's cultural and religious identities. It provides different models for people to choose from.

In my and Ms Pennicuik's electorate there are many private schools, Catholic schools, independent schools and other schools that have a different ethos and different approaches. Some have a strong religious basis; others do not. That diversity is a strength and it should be respected. Unless there is some overriding or overt reason for needing to intervene, the government ought to protect the right to religious freedom, which is at the core of the exemption from the Equal Opportunity Act in this sense.

It is the case that key schools do have a religious ethos, and there is nothing wrong with that. Religion is a huge part of our cultural identity, it is a huge part of our history and it is a huge part of our Judaeo-Christian tradition in terms of this Parliament, our legislative system, our legal system and the understanding of individual rights. That is a large part of our community.

We should not deny the right of people and communities to actually have a religious education that is founded on their religious principles. There are obviously bounds to this. But having said that, as far as is fair and possible in my view it is important that the right to religious freedom is respected and it has to be balanced with other rights. This bill, in my view, strikes the balance at the wrong point.

It is also important that the Catholic Education Office's view is made here. I am going to quote some small sections from notes that have been provided by the Catholic Education Office. Under the heading 'It's a hammer in search of a non-existent nail', it says:

> The rationale for this legislation stems from an offensive myth that some children attending religious schools … are subject to discrimination and persecution. Nothing could be further from the truth. Our Catholic faith traditions teach the inalienable value of all individuals —

that is, a Judaeo-Christian concept of individualism —

> created in the image of God, a belief that makes the wellbeing of every child in our care a matter of paramount importance.

This is not to say that every religious school reaches those standards, because they surely do not, but nor does every government school, I might say, either. Further, the notes state:

> … to that end the CECV has implemented comprehensive programming to protect all children — regardless of race, creed, gender or sexual orientation — against violence and bullying. We are also working to promote the principles of cyber safety to students and their parents.

The Catholic Education Office also says 'It raises the likelihood of a legal challenge to same-sex education'. Ms Pennicuik says no. I know she will say more about this at a later point, and I welcome that. She said in her second-reading speech that the bill:

> … is consistent with section 39 of the EO act, which provides that an educational institution or program may be operated wholly or mainly for students of a particular religious belief.

The Catholic Education Office says it disagrees. I am quoting directly here:

> In our view the bill is written in such a way as to make a *Williams v. Commonwealth*-style legal challenge to single-sex schools almost inevitable. We find the Greens' assurances on this point entirely unconvincing.
>
> The Pennicuik bill must also be … seen within a broader political context of a general Greens hostility towards non-government education.

I think that is true. The Greens have from time to time launched attacks on non-government education and indeed have launched attacks on the funding of non-government education. I put that on the record. It is a separate matter but related to the bill, and I think that contextual position is actually important. I do agree, and I do not want to be in the position of claiming to be a constitutional expert, but many of the points around Williams — both cases — have significantly altered the

basis of arrangements. This does open up a number of these points here.

The Catholic Education Office also points out under the heading 'Assault on funding' that:

> The party's platform declares that commonwealth funding for non-government schools 'has had an adverse impact on public education', implying that support would be slashed if the Greens ever attained … power.

I think some Greens have actually gone further and made very clear statements about private education in general. The notes continue:

> Such a policy would severely undermine the budgetary stability of our Catholic education system, triggering substantial fee increases that would place added stress on the household finances of the families that make up our Catholic school community.
>
> Any reduction in … support would also inhibit the ability of Catholic schools to accept students from less affluent backgrounds.

Of course there is a great myth peddled that the spending on non-government education weakens the public education system. In fact the opposite is true. If all of the students in the private system moved over to the public system, it would be swamped. The cost per child in the public system is, of course, far greater to the taxpayer than it is in the private system. So there is that point.

Under the heading 'Assault on religious exemptions' the notes further state:

> The Greens also seek to abolish our ability to employ religious criteria in employment … declaring that existing laws that currently provide these protections 'should be eliminated'.
>
> Their 2016 education election platform went on to link government support for Catholic schools to 'non-discrimination in the hiring of staff'.
>
> But such a measure would force Catholic schools into a … choice of betraying their faith …

It would have what has been described in the notes as a 'chilling effect'. I quote directly from the notes again:

> As faith-based institutions, our schools embody Catholic values and traditions in everything they do. In their assault upon our faith-based prerogatives the Greens would be striking at the heart of the religious freedom that has been a fundamental principle of Australian democracy since before Federation.

This is, I think, an important bill. I do not doubt the sincerity of the Greens political party in bringing this bill to the chamber, and as I said, I am thankful for the information they provided. One thing I do want to say is that at the briefing I was in no way convinced about the urgency or the need for this bill. When asked what cases were available, Mr Hibbins in the Legislative Assembly and Ms Pennicuik were not able to provide, I thought, a comprehensive understanding of the issues that may have come to the fore in this area. They were very much relying on media reports. There did not seem to me to be a substantive set of individual reports, of detailed responses, that had been investigated that actually enabled us to understand that there was some need for change or movement in this area. So I do not think the case has been made out.

I think also it is important to make the point that within our system the Catholic Education Office and the independent schools provide an important balance. They provide innovation. They provide forward thinking on many different areas, and that is something that I would not want to see in any way diminished.

I also want to point out the Scrutiny of Acts and Regulations Committee report and Ms Pennicuik's response to it. I think it is important to put that on the record. The charter report talks about freedom of religion — discrimination by schools against students in accordance with religious beliefs, doctrines or principles. I am going to quote from the charter report:

> Clauses 5 and 7 bar schools conducted in accordance with religious beliefs … from discriminating against students on any ground other than religious belief or activity, unless the discrimination falls within other exceptions … The committee will write to the member …

I note Ms Pennicuik's response, which she no doubt will speak to. The committee notes that the effect of clauses 5 and 7 is to bar schools conducted in accordance with religious beliefs, doctrines or principles from discriminating against students on any ground other than religious belief or activity, subject to other exemptions. Again, Ms Pennicuik will no doubt respond to these points. The essential point here is that you either believe in a system where religious belief is accorded some zone of protection as a human right, as a right for communities to practise their religious beliefs within a reasonable bound, or you do not.

The question of what is the situation in other states was again something we discussed. We were informed that Tasmania, the Northern Territory and the ACT do not have the exemptions that Victoria, New South Wales and other large states have. The states that we would more often compare ourselves with — New South Wales, Queensland and the other large states, which have larger, more complex systems — confirms to me the importance of protecting religious rights and the

right of religious communities to run schools within bounds according to their legitimate beliefs.

It is very clear that the independent schools, the Catholic Education Office and, I think, some of the Jewish schools are also concerned about this bill, and after that consultation in good faith the opposition cannot support this particular bill. It is a bill that the Greens want to bring forward — they see some value in it — but I do not see that it will strengthen our education system. I think the legitimate aims of having no bullying, no harassment and no intimidation in schools can be met by other means and can also operate in a way that is consistent with the values of many different religious groups. That is the key point. The truth of the matter is that the last thing many of our religious communities want to see is bullying, intimidation and harassment of students.

I think this is the wrong bill that goes about potentially achieving the objectives it seeks in the wrong way. For that reason the coalition will oppose it.

Dr CARLING-JENKINS (Western Metropolitan) — I rise today to speak on the Equal Opportunity Amendment (Equality for Students) Bill 2016. The DLP will not be supporting this bill for similar reasons to why we opposed the government's Equal Opportunity Amendment (Religious Exceptions) Bill 2016, which was debated in this house last night. I covered many points last night in my speech, so I will not repeat them. I will keep my contribution as brief as possible this morning.

I believe that both of these bills are designed to wind back the freedom of religion that we currently enjoy here in Victoria and to turn current provisions where differentiations are permitted on the grounds of religion into prohibited discrimination. Both bills are solutions looking desperately for problems, which I do not believe are there. Faith-based schools display the utmost respect for students with alternative viewpoints and for students who may practise alternative lifestyles, including sexual practices, not condoned by the school's ethos.

The reality is that students are simply not being expelled or refused entry on the basis of their sexuality. This shows that schools are already treating students with sensitivity, understanding and respect. Ian Baker from the New South Wales Catholic Education Commission said that this speaks for itself and that schools have exercised great caution and consideration. The objective is not to punish but to protect the rights of those families who send their child to a school based on a religious faith. Even if there was a concern, which there clearly is not or it would have been cited, a legislative remedy should be the last resort. As I said, I think the real intent of this bill is an attack on religious freedoms.

Martin Hanscamp, the executive officer of the Australian Association of Christian Schools, in an open letter in response to this bill had this to say:

> Christian schools do not require their students to share the school's beliefs in order for them to be enrolled. A small number of Christian schools require one of the parents to share the Christian faith as a criterion for enrolment and this provision is designed to foster a harmony of faith between the home and the school. All Christian schools, however, ask of enrolling parents that they be supportive of the school's ethos and values (not necessarily that they agree). Just like any other organisation, Christian schools expect their communities to respect the school's values and not to undermine those values. The Greens and all other political parties would expect the same within their political organisation.

Martin continues:

> The bill appears to have a bigger agenda as noted in the opening sentence of the second reading and in the Victorian Greens stated opposition to religious exemptions. At the broader level we are opposed to the bill because of this wider agenda that has implications for the religious freedom of parents and faith-based schools.

The bill, like the one we debated last night, fails to recognise and fails to respect that we live in a community, a democracy in fact, which is multifaith and pluralistic with multiple views concerning sexual identity, orientation and conduct, for example. This is a clear attempt by the Greens to force a single view of contested ideology onto Victorians, especially those who choose to send their children to schools not run by the state. If passed, this will violate the values and the conscience of parents and students throughout the state, and if passed, this will certainly undermine the private school sector.

As Mark Sneddon wrote, inherent requirements:

> … will not encourage Victorians to get along with each other. They are more likely to exacerbate division by creating legal weapons for forcing some voluntary associations to host or endorse views with which they deeply disagree. Deep differences of moral vision and the right way to live will not be resolved by trying to legislate one view to supremacy and squashing others. Rather, tolerance in this context means accepting that there are different views, defending each other's rights to hold and live out different views (including through voluntary associations) and committing to respectful communication so we can understand each other and agree how to live together peacefully with our differences.

However, the current government and the Greens do not wish to live peaceably with our differences. Rather, through legislation such as this, they seek to divide and

legislate subjective views to the detriment of our society. I do believe that our freedoms are under threat with legislation such as this — our freedom of religion, our freedom of association and our freedom as parents to make decisions in the best interests of our children. It is time to make a stand against those who would seek to undermine our freedoms. We have come a long way since the days of Wilberforce when he announced:

> I would suggest that faith is everyone's business. The advance or decline of faith is so intimately connected to the welfare of a society that it should be of particular interest to a politician.

Protecting faith, protecting faith-based organisations and, by extension, protecting the welfare of society no longer appears to be of particular interest to many in this place. It is therefore incumbent upon me to remind this place to stand up for the values which have underpinned our society for many, many years, and they have served us well. This bill will significantly restrict private schools' freedom of association to form communities based on their values. As Dan Flynn, Victorian director of the Australian Christian Lobby, has pointed out, this bill will undermine the preservation of ethos and culture within Muslim, Jewish and Christian schools. He said that in a diverse and tolerant society there should be room for religious schools to maintain their ethos. Parents who disagree with the school's enrolment policy are free to go elsewhere.

So ultimately it comes down to diversity and choice. Allowing religious schools exemptions from non-discrimination laws allows them to maintain their distinctive character; it creates a more diverse school sector full of choice for parents looking for the right fit for their child's particular needs. As long as there is a strong, healthy, properly funded secular school system, then parents who feel strongly about issues of non-discrimination will be able to send their children to a school where those values are respected. If different religious schools use different forms of exemptions to create a range of schools, then parents have greater choice, and to lose exemptions means to lose that distinctive value.

It is clear to me that the Equal Opportunity Amendment (Equality for Students) Bill 2016 has a deeper agenda than a first glance might reveal. The DLP is opposed to this bill due to its intent and the dangerous precedent it seeks to set. I will now conclude by simply reiterating that I will not support any piece of legislation which comes into this place with the intent of undermining the Judaeo-Christian values upon which our Parliament in fact was founded. I will not be supporting this bill.

Ms PATTEN (Northern Metropolitan) — I rise to speak briefly on Ms Pennicuik's Equal Opportunity Amendment (Equality for Students) Bill 2016, and that is what it is — it is an equality for students bill. We keep hearing this talk about religious freedom and that this is all about religious freedom. This is not; this is about the freedom for students not to be discriminated against on the grounds of their gender, on the grounds of their sexuality or on the grounds of whether they have an unwanted pregnancy or if they are single parents. It is as simple as that. This is about stopping discrimination. I have heard in the previous contributions that this is not a problem, that religious schools do not discriminate. Well then, great, why would you not support this bill? If there is no problem here, then why should religious schools have the special privilege to treat some students differently to others? This is clearly what it is. It is a simple bill that says, 'Why should religious government-funded schools be allowed to discriminate against people and discriminate against their students?'. It is as simple as that.

We have seen in other states — Queensland, the ACT, the Northern Territory and Tasmania — that this type of discrimination has been abolished. Religious schools in those states are not allowed to discriminate against their students, and guess what? They still have religious schools in those states — very successful ones — so this bill is not going to end religious schools as we know them, as we might hear the Australian Christian Lobby screech. I have to say in relation to some of the ways the bill is drafted that I preferred Ms Pennicuik's amendments on yesterday's bill to the way that this bill has been drafted, but nonetheless why should religious schools be allowed to discriminate? I have not heard a single reason for that from people opposing this bill. In fact they have even argued that they do not discriminate, so if that is the case, then why do we have this privileged exception that allows religious schools to discriminate against students for being single parents, students for being gay and even students for being women or girls? These exceptions to the equal opportunity bill should not be allowed in the 21st century.

Why would a Christian school with Christian values of acceptance and forgiveness want to discriminate against anyone, I ask you? I am yet to hear any reason. This does not seem to be about religious freedom. This seems to be about the freedom to be a bigot, if you want to be. That is what this bill does: it enables religious schools to be bigots if they choose to be.

I will certainly be speaking more tomorrow on this broader issue around religious exceptions when we continue the debate on the Equal Opportunity

Amendment (Religious Exceptions) Bill 2016. I do support this bill. I do think there is no reason why we should be giving these large, powerful organisations the privilege and the right to discriminate against people. It is not right. We have not heard any argument outlining why they need to do it, and I fully support this bill.

Ms PENNICUIK (Southern Metropolitan) — I would like to thank Mr Leane, Mr Davis, Dr Carling-Jenkins and Ms Patten for their contributions to this bill this morning. As Ms Patten has just said, it is a very simple bill. It seeks to repeal the exceptions that exist in sections 82 and 83 of the Equal Opportunity Act 2010 and to insert a new section. The new section would be as follows:

> **84A Discrimination against school students not exempt**
>
> Sections 82(2), 83 and 84 do not permit discrimination by a person or body that establishes, directs, controls, administers or is an educational institution that is a school against a student on the basis of the student's sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity.

I note that Mr Davis, in his contribution, said that the case has not been made for this bill. The case is that students who have those attributes — their sexual orientation, their lawful sexual activity, their marital status, their parental status, their gender identity or their sex — should not be discriminated against. That is the case. The case is a case of principle. I introduced this bill to take these exceptions out of the act.

As I said in the second-reading speech, we are talking about school students, so mostly minors. School-aged students are usually under 18, and of course some students in year 12 will have attained the age of 18, but generally we are talking about people under the age of 18 in schools in compulsory education. Education in Victoria is compulsory to the age of 17, so these students are in religious schools in a compulsory way. As Dr Carling-Jenkins said, they are sent there by their parents, who may have particular views. However, it is my contention and the contention of the Greens that students should be protected from discrimination, particularly that which is based on these attributes.

A person's sexual orientation may just be emerging and often is just emerging during those particular years of their life — the years during which they are in compulsory school education. Also their gender identity is often just emerging during that time, so this is a very difficult time for students. If those students do find themselves in a situation where there is either direct or overt, or even more indirect or implied, disapproval of their sexual orientation or gender identity at a school they attend, we know that that can have and does have profound effects on them. We know that students have reported being discriminated against by their fellow students, but also by schools and in schools, on the basis of their sexual orientation or gender identity. This is just not acceptable. It has never been acceptable, and it is certainly not acceptable in this day and age.

Mr Leane made a very short contribution to the debate on the bill. He said that the government will not be supporting it because they have their own bill. Their own bill is about employment. It is not about this particular issue, which is about prohibiting discrimination against students in schools. He made the point that government schools are not able to discriminate. Yes, and that is because government schools do not have the exceptions under the act that apply to religious schools.

My answer to Mr Leane would be that the government supports the Safe Schools program — and we support the government fully on this — and the Safe Schools program is designed to prevent discrimination against students in schools. While the government and the Greens support the Safe Schools program, it is very curious to me that the government would still support the exceptions that this bill aims to remove that remain in the Equal Opportunity Act. Those exceptions are contradictory to the whole Safe Schools program. The Safe Schools program is about removing homophobia and transphobia from schools and educating school students about the ramifications of this type of discrimination on everybody. It aims to foster understanding, diversity, acceptance and awareness amongst schoolchildren. By allowing these exceptions to remain in the Equal Opportunity Act the government is contradicting its own professed support for measures that aim to counter discrimination against school students and contradicting its support of the Safe Schools program, which I again say that we support.

Yesterday I was speaking about the government's Equal Opportunity Amendment (Religious Exceptions) Bill 2016, and I said that the government really does need to look at some of the anomalies that exist in the Equal Opportunity Act 2010. This is one of them.

If the government is not going to support the Greens bill today, it certainly should be looking at introducing its own legislation to remove these exceptions because they are completely contradictory to its support for Safe Schools. If you are supporting the Safe Schools program but you are still supporting these exceptions in the act, that is just a contradiction — a complete contradiction. You are sending two messages. One message is that it is okay to have in an act of Parliament that students can be discriminated against on the basis

of their sexual orientation, lawful sexual activity, marital status, parental status or gender identity, and on the other hand you are promoting the Safe Schools program, which is about not discriminating based on those attributes. So I think the government needs to come to grips with that particular contradiction in its own policy and its own legislative agenda.

I think I probably spoke in response to Mr Leane for longer than he spoke himself about this bill, which is a bit disappointing given that the government is, as he said, proud of its equality agenda. If the government is proud of its equality agenda, then it should be supporting this bill that is protecting Victorian students.

I make the point that I made yesterday that most religious schools receive a lot of public funding. Some of them receive the majority of their funding from the public purse — from the taxpayer — so they are highly publicly funded. Many of them are not very transparent about how that public funding is used, but if they are receiving public funding, they should not be able to discriminate against school students. So I am very disappointed with the government's position on this bill.

Mr Davis went on to talk about freedom of religion as a right and that the Equal Opportunity Act at the moment strikes the right balance. Clearly the Greens do not agree that it strikes the right balance, because it allows religious schools to discriminate on these attributes and that is not the right balance. Of course, as I say, we are talking about compulsory schooling. We are talking about students who are minors, who are children, and they are not in a position of power in a school. So the law should not allow them to be discriminated against in any place, and particularly in a place like a school where they are not in a position of power compared with the schools as an institution. The law should be protecting them and not allowing for that discrimination to continue.

Mr Davis read from a letter by Michelle Green from Independent Schools Victoria, which said that schools are committed to no discrimination based on those attributes and which noted her objection that by introducing the bill it is implied that discrimination exists. Mr Davis went on to say that such discrimination should be outlawed. That is what this bill is trying to do, and by introducing this bill the Greens are not insinuating that discrimination exists in all independent schools. In fact I made the point yesterday that we understand that probably in the majority of independent schools — and certainly in a direct or overt way — this discrimination does not exist. Still, that then begs the question: if it does not exist, why should it be allowed to exist under our laws?

Why should there be a law that allows for this discrimination and sends the wrong message to students about their gender identity and sexual orientation? In fact, because we have the attribute of parental status, if a student finds themselves to be pregnant while at school or a student is an unmarried parent, they can be discriminated against under this particular law. I do not think most people in the community would find that to be an acceptable situation, and I acknowledge that in most schools that would not happen and that schools would go out of their way to assist those students. It really does beg the question as to why everybody is not supporting the removal of these exceptions under the act.

Mr Davis also said that we were not able to provide cases in support of the bill. I have made the case in principle for support of the bill. It is very difficult for young people to come forward with their stories if they are being discriminated against, and that is part of the problem. We do have some anecdotal cases which we did mention to Mr Davis in the briefing, and of course, for obvious reasons, people are not necessarily wanting to have those made public. There is evidence of bullying of students based on gender identity and sexual orientation already in the public realm, and that is why this bill should be supported.

Dr Carling-Jenkins made similar points, and she said the reality is that students are not expelled due to their sexuality or if their belief or activity is against the ethos of the religion of the particular school. Again, I would say if that is the case, then that should be an argument in support of the bill removing these exceptions from the act. Dr Carling-Jenkins also read from a letter. I did not catch exactly who the letter was from, but she read from a letter that says a legislative remedy is not the way to go. The fact is that we already have a law which allows discrimination. What I am trying to do is remove that provision from the law. I make the point that this legislative remedy, which is amending the existing act, is in fact the way to go, because having these types of provisions in the law does send the wrong message to the community and particularly to those students who may be struggling with their sexual orientation or gender identity that it is okay under a Victorian act of Parliament to discriminate against them if they are attending a religious school. I do not think that is a message that should be sent, and they are not provisions that should remain in a Victorian statute.

Quoting from another letter, Dr Carling-Jenkins said that this bill will violate the values of schools and

parents and undermine the private school sector. I just do not believe that that is the case. These exceptions have already been removed in some states, and the private school sectors have continued without the ability to discriminate against their students.

I disagree with the points made by Mr Davis and Dr Carling-Jenkins. I should say, too, that there were some points raised by Mr Leane and Mr Davis about consultation. The Greens wrote to every independent school in Victoria. We did not receive responses from the schools necessarily. We did receive responses from the peak bodies. Most of them made the sorts of points that Mr Davis has already made and that Dr Carling-Jenkins has raised, which I do not agree with.

One point raised was whether this bill will fall foul of section 39. That was certainly raised by Independent Schools Victoria in their letter. We have checked this with the parliamentary counsel, and they have assured us that section 39 would still remain in force. These amendments after sections 82 and 83 — —

The ACTING PRESIDENT (**Mr Melhem**) — Order! The member's time has expired.

House divided on motion:

Ayes, 6

Barber, Mr	Patten, Ms (*Teller*)
Dunn, Ms (*Teller*)	Pennicuik, Ms
Hartland, Ms	Springle, Ms

Noes, 32

Atkinson, Mr	Morris, Mr
Bath, Ms	Mulino, Mr
Bourman, Mr	O'Donohue, Mr (*Teller*)
Carling-Jenkins, Dr	Ondarchie, Mr
Crozier, Ms	O'Sullivan, Mr
Dalidakis, Mr	Peulich, Mrs
Dalla-Riva, Mr	Pulford, Ms
Davis, Mr	Purcell, Mr
Eideh, Mr	Ramsay, Mr
Elasmar, Mr	Rich-Phillips, Mr
Finn, Mr	Shing, Ms
Fitzherbert, Ms	Somyurek, Mr (*Teller*)
Leane, Mr	Symes, Ms
Lovell, Ms	Tierney, Ms
Melhem, Mr	Wooldridge, Ms
Mikakos, Ms	Young, Mr

Motion negatived.

SAFE SCHOOLS PROGRAM

Debate resumed from 26 October; motion of Dr CARLING-JENKINS (Western Metropolitan):

That this house —

(1) notes that —

(a) the bullying of any child, for any reason, is undesirable and unacceptable;

(b) the Safe Schools program has been found to be an ideologically driven indoctrination program, designed to promote a contested and controversial form of gender theory, rather than being the anti-bullying program it has been promoted as;

(c) Victorian parents have not been consulted prior to the rollout of the Safe Schools program within schools;

(d) Victorian parents are concerned about the age-appropriateness of the content being presented by the Safe Schools program to their children;

(e) Victorian parents of children with disabilities feel the Safe Schools program does not take their children's needs into account;

(f) there is widespread public awareness that the Safe Schools coalition Victoria has social re-engineering as one of its higher purposes;

(g) government schools should be free of any form of radical indoctrination; and

(2) calls on the government to —

(a) withdraw the program immediately from all schools; and

(b) conduct a review, which takes into account the views of parents into the incidence and prevention of bullying in schools.

Ms PATTEN (Northern Metropolitan) — I will not speak on this motion for long, as I actually do not want to dignify the position presented and particularly because, in spite of all of the strong support for the Safe Schools program and the positive effect it is having in schools, I am not going to change the views of Dr Carling-Jenkins here. Often this debate has focused on claims that we should be cautious when we talk about sexuality in schools. They say being gay is an ideology and that such ideology has no place in schools, but these are the same people who are saying we need more religion in schools. If we want ideology out of schools, then religion should not be in schools.

Opponents continue to misrepresent how this program operates. It is not the gay schools program, as our opponents say and would have us believe. It is the Safe

Schools program, an extension of existing anti-bullying programs in schools. Bullying in schools is real. Other children are the bullies. We educate children about maths and science and real life in our schools, so why is it controversial that we are educating children about the harm bullying causes. Studies from La Trobe University and the University of Auckland have found that 10 per cent of students do feel same-sex attracted, 4 per cent of students are gender diverse or trans and 1.7 per cent of students are intersex and that 80 per cent of the abuse that those students experience happens at school.

Dr Carling-Jenkins will suggest that the figure of 10 per cent of students being same-sex attracted does not match up to any studies. That figure comes from a study, the *5th National Survey of Australian Secondary Students and Sexual Health 2013* by La Trobe University. I have not seen any figures that do not back that up. This type of blatant denial is why we see staggering statistics of people who identify as LGBTIQ being 14 times more likely to attempt suicide than people who identify as heterosexual. This debate does nothing to help change that figure, and that harm is very real. We should be outraged that bullying can be so severe that people want to commit suicide — young people; students. We should not be dismissing it as ideology.

We have seen the pain and hurt given in the very emotional speech by Ms Shing. Dr Carling-Jenkins advocates a pro-life position, but she is risking the lives of young people by wanting to withdraw this life-saving program. Victoria Rawlings, a lecturer in education at the University of Sydney, says:

> Much of the debate relating to Safe Schools so far has included commentators explicitly or implicitly suggesting that young people require protection from the concepts that the program raises.

The argument suggests that there is something particularly deviant or worrying about diverse sexual identities or gender issues, when we know that is not the case. We have even heard Dr Carling-Jenkins in her contribution on the previous bill state that religious schools are quite happy to accept LGBTI students and that they are welcoming. Well, why would they not welcome the Safe Schools program that seeks to protect those very children?

The program already has positive effects, with the number of transgender students being open in school growing from 1 to 54, as they are starting to feel safe, and the number of schools signing up to the Safe Schools program continues to grow. I think that is the evidence that it is working. This program is not compulsory for schools, but so far 276 Victorian schools are part of the coalition and 11 867 teachers have been trained. I think that the number is really telling. I trust teachers to know if programs are good for their students or not.

Mr FINN (Western Metropolitan) — I rise to support the motion moved by Dr Carling-Jenkins. I commend her on putting this motion to the house and also on the speech that she gave whilst moving this motion. I also commend Ms Patten for the speed with which she has left the chamber. I suggest that she tries out at the next Olympics, because I think she will have a gold medal hanging around her neck. As soon as I got up, she was out the door, and no doubt we will not see her again for a little while. I wish you well, and if she likes, she can just keep on going.

The ACTING PRESIDENT (**Ms Dunn**) — Order! Mr Finn, please. Can I draw you back to the motion.

Mr FINN — I am sorry. I was just giving my best wishes to a colleague who was leaving.

As I said, I support this motion because quite frankly I believe that we do need an anti-bullying program in our schools. There are numerous reasons that people are bullied in schools. As I think Ms Patten pointed out, she believes 10 per cent — I think it is probably a little less than that, but 10 per cent — of children in schools are gay or same-sex attracted. I have to ask the question: if, and it is a fairly big if, they are all bullied, what about the other 90 per cent? What about the kids that are bullied because they have freckles? What about the kids that are bullied because they have red hair? What about those who are too fat, they are too skinny, they are too tall, they are too short or they barrack for Richmond? These are genuine reasons that people are bullied. This program does not address those. This program and the government via this program are saying to those kids, 'Your problem doesn't matter. You don't matter'. That is what the government is saying to those kids who are being bullied.

I have to say that I loathe bullying. I absolutely detest bullying, but I loathe all bullying, for whatever reason. To pick on just one small group in the classroom and protect them from bullying seems to me to be insane — totally, totally absurd. But of course we know that this program is not about bullying at all; it is not about stopping bullying. Ms Shing herself told us that, because we listened to Ms Shing — for what seemed like an eternity, I have to say. She went on for quite some time, and I think she mentioned the word 'bullying' only maybe twice. She did talk about — —

Ms Shing — On a point of order, Acting President, Mr Finn just indicated that this program is not about bullying and said, 'Ms Shing herself said that'. In fact I did not say that, and I would ask that Mr Finn refrain from misleading the house in relation to what my earlier comments were.

The ACTING PRESIDENT (**Ms Dunn**) — Order! Thank you, Ms Shing. That is not a point of order. I ask Mr Finn to continue and come back to the motion, please.

Mr FINN — Well, I am very much on the motion. I am just referring to Ms Shing's comments a couple of weeks ago. She went on for I think it was 50-something minutes, and there were very, very few of those minutes that were actually dedicated to talking about bullying. There was a heart-rending story of her life, and I can fully understand that she has had difficulties.

Ms Shing interjected.

Mr FINN — Well, she has had difficulties in a whole range of areas, according to her speech a couple of weeks ago. I sympathise with her, and indeed I empathise with her. It is not a good thing. But bullying was not a big part at all of her speech to this house on this motion. In fact, I have to ask: is this program necessary? Of course it is not, because we should have a wideranging program covering all bullying, for whatever reason.

We hear that children that have gender dysphoria need to be protected, and indeed they do. Gender dysphoria of course is a rare condition, but it is a very serious condition. There are two specialist units in Victoria for children with this. One is at the Monash hospital, and the other is at the Royal Children's Hospital. These units work with schools to introduce children in transition to their schoolmates, to teachers — to whoever they may need to come to terms with the change. It involves doctors, and it involves professors. It involves medical professionals who really know what they are doing.

Mr Dalidakis — Do you even know what you're talking about?

Mr FINN — Yes, I do know what I am talking about.

Mr Dalidakis interjected.

Mr FINN — Mr Dalidakis, the great boofhead over there, sitting on the front bench, is shooting his mouth off again about something. He in fact does not know what he is talking about. That is a fact of the matter.

Mr Dalidakis interjected.

Mr FINN — Look, go and look it up — go and google it, you goose. As I was saying, gender dysphoria is a serious condition. I will spell it for you, if you like. Get your Google out, and I will spell it for you. He cannot even read his Funk & Wagnalls; that is his problem. He is the Google minister.

These units work with schools, as I say, to assist these children through transition. That is something that is very serious, and every time that we have a situation where a child is in this position the Monash hospital and the Royal Children's Hospital actually work.

Mr Dalidakis interjected.

Mr FINN — The minister is over there like a galah on a post, shooting his mouth off.

Honourable members interjecting.

Mr FINN — Look, he might be next. I understand we have got three down and we are going for a fourth by Christmas, and Mr Dalidakis just might be it.

Mr Dalidakis interjected.

Mr FINN — This is a very serious matter and I think it deeply regrettable that Minister Dalidakis is not giving it the respect that it deserves. It shows the government's ongoing contempt for children.

The ACTING PRESIDENT (**Ms Dunn**) — Order! Mr Finn, if you can just hold fire for one moment. Minister Dalidakis, I am calling you to order. Can you please allow the member to make his contribution without assistance?

Mr Dalidakis — Certainly, Acting President.

Mr FINN — It is a ridiculous situation to suggest that these children who are going through an extraordinarily difficult time in their lives are given second-rate service, if you want to call it that. We are told by the government that in fact it should be teachers who are helping them through this and protecting them on a daily basis, instead of the psychologists, the doctors and the other medical professionals that currently do the job very, very well.

It is extraordinary that the current Premier would be endorsing this, given that he is a former Minister for Health. You would think he would have some understanding of gender dysphoria, you would think he would have some understanding of the difficulties that these children are going through and you would think he would have some understanding of the medical

assistance and professional assistance that is available to these children, but the fact of the matter is this program is not about bullying. This program is about ideology. This program is about changing the way kids think.

I do not know if everybody in the house can remember when they were teenagers. For some of us it is going back a fair way now.

Mr Dalidakis — I remember people giving the same speech about apartheid or blacks in the south in America. You should be appalled at yourself.

Mr FINN — You are a disgrace. On a point of order, Acting President, I ask him to withdraw that comment.

Mr Dalidakis — On the point of order, Acting President, no, there is nothing to withdraw. Do you want me to withdraw that your speech is an appalling reflection on yourself?

The ACTING PRESIDENT (**Ms Dunn**) — Order! I do not believe a withdrawal is necessary. Mr Finn, you can continue.

Mr FINN — Well, if they are the rules, they are the rules. Let us get the gloves off. Here we go.

Mr Dalidakis interjected.

Mr FINN — This idiot over here, he really needs somebody to take him aside and give him a good talking to.

The ACTING PRESIDENT (**Ms Dunn**) — Order! Mr Finn, I ask you not to reflect on members in the house in that way.

Mr FINN — I accept your ruling, but if it is good for one side, it is good for the other. That is all I am saying. I am just asking for consistency. This minister over here is trying to turn this debate into a debacle in much the same way as he has turned his portfolio into a debacle. This is a serious matter, and the motion moved by Dr Carling-Jenkins deserves the respect that I am giving it but unfortunately the government is not.

What I was saying was that these children who are going through transition have an individual care plan. It is not a big program that covers every child in the system. They have an individual care plan that is made for them specifically, and they deserve the best possible care. But unfortunately this government once again is putting its warped ideology ahead of the welfare of children. I am quite frankly disgusted by that. I am appalled that any government would do that.

If you are a parent who loves your child and if you are concerned about your child and worried about what your child is being taught at school, what does the Premier call you? The Premier calls you a bigot. That is what comes out of the Premier's mouth. This man, Daniel Andrews, is not fit to be Premier of this state. That indicates exactly why, because he has total contempt for those who have a differing view. He says he is inclusive, and he says he supports diversity. All of these great words come out of his mouth, but we know that in reality it is something quite the opposite.

Let me assure you, as I was saying just a moment ago, that teenagers have a tough enough time getting through puberty without getting to 12, 13 or 14 and being asked while being taught this program by a teacher, after they have been a boy for 12 or 13 years, if they in fact might be a girl. Life is confusing enough without that sort of nonsense, and that is what this program does. It is poisoning the minds of young people. That is what it is designed to do. If we are after an anti-bullying program, then let us get one. Let us put one in place that covers anti-bullying from a whole range of bullying perspectives, because that clearly is what is necessary.

I say to the government that children are not their playthings. Children's minds should be respected and encouraged to develop without this sort of poison filling their heads. For any government to put ideology before the welfare of children says to me that we have a government that is not fit to hold office. So I support the motion put up by Dr Carling-Jenkins. I urge the house to support the motion put up by Dr Carling-Jenkins, and I sincerely hope that unlike today the government will start actually taking this issue seriously and that we do not have the sort of carry-on that we have experienced today from Mr Dalidakis and the sort of personal abuse that we have heard from the Premier on previous occasions when people have dared to raise a counter point of view. I urge the house to support this motion and to turf the Safe Schools program onto the rubbish tip.

Ms PENNICUIK (Southern Metropolitan) — Following Mr Finn on Dr Carling-Jenkins's motion, I will just make the comment that having listened to his contribution he said a number of times that this is a serious matter. On that I agree with him. On virtually everything else he said I do not agree with him, but it is a serious matter.

If I could turn to Dr Carling-Jenkins's motion, the motion starts with (1)(a), which states that this house notes that the bullying of any child for any reason is undesirable and unacceptable. The Greens wholeheartedly agree with that, and if the motion had stopped there, we would be able to support it. Unfortunately the motion goes on to make quite a number of unsubstantiated claims and then calls on the government to withdraw the Safe Schools program from all schools, and the Greens cannot support that.

I will go to the points that are made in Dr Carling-Jenkins's motion. Point (b) states:

> the Safe Schools program has been found to be an ideologically driven indoctrination program, designed to promote a contested and controversial form of gender theory, rather than being the anti-bullying program it has been promoted as …

There is no evidence of that. That is just an assertion; that is just a claim made by Dr Carling-Jenkins, and it is completely false. I am very familiar with the Safe Schools material. I have looked through it all, and I find no evidence of that. In fact I agree with the points made many times by Ms Shing in her contribution on this program that it is a program that is well overdue in our schools. As Ms Shing said, if it had been in place many years before it would have saved a lot of heartache and trouble for students who were and still are subject to bullying and discrimination in schools due to being same-sex attracted or gender diverse young people.

Dr Carling-Jenkins's motion goes on to say at point (c):

> Victorian parents have not been consulted prior to the rollout of the Safe Schools program within schools …

They are being consulted as it is being rolled out in schools.

Point (d) states:

> Victorian parents are concerned about the age-appropriateness of the content being presented by the Safe Schools program to their children …

Again, that is just an assertion and a claim being made in this motion. I will concede that a small number of parents might be concerned, but I would say the majority of parents are supportive of this program, and certainly parents who I have spoken to are supportive of it.

Point (e) states:

> Victorian parents of children with disabilities feel the Safe Schools program does not take their children's needs into account …

I really do not understand that point. How is that the case? The Safe Schools program takes into account the needs of all students, and it is about raising the awareness of all students about issues that face students in schools, as I was saying in my contribution on our bill, the Equal Opportunity Amendment (Equality for Students) Bill 2016. Removing provisions within the Equal Opportunity Act 2010 that make it possible for religious schools to discriminate against students based on their sexual orientation or their gender identity is contrary to the Safe Schools program.

Point (f) states:

> there is widespread public awareness that the Safe Schools Coalition Victoria has social re-engineering as one of its higher purposes …

Again, that is just a wild claim.

Point (g) states:

> government schools should be free of any form of radical indoctrination …

I do agree with that point. I do not believe the Safe Schools program is that. I do believe in the actual point, on principle, but the Safe Schools program is not that.

The second part of the motion calls on the government to:

> withdraw the program immediately from all schools …

The Greens would not support that. We believe it should be rolled out to all schools. The motion also calls on the government to:

> conduct a review, which takes into account the views of parents into the incidence and prevention of bullying in schools.

There are already a lot of programs about bullying in schools in addition to the Safe Schools program, but there has already been a review conducted into the Safe Schools program by Emeritus Professor William Loudon at the University of Western Australia, which is my alma mater, I might add. It is worth putting on the record what Professor Loudon found. While recommending some relatively small changes, he found that:

1. Five hundred and fifteen schools have become members of the Safe Schools Coalition … Membership does not imply an obligation to use … resources. The material provided encourages schools to develop their own plan for choosing among and implementing the resources.

2. Many member schools have had an introductory meeting or training session for staff; a few have had training about the key teaching and learning resource *All*

> *of Us*; and no school is known to have implemented the whole eight-lesson program.
>
> 3. The four official guides are consistent with the aims of the program and are appropriate for use in schools (that is, *Safe Schools Do Better*, *Guide to Kick Starting Your Safe School*, *Guide to Hosting Inclusive School Formals*, and *Guide to Supporting a Student to Affirm* or *Transition Gender Identity at School*).
>
> 4. The three official posters are suitable for display, especially in secondary schools. Display in primary schools would be appropriate, but the posters rely on terms and concepts that may not be familiar to primary school-aged students (that is, *Change is Coming*, *Discrimination Free Zone*, *What Are Your Plans for IDAHOT*).
>
> 5. The resource *All of Us* is consistent with the aims of the program, is suitable, robust, age appropriate, educationally sound and aligned with the Australian curriculum. It contains more material than would be likely to be used in most schools, and some material that individual schools and teachers would choose not to use. These choices fall within the range of reasonable teacher judgement and school policy —

et cetera.

We have had a full review into the Safe Schools program, and it found that the program is educationally sound and appropriate. Some small changes were made, but they were relatively minor. It is worth saying of course that the Safe Schools program was established in Victoria in 2010. It is free to all schools, and at May this year 260 government, Catholic and independent schools had signed up for it. That is 260 government, Catholic and independent schools that have signed up to the coalition. All government secondary schools are required to be members by the end of 2018.

According to the Safe Schools Coalition Victoria website:

> Safe Schools Coalition member schools are able to:
>
> > request tailored professional development for some or all school staff on inclusive practices and creating supportive environments for transgender diverse young people;
> >
> > request assistance in setting up and developing student-led activities …
> >
> > request guidance on creating supportive and inclusive school policies;
> >
> > request guidance on inclusive practice in all teaching and learning areas, including sexuality education and advising schools on how to engage and include same-sex families;
> >
> > request support in the process of affirming the gender identity of transgender or gender diverse students;
> >
> > access resources to equip staff and students with skills, practical ideas and greater confidence to lead positive change.

All of these are positive developments in our schools and will engender a more understanding awareness by students of the diversity amongst themselves. We know from research that up to 10 per cent of students may be same-sex attracted, 4 per cent of students are gender diverse or transgender and up to 1.7 per cent of students are intersex. Also we know that school is the place where most homophobic and transphobic bullying takes place, with 75 per cent of those students experiencing discrimination, with 80 per cent of that happening at school, and 80 per cent of those students feeling they are not supported by their school. So clearly there is a need for the Safe Schools program. The Greens are supportive of the program and want to see it widely rolled out and so will be unable to support this motion.

Mr EIDEH (Western Metropolitan) — I rise to speak briefly on the Safe Schools program. This government recognises that all Victorian students must have access to an education free of and unencumbered by bullying or disruption in any form. This is and should be a basic fundamental right for all Victorian children. We are all well aware that an educated society is a prosperous society, and this government is striving to rid our schools of the scourge of homophobia and bullying of any sort to allow our children to gain an education that will serve them and Victoria well in the future. Having said that, we are also aware that schools are often where bullying and intolerance form, and this can be a terrifying and cruel experience for anyone subjected to it.

The Safe Schools program is an educational program designed to create a safe and supportive school environment for same-sex attracted, intersex and gender diverse people. It is also an initiative designed to reduce homophobic bullying and discrimination in our schools, and this includes children with disabilities.

There is no doubt that there is some concerted opposition to the Safe Schools program, and of course, as is the case with all discussions and debates, all opinions and views should be welcomed and respected. However, some of those opposed to the Safe Schools program either have not read the terms of reference or when opposing this program have other agendas they are pursuing. Some have argued that the Safe Schools program is proselytising and recommending specific sexual activities. This could not be further from the truth, and to argue this is to fail to reason properly or to do justice to the intention and design of this program.

To argue in this way is not only disingenuous but potentially harmful to the many students affected by bullying and homophobia. Anybody who has ever been subjected to bullying, whether at school or in the workplace, knows the devastating impact it can have on individuals, families, friends and colleagues. Any measure to try and remedy this situation will not only improve the lives of all concerned but also save lives.

We should not skirt around the serious consequences of bullying, and one of those is the tragedy of suicide. We have children in Victoria committing suicide because of bullying. This cannot be tolerated in a modern 21st century democracy. No matter what your views on this program, I am sure we can all at least agree on this point. The Andrews Labor government makes no apology for our efforts in directly addressing this outrageous situation. The government is absolutely committed to ensuring that all students, no matter what their background, feel safe and supported when they are at school.

The government is proud to support the Safe Schools program, and we are very pleased that already more than half of Victoria's secondary schools have signed up to the Safe Schools program. The Victorian government has committed $1.34 million over four years to expand the Safe Schools Coalition Victoria program into every Victorian government school by 2018. Safe Schools Coalition Victoria provides age-appropriate resources and professional learning to assist schools in challenging homophobic and transphobic behaviour. This will certainly make Victorian schools more inclusive and will educate and inform non-LGTBI students about understanding what others experience and how devastating bullying can be to them.

We in this house often wax lyrical about the importance of education and what it means for the future of Victoria and our children. The fact of the matter is there are currently many children who do not have proper access to this education and to this future because of the scourge of bullying. We must support the Safe Schools program. It is necessary and it is essential if we are to truly say we are doing everything we can to ensure that all Victorian children have access to a genuine first-class education with all of the opportunities and freedoms that they deserve.

Mr RAMSAY (Western Victoria) — I rise to speak on and support the motion moved by Dr Carling-Jenkins, and I intend to go through the points in the motion one by one. But just to make an observation from the contributions I have heard from members on the other side, the only consistent message I could perhaps relate to was the fact that we need to keep our schools safe. I think there is a general consensus and support for the view that that is what we should do and strive to do for the sake of our children.

In relation to that, I think there is a general consensus that we in this chamber all support the words expressed in paragraph (a) of Dr Carling-Jenkins's motion:

> (a) the bullying of any child, for any reason, is undesirable and unacceptable …

In all the contributions I have heard there has been full support for that part of the motion. Paragraph (b) says:

> (b) the Safe Schools program has been found to be an ideologically driven indoctrination program, designed to promote a contested and controversial form of gender theory, rather than being the anti-bullying program it has been promoted as …

Correct. This is not safe schools; this is social engineering to its hard core.

I have heard contributions from members on the government side. Some have been very passionate, some have been very personal and some have been outright claptrap. Indeed when I heard that outspoken Marxist Roz Ward had actually founded and designed this program, I was under no illusion that this was social engineering by stealth in the form of an anti-bullying policy.

It became very clear as Ms Ward designed and promoted this program that she did so in a vacuum, assuming that bullying does not extend beyond the LGBTI youth. Safe Schools gives little credence to the wide range of children who face bullying in schools, including those who are singled out for their ethnicity, body image, socio-economic status, disability and other matters that Mr Finn raised. And that is fair enough. I was bullied at school. I was a bit overweight. Certainly those of different religious persuasions were bullied at school. Those that had different skin colour were bullied at school. Those who were a little bit skinnier were bullied at school too.

So there is no problem introducing a program, which I understand is already part of the curriculum, where principals have and take some ownership of managing those students in their schools to deal with those types of bullying tactics by their colleagues. Certainly we did promote in 2010 an anti-bullying policy in our schools that gave school councils and principals the authority to deal with those students who engage in that sort of activity and also to provide safety within the school environs to stop the bullying. But this goes to an extreme.

Ms Shing — But you used to support it.

Mr RAMSAY — I just said that, Ms Shing. If you had actually listened, what I said was that we actually supported an anti-bullying policy in schools. We do not support a social engineering ideology or philosophy.

As I said, the Safe Schools program goes far beyond teaching children to treat others as they want to be treated. Instead there is a clear underpinned sexual agenda that makes parents and teachers extremely uncomfortable. I am hearing that in my own electorate, where parents and teachers — I have two daughters who are teachers — have discussed with me their concerns about this proposed Safe Schools Coalition agenda as part of the curriculum. That is not to mention, as we have just heard and seen now, the new respectful relationships curriculum, which goes even further than the Safe Schools Coalition's agenda of social engineering and the program designed by the Marxist Roz Ward.

I have even more concerns in relation to the impacts of the respectful relationships curriculum, which has only just been announced. Somehow that has evolved into a radical gender studies course that you would expect to find in universities. As early as grade 1, six-year-old and seven-year-old children will learn about mature concepts, including gender-based violence and gender norms. It is quite frankly bizarre that the Andrews government thinks that terms such as transphobia, homophobic bullying, gender non-conformity and heteronormativity need to become part of a curriculum foisted onto six-year-olds. I would challenge whether any six-year-old would actually understand the concepts of those words, far less being asked to participate in that curriculum being taught.

In subparagraph (c) of Dr Carling-Jenkins's motion, it says:

> Victorian parents have not been consulted prior to the rollout of the Safe Schools program within schools …

I think that is right. It is only the Socialist Left that has been consulted in relation to the Safe Schools Coalition policy and, I suspect, the Greens, who no doubt have played a significant role in promoting this social engineering experiment that is about to be foisted onto our schools. Forget about the three Rs and forget about truancy in our schools in regional Victoria, which are at an all-time high. Forget that a significant proportion of our students fail to reach year 12 and are not suitably skilled to go into the workforce. We are now talking about social/gender/sexual concepts being foisted onto six-year-olds, who have absolutely no comprehension or understanding of what those words mean, far less trying to — —

Business interrupted pursuant to sessional orders.

MINISTER FOR TRAINING AND SKILLS

Resignation

Ms PULFORD (Minister for Agriculture) (*By leave*) — The Minister for Training and Skills, Steve Herbert, who is also the Minister for International Education and the Minister for Corrections, has today tendered his resignation. Mr Herbert has reflected on his position and has decided that it is appropriate that he step down and move to the back bench. Mr Herbert has admitted an error of judgement, and he is paying the price for that error.

As the Minister for Training and Skills, Mr Herbert has overseen the government's $350 million TAFE rescue package, driving the turnaround in our TAFE and higher education sectors after years of neglect and funding cuts by the previous government. Mr Herbert has undertaken significant reforms to the private training provider sector, leading the nation in exposing — —

Ms Wooldridge — On a point of order, President, we gave leave for this statement on the basis that it was about the ministerial arrangements in terms of Parliament and representation, not a reading of the Premier's media statement in relation to Mr Herbert. I ask that the Deputy Leader of the Government deal with the issue of the ministerial arrangements so that we can get on with question time.

Ms PULFORD — On the point of order, I had a brief discussion with the Deputy Leader of the Opposition and indicated that I would make a brief statement on behalf of the government and then outline the arrangements.

Honourable members interjecting.

Ms PULFORD — My goodness! So on behalf of the government we do thank Mr Herbert for his service — —

The PRESIDENT — Order! Just a second; I will rule on the point of order. Leave was granted for a statement. The nature of that statement might have been discussed offline, but it certainly was not communicated in the house today. I think that in the circumstances it is actually appropriate that the Deputy Leader of the Government make some remarks. I understand that part of where she is going is to explain

the ministerial arrangements, and in providing the courtesy of informing the house of Mr Herbert's resignation it is appropriate that the house understand that circumstance.

Ms PULFORD — Thank you, President. I certainly felt it was appropriate to make some brief remarks about the work that Mr Herbert has undertaken as part of his ministerial responsibilities for significant areas of public policy and the reform that he has led. It is disappointing that there is such a lack of grace from members opposite, but I shall move on. I certainly take this opportunity to convey my best wishes and those of my colleagues — —

Honourable members interjecting.

The PRESIDENT — Order! As I understand it, the minister is about to explain what the opposition wanted to hear. Perhaps Mr Dalidakis might also be interested.

Ms PULFORD — I and my colleagues in the government wish to express our thanks to Mr Herbert for his service in the roles that he has held up to today and his contribution to the government, and we wish him well on this day.

As I indicated, and this is the bit the opposition have been excited about, earlier today the Minister for Training and Skills, who is also the Minister for International Education and the Minister for Corrections, tendered his resignation. For today I will take questions on behalf of the ministers in the police, education and racing portfolios and for the Attorney-General. Further, the Minister for Families and Children will respond to all matters in the training and skills and international education portfolios, and the Minister for Small Business, Innovation and Trade will respond for corrections.

Ms Wooldridge — On a further point of order, President, and in light of the minister's extended statement I will take the opportunity to ask about a number of questions that were asked yesterday to then Minister Herbert, who you ruled was required to provide a response today. None of those answers has been forthcoming, and I ask the Deputy Leader of the Government when those answers will be provided as required by you.

Ms Pulford — On the point of order, President, Mr Herbert has resigned his position as a minister in the government. There is a statement that has been issued by Mr Herbert and a statement that has been issued by the Premier that outlines the government's response to these matters.

Ms Wooldridge — Further on the point of order, President, certainly the view of the opposition is that the questions that were asked yesterday while the minister was a minister in many ways were in his capacity as a member, which was related to his ministerial responsibilities, and we believe there is still a ruling from you that those questions are required to be answered and should have been answered by 11.45 a.m. today.

The PRESIDENT — Order! It is true that I would have the expectation that answers sought in question time yesterday would be provided to the house in accordance with our standing orders. Obviously there is a complication in the fact that the minister has resigned ahead of what is the time frame for the response on those questions, and I am not in a position to provide any particular sanction on the non-provision of those answers. I hope that we might still be in a position to receive some clarification on those questions going forward, and I do recognise that the matters that they went to yesterday were perhaps more related to the minister's own actions than his ministerial responsibilities, so that also comes into, I suppose, the equation.

As I said, I do not have a sanction available. I suppose the house could move a motion to effect some sanction. Clearly the minister has paid a high price for very poor judgement at a point in time.

QUESTIONS WITHOUT NOTICE

Synthetic drugs

Dr CARLING-JENKINS (Western Metropolitan) — My question is for the minister representing the Minister for Police, who for today is Minister Pulford. It is in relation to the problem of synthetic drugs in our community. As we know, the effects of synthetic drugs can be unpredictable, severe or even life-threatening due to the fact that the range of chemicals used and their potency is constantly changing. As I understand it, currently the Drugs, Poisons and Controlled Substances Act 1981 progressively bans the possession and supply of synthetic drugs and their derivatives as they emerge. This is very reactive. However, manufacturers continue to try and stay ahead of the law by changing the chemical structure of such drugs. This is becoming a very serious problem in our community and one which our police face constantly in terms of its effects, which spill out onto our streets.

Minister, what options are being considered by the government to tackle this problem and, most

importantly, to strengthen public protection around this issue?

Ms PULFORD (Minister for Agriculture) — I thank Dr Carling-Jenkins for her question and for her interest in this matter. Dr Carling-Jenkins's question of course relates to the very important matter of synthetic drugs and the availability, access and control of them in our community. Dr Carling-Jenkins asked for a response to the question about options being considered. This is, as all members appreciate, the responsibility of the Minister for Police, and I will seek a written response for Dr Carling-Jenkins from Minister Neville at the earliest opportunity.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) — I thank the minister for her answer and for referring this to the minister in the other place. In doing this I point out that South Australia has addressed this issue through their Controlled Substances (Offences) Amendment Act 2013, which was a proactive approach. It created a new offence targeting the practice of marketing products as legal alternatives to illegal substances and/or marketing products as having the same or similar effect to illegal substances.

Minister, when referring this to the Minister for Police can you ask if the government will implement an approach such as the South Australian example to address the issues being experienced with the manufacturing and marketing of synthetic drugs, which strengthens police powers to target manufacturers and marketers before these drugs hit our streets?

Ms PULFORD (Minister for Agriculture) — I thank Dr Carling-Jenkins for her supplementary, and indeed it expressed really a request for the minister in responding to consider the South Australian example that Dr Carling-Jenkins illustrated. I will certainly convey that to the minister.

Hazelwood power station

Mr BOURMAN (Eastern Victoria) — My question today is for the Minister for Regional Development, Minister Pulford. The Hazelwood power station operators, Engie, have recently announced the closure of the plant in 2017, along with the loss of about 1000 jobs. I acknowledge that a generous package has been provided by the government with all sorts of help, but that does not actually replace the jobs. So my question to the minister is: did the government want the Hazelwood power station to close?

Ms PULFORD (Minister for Regional Development) — I thank Mr Bourman for his question and his concern about the families and communities in the Latrobe Valley who have been impacted by this decision. This is a decision that was made as part of a broader move away from coal by Engie, who have divested themselves of coal interests in a number of other locations around the world.

The government's focus has been on contemplating the type of support the Latrobe Valley communities need and the work that is required to assist workers in transition, but also more broadly to strengthen and diversify the local economy. As a result of that work, which has been undertaken by a ministerial task force led by the Premier, the government has established the Latrobe Valley Authority and announced last week a $266 million package of support.

We will work closely with the local community, but certainly any job loss is of course a terrible thing for the people who are impacted by that, and for a community to experience significant job losses, as will be the case at the end of March next year, is something the government takes very seriously. We will stand shoulder to shoulder with this community and we will support them through what is a difficult time, not just for the people employed at Hazelwood but for the many small and medium businesses that are part of the supply chain. It will be a whole-of-government effort to that end.

Supplementary question

Mr BOURMAN (Eastern Victoria) — I thank the minister for her answer. My supplementary question is: what material assistance was offered to Engie to try to keep those thousand or so jobs?

Ms PULFORD (Minister for Regional Development) — I thank Mr Bourman for his further question. The Minister for Industry and Employment and the Minister for Energy, Environment and Climate Change have both been in very regular contact through their different portfolios over the period of time that they have held their portfolio responsibilities and worked closely with the company. The company have also indicated that there is no act or decision of the Victorian government that has contributed to or influenced their decision. That is not my opinion or the opinion of the government; those are the statements that have been made by the senior leadership of the company that has made the decision.

Mr Bourman — On a point of order, President, was anything offered by the government to Engie to try to

keep the jobs here? I understand what the minister is saying in that it is part of a wider picture, but did the government actually do anything proactively to try to keep those jobs?

Ms PULFORD — The government was in discussion with Engie over a long period of time. The government is focused on providing support to the affected workers and the affected community, and I would again indicate to Mr Bourman, as the company have indicated, this is part of a decision that they have made to move away from coal.

Maribyrnong respiratory health

Ms HARTLAND (Western Metropolitan) — My question is to Minister Mikakos in her capacity representing the Minister for Health on issues relating to health. Children in the City of Maribyrnong have been hospitalised for asthma at three times the rate of children in the eastern suburbs. Many people in my community fear that the situation will deteriorate even further now that the heavy B-double trucks have been banned from the West Gate Bridge and will be diverted through local streets. Can the minister advise what steps are being taken to ensure that the respiratory health of children in the City of Maribyrnong does not deteriorate further?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Hartland for her question and her interest in relation to these specific matters. They are very specific questions relating to the respiratory health of children living in the member's electorate. I will take this specific question on notice and refer it to the Minister for Health for a written response to the member.

Supplementary question

Ms HARTLAND (Western Metropolitan) — Can the minister also explain what the government is doing to improve the unacceptable rates of asthma hospitalisation in the City of Maribyrnong?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Hartland for her supplementary question as well, and obviously the issues of asthma and respiratory health are a concern that many people in the community have more broadly, not just in the area of Maribyrnong. We have, sadly, a very high number of children and adults who suffer from asthma, right across our nation in fact, but I will take the specific question that the member has asked and similarly refer that to the Minister for Health for a response.

VicForests

Ms DUNN (Eastern Metropolitan) — My question is for the Minister for Agriculture. VicForests advised in its annual report for 2015–16 that it is being sued for commercial losses due to non-performance under a timber sale agreement. It is understood that the claimant is Australian Sustainable Hardwoods. Can the minister assure the house that VicForests will refrain from entering into any court-arbitrated timber sale agreement prior to the final recommendations of the Premier's Forest Industry Taskforce, as this would undermine the efforts of the task force.

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her ongoing interest in the work of the task force and VicForests, and I wonder if Ms Dunn has taken up the standing offer for a briefing with VicForests on the important work that they do in managing this resource for all Victorians. I will provide Ms Dunn with a written response to her question.

Supplementary question

Ms DUNN (Eastern Metropolitan) — Thank you, Minister. I think I might wait for the new CEO to embed themself into the organisation. However, my supplementary question is: if VicForests were to enter a court-arbitrated timber sale agreement with Australian Sustainable Hardwoods, it is unlikely VicForests would be able to meet the supply commitment with the remaining timber supply. VicForests would be liable for compensation payments. Will the minister assure the house that VicForests is not engaging in collusion with Australian Sustainable Hardwoods by entering into a timber sale agreement that is impossible to fulfil and therefore guaranteeing taxpayer-funded compensation to a private company?

Ms PULFORD (Minister for Agriculture) — Goodness me, there was a lot of theory in there and a lot of speculation about all manner of things.

Mr Barber — Maybe you need a briefing.

Ms PULFORD — No, I see our leadership at VicForests on a regular basis, and in fact I would suggest to Ms Dunn that she need not wait for the recruitment process for a new chief executive officer to be concluded. I am sure that the acting CEO, Nathan Trushell, would be very happy also to extend that offer. I might take the opportunity to wish the outgoing CEO, Rob Green, all the very best in his next career move. His leadership of VicForests has been outstanding, and it has been a pleasure to work with him. In response to

Ms Dunn's question, I will provide her with a written response.

Hazelwood Pondage

Ms BATH (Eastern Victoria) — My question is to the Minister for Regional Development. Minister, the Andrews government policy is to close Hazelwood power station, which could see Hazelwood Pondage turned into wetlands or farmland. Given the coalition provided $1 million for amenity and environmental upgrades at Hazelwood Pondage, which is yet to occur, can you explain what will now happen to this money and the planned upgrades allocated for these works?

Ms PULFORD (Minister for Regional Development) — I thank Ms Bath for her interest in the Hazelwood Pondage. I reject absolutely her assertion that it was government policy to change Hazelwood and refer to my earlier comments in response to Mr Bourman about the way in which this decision was made. As for the Hazelwood Pondage, this is an area very close to the mine. Ms Shing and I have had our toes in that water, stocking the pondage with barramundi — and what a delightful spot it is. We certainly look forward to a once-in-a-lifetime trout fishery experience for people in the Latrobe Valley but also for people who will come from all around the country to participate in this area in a really beautiful spot.

Ms Bath's question went to the funding of community amenities. I will provide Ms Bath with a written response to the question.

Supplementary question

Ms BATH (Eastern Victoria) — I will wait with interest for the minister's response. Many businesses and community groups, such as the Latrobe Valley Yacht Club, the caravan park, the Sailability program and fishing groups, rely on the pondage for their day-to-day activities, operations and survival. Minister, will you commit to ensuring the pondage continues and improves as a valuable community asset?

Ms PULFORD (Minister for Regional Development) — In the first instance, the government's focus has been on putting in place arrangements to support the people whose jobs will be going at the end of March and others in the supply chain who are similarly affected. I am currently considering advice about the fishery at the Hazelwood Pondage. This all needs to be seen in the context of the significant change to the use of that area that is currently underway. The government makes no apology for putting first the welfare of people who have been impacted by the decision of Engie, and that has been the focus of our efforts. We will be in a position to make further announcements about the pondage and the fishery in particular in coming days.

Corrections system electricity costs

Mr O'DONOHUE (Eastern Victoria) — My question is for the minister representing the Minister for Corrections. Last week the Andrews government fulfilled a longstanding Labor commitment to close Hazelwood and increase electricity bills. The Department of Justice and Regulation annual report lists electricity usage at Victoria's correctional centres at nearly 123 million megajoules. According to AusNet prices, a 4 per cent price rise in electricity in Victoria would see an extra $48 million per annum payable on correctional centre electricity bills, an 8 per cent rise would equate to an extra $97 million payable per annum and, if we use the government's own Frontier Economics modelling, a 25 per cent rise would equate to an extra $304 million payable per annum. Minister, according to the latest government advice, what impact will these increased costs have on the operation of the corrections system due to Hazelwood being shut down from March next year?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for his question. Can I say at the outset that Mr Herbert has been a friend of mine since I came into this place after the November 2014 election. It is important to note that he did make a mistake and he has paid the ultimate price for it professionally, but behind every one of us in this place are families, and I certainly wish his family the very best and I thank him for his service.

In relation to the very specific question, given that I am effectively taking these questions for question time today, I will take that question on notice and seek a response for the member tomorrow morning.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — I appreciate the minister taking the question on notice and undertaking to provide a response by tomorrow morning. By way of supplementary, I ask: noting the current crisis in the Victorian prison system and that many necessary prison upgrade projects have already been cancelled to pay for the cost blowouts with the Metropolitan Remand Centre rebuild, can the Andrews government guarantee that any new cost impost on Victoria's corrections system will be fully funded by the government and that funding for increased

electricity charges will not be redistributed from the current prison budget?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for his question. Can I just say that I reject the characterisation that the member made in his wording of both the substantive and the supplementary questions. This is not a government or a system that is in crisis. It is repairing itself after years of neglect by people like Mr O'Donohue and his colleague before him in the previous administration. In terms of the impact in relation to the system, I have undertaken to have a prepared response provided to the member tomorrow morning, and I will do the same with the supplementary.

Darebin FReeZA event

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Youth Affairs. In Northern Metropolitan Region last week, an under-age party in Northcote you provided funding for ended up in a riot that required 40 police to control. Two children were taken to hospital, traffic was shut down and shop owners and the community were threatened. Minister, the FReeZA guidelines require a risk management plan to be completed and submitted before every event. Did your department sign off on this event before it went ahead?

Ms MIKAKOS (Minister for Youth Affairs) — I thank the member for his question. Can I say at the outset that what occurred last week in relation to this particular incident was very concerning and very disappointing, and I say so not just as the Minister for Youth Affairs but also as a local member representing this community.

As the member would be aware, the FReeZA program is one that has been running for many decades in this state and has in fact enjoyed bipartisan support over that period of time. It is a really important program that gives young people an opportunity to participate in alcohol-free and drug-free activities, and it does enjoy enormous support in the community. I have been very pleased to be able to support many local communities and many local organisations, particularly local governments, who have put on FReeZA events for young people in their communities, because we do need to ensure that young people have opportunities to engage in activities in a recreational sense that promote positive wellbeing amongst our youth.

This was an event that was organised by the City of Darebin, and it did involve many young people themselves putting on and organising the details of the event. That is something that is actively encouraged as part of this program, because it is about developing young people's skills, including leadership and organisational skills. The matter was investigated by Victoria Police, and my department was informed about the review that was done by council and Victoria Police in relation to these matters.

Mr Ondarchie — On a point of order, President, I am cognisant of you often ruling about giving ministers time to set context around their answers, but we are now over 2 minutes — over halfway — into the answer, and the question was quite specific. It was: did the department sign off on the event before it went ahead? I am conscious of the context, but I ask you to bring the minister back to answering the question.

The PRESIDENT — Order! I do understand the point of order, but I think at this stage the minister's response has been an appropriate one. The minister is aware that a specific question was asked in terms of the risk management plan. I am sure she is coming to that.

Ms MIKAKOS — It is interesting that I am giving a very comprehensive response to the member and he actually does not want to hear it. As I was explaining, there was a review into this particular matter. There was a debriefing that was organised between the council that put on the event and the police, and it also involved the Department of Health and Human Services, and that was to look at exactly what happened in this matter. The police were actively involved in this particular review.

What it did find is that the event itself had been adequately organised. The incidents that occurred involved young people who were not in the event itself. They were outside the event. They were of an older age group as well. This was the group of young people who then went on down the road more than a block away — because I know High Street, Northcote, very, very well — and proceeded to engage in some disturbance outside one of our local small businesses. So there was trouble that was outside the event, but the finding of this debrief, which included Victoria Police, was that it did not involve young people at the particular event.

So the member might want to characterise this event in a particular way, but there was a thorough debrief undertaken that found that the trouble — the disturbance that occurred — did not actually relate to the event itself. Of course with these matters there is always an examination as to whether these things could be improved in the future.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — Thank you, President, and no doubt you will have a look at this question at the end of question time.

My supplementary question is around the funding guidelines for the FReeZA program, which also state that Victoria Police should be consulted about risk management planning and briefed as to how they could respond to potential problems. If proper protocol was followed — in your words, 'adequately organised' — why were police not notified about this event before it occurred?

Ms MIKAKOS (Minister for Youth Affairs) — The member is actually incorrect about that. There was some misreporting about these matters. The debrief that involved Victoria Police, the council and the department did in fact confirm that not only were Victoria Police notified but they were present. They had organised — —

Mr Ondarchie interjected.

Ms MIKAKOS — No, Mr Ondarchie, you are not listening yet again. Listen to the answer, Mr Ondarchie. Victoria Police had been notified and in fact had organised to do a walk-through twice at this particular event. There was also other external security organised to be in attendance. This is why the findings of that debrief did say that the event had been adequately organised, despite the assertions that you might make.

Mr Ondarchie interjected.

Ms MIKAKOS — Mr Ondarchie, ministers do not sign off on specific events. This might be news to you because you have never had the opportunity of serving in that role — and let us hope that never happens.

The PRESIDENT — Order! Thank you, Minister.

Malmsbury Youth Justice Centre

Ms CROZIER (Southern Metropolitan) — My question is also to the Minister for Families and Children. Minister, despite all the reviews, repairs and Labor reports into youth justice, how was a dangerous young offender who allegedly was serving a 12-month sentence for serious driving and firearms offences at Malmsbury allowed to be unsupervised, walking on his crutches out of the low-security unit into the car park and into a waiting getaway car?

Ms MIKAKOS (Minister for Families and Children) — Can I just say at the outset that this young person is still being looked for by Victoria Police. That is the absolute priority of my department in supporting Victoria Police to locate this young offender who absconded yesterday afternoon. Ms Crozier might be crowing and thinking this is a very amusing matter, but this is a serious matter. It is a serious matter, and it is one where Victoria Police are actively in the process of trying to locate this particular individual.

The individual concerned was assisted to abscond by an accomplice outside of the facility, and the department is working closely with Victoria Police to locate both of these individuals. A full investigation of this incident will be undertaken, but the priority at this point in time is of course to locate this specific offender and to apprehend the offender and his accomplice.

I make the point, President — and the member may not be aware of this, but certainly her colleague sitting next to her is well aware — that there was a young offender who had previously absconded from Malmsbury. The last incident of a similar nature that occurred was in July 2014.

Honourable members interjecting.

The PRESIDENT — Order!

Ms MIKAKOS — There was a review that was undertaken at that time, and guess what, Ms Crozier? It was never released publicly by Ms Wooldridge as the minister. So you might be critical of me. You might be criticising me for calling for reviews and making sure that these matters are thoroughly investigated, as they should be. They should be thoroughly investigated, Ms Crozier.

Honourable members interjecting.

The PRESIDENT — Order! Enough!

Ms MIKAKOS — When it happened last time in 2014, what did we see? Did we hear a peep out of Ms Crozier? Of course not. Did we see anything actually happen as a result of the last time this happened in 2014? Of course we did not. We did not see anything.

What we have done in contrast is we have been fixing the mess that we inherited. We are filling staff vacancies. Not only are we filling the vacancies, which will see 60 additional staff in place before the end of the year, but we have gone above and beyond that. Last week I announced 41 new staff positions. That is going above and beyond filling vacancies.

Ms Crozier interjected.

The PRESIDENT — Order! Ms Crozier, we have this unfortunate situation where you pose a question and then you continually goad the minister through her answers. It is not just today; it happens frequently, and it is not on. You have had the chance to put a question; the minister gets to answer the question. I am not going to arbitrate on whether or not the minister's answers are responsive to the question if she is continually facing interjections, a barrage of commentary and in many cases a reflection on her. It is not on.

Yes, ministers have responsibility, but there is a limit to what our expectations should be of minsters, and certainly we need to be very careful in terms of the remarks that we make about ministers in the context of these interjections. I will not put up with this constant interjection when the minister is trying to answer questions. A question is put, and an answer will be given. I do not want a barrage of interjections.

Ms MIKAKOS — As I was saying, we are going above and beyond filling staff vacancies — something that was not addressed by the previous government. I have announced 41 new positions. Those positions are now being recruited, and we are also going to be making changes to ensure that assaults of staff members and other serious incidents are also now reported to the Youth Parole Board to ensure that these matters are taken into consideration in determining eligibility for parole. We will also increase the consequences for assaulting youth justice custodial staff.

We are taking action on a range of levels, but what we did not see in 2014 was me playing politics with a young person who absconded in July, when Ms Wooldridge was the minister. Our focus is to ensure that we can fix the system and improve the system, which you did not do when you had four years to do so.

Supplementary question

Ms CROZIER (Southern Metropolitan) — My supplementary question — and the minister has just alluded to the parole board — is: Minister, what immediate changes to procedure, policy and security have you made to ensure that other violent offenders do not do exactly the same thing today or tomorrow?

Ms MIKAKOS (Minister for Families and Children) — Perhaps Ms Crozier thinks it is appropriate that she might go and don her riot gear, rush in there and take on an operational role. This is a serious matter. It occurred yesterday afternoon. The focus is on locating this individual and his accomplice and apprehending them. That is the focus that my department and our youth justice staff are taking in assisting Victoria Police with those efforts. As I have said, there will be a thorough investigation into what happened — the incident itself and what led up to it. This is a low-security setting — one that Ms Wooldridge would be familiar with. Did we see after the 2014 incident changes to fencing or anything of that nature? No. It did not happen, but we are going to look at this issue very thoroughly and make sure that appropriate action is taken.

Child protection

Ms CROZIER (Southern Metropolitan) — My question is again to the Minister for Families and Children. Minister, can you confirm that the reported 17 child protection client deaths which occurred between July and September 2016 were all open cases in the child protection system?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. The member has worded the question very poorly, but I assume that what she is referring to is incident reporting that relates to the quarterly data that has been published recently — quarterly data that is being published now at my direction by my department on a quarterly basis, which did not occur previously.

Any child's death is a tragic matter, and I think it is important that Ms Crozier does not come into this house and try and politicise what can be very tragic cases. In fact because this is quarterly data that has now been published for the first time, some of these matters have occurred very, very recently. What happens in the case of every child death where the child is known to the child protection system in the 12 months prior to that child's death is that there is a review by the independent Commission for Children and Young People. There may well also be a coronial inquest if the coroner regards it as being warranted in those circumstances.

What the member needs to understand is that in the vast majority of these cases what has occurred is that there has been a child that has passed away very soon after its birth due to congenital abnormalities, due to things like sudden infant death syndrome or due to medical conditions. In fact many of these children who are reported and captured in this data, not just in this quarter but over time, have been very young children, typically newborns, and have died as a result of medical conditions. Nevertheless the commission does look at these matters and reviews them with a view to looking at whether there could be practice improvements put in

place in terms of the types of services that may have been offered to the family prior to that event happening. That is really important, because it is important that there is an examination of each of these cases to make sure that there can be practice improvements in place going into the future.

The matters that the member has referred to I would need to take on notice because, as I said, these are very recent matters captured in the most recent quarterly data. The member should welcome the additional transparency that our government has put in place in relation to these matters that was never replicated by those opposite. In fact we have a bill in this house of the Parliament at the moment that will ensure that future governments will also need to publish this data on a quarterly basis. But these matters are subject to an independent review process through the Commission for Children — —

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

Supplementary question

Ms CROZIER (Southern Metropolitan) — Minister, of the 17 child deaths between July and September 2016 how many children were classified as unallocated — that is, they did not have an allocated caseworker at the time of their death?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her further question. In fact it might surprise the member to know that in that data it actually also captures parental deaths. The member has made an assumption that every single one of those cases is in fact a child death. The data captures a range of incidents, including also where a parent has been a client of the child protection system or family services and has passed away. That is captured in that data.

Ms Wooldridge — They are still under 18.

Ms MIKAKOS — Ms Wooldridge, despite being the minister for four years you clearly did not understand much about what you were doing. The member is incorrect in asserting that all 17 cases relate to children, because that is not the case. What I can inform the member is that we have been addressing the issue of allocation rates by putting in the biggest ever child protection recruitment: 148 staff were funded in our first budget. We have been putting record levels of investment into our child protection system to make sure children are safe.

QUESTIONS ON NOTICE

Answers

Ms PULFORD (Minister for Agriculture) — I have answers to the following questions on notice: 7032, 7045, 7526, 7528, 7530, 7532, 7534, 7612, 7614, 7624.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! In regard to today's questions, Dr Carling-Jenkins's questions in respect of policing matters, which were directed today through Ms Pulford, on both the substantial and the supplementary question we have an undertaking to get a written response. That is two days for the minister in another place.

In respect of Mr Bourman's question to Ms Pulford, I would seek a written response on the supplementary question but not the substantive question. That is also two days because it is for a minister in another place.

Ms Hartland's question to Ms Mikakos, both the substantive and supplementary, were for a minister in another place. Ms Mikakos I think indicated that she would be happy to pursue answers to that. We will have written answers from the Minister for Health, as I recall. That is two days.

In relation to Ms Dunn's question to Ms Pulford, both the substantive and supplementary, Ms Pulford indicated she would seek written responses on those questions, and that is one day.

In regard to Ms Bath's question to Ms Pulford, on the substantive question I would seek a written response. That is one day.

In regard to Mr O'Donohue's question to Mr Dalidakis, both the substantive and supplementary, Mr Dalidakis indicated that he would be quite happy to seek a written response for those, and he indicated he could do it within a day. The actual ministry resides in this place, so I will leave that at one day.

On Mr Ondarchie's substantive question to Ms Mikakos I would seek a written response, and that is just one day.

In regard to Ms Crozier's first question to Ms Mikakos, both the substantive and supplementary, and her second question to Ms Mikakos, also the substantive and supplementary, in most of those Ms Mikakos was prepared to provide written responses at any rate to

those matters. I might say that in terms of one of those supplementary questions at least, Ms Mikakos had gone towards answering some of that in her substantive response. Nonetheless that will no doubt be reflected in what we receive tomorrow.

CONSTITUENCY QUESTIONS

South Eastern Metropolitan Region

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My constituency question is to the Minister for Emergency Services. It relates to the provision of a State Emergency Service (SES) facility for Cranbourne. Land for an SES site in Cranbourne has been identified and set aside by the City of Casey, and obviously as it is one of the lead areas of the growth corridor, the need for an SES facility in Cranbourne is very significant. The Victorian government has been asked to provide $1.2 million for the construction of a new facility but has failed to make that commitment. The previous coalition government, leading up to the 2014 election, made a commitment of $2.5 million for the development of an SES facility, and the City of Casey has subsequently provided land for that facility. Therefore the ask of the Victorian government is now $1.2 million. There is strong support for this facility in the Cranbourne community, and I ask: when will the government provide the commitment of $1.2 million to allow the Cranbourne SES facility to go ahead?

Western Metropolitan Region

Mr EIDEH (Western Metropolitan) — My constituency question is addressed to the Minister for Mental Health. Last year we lost 654 Victorians to suicide. Not only is that twice the number of our road toll, but for every one of these suicides there are many more people deeply affected. This tragic loss of life, however, is preventable. The Andrews Labor government has responded to this in the 2016–17 Victorian budget by investing $27 million over four years into targeting suicide prevention initiatives across the state. I understand that government has also devised a Victorian suicide prevention framework, which aims to halve the Victoria suicide rate by 2025. In meeting this ambitious target, I ask the minister: how will the 2016–2025 Victorian suicide prevention framework specifically assist local communities in my electorate of Western Metropolitan Region to prevent suicide? How does the framework build up resilience and the capacity of individuals and communities in my electorate to prevent suicide?

South Eastern Metropolitan Region

Ms SPRINGLE (South Eastern Metropolitan) — My constituency question is for the Minister for Public Transport. A new bus route for Keysborough was proposed last year. Community consultation chose between two routes. The community requested frequency of every 20 to 30 minutes. Buses on the new 709 route come every 30 minutes at their most frequent. Why did the government not listen to the community on this and provide a bus that comes more frequently so as to provide a realistic alternative to driving?

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My constituency question is for the Minister for Water, and it is regarding Pyalong township's water supply. During the very wet weather Victoria encountered a few weeks ago, an extremely large tree washed down Mollison Creek and over the weir of the Pyalong catchment. The tree damaged one of the pipes at the base of the weir, which I am told by my constituent is now draining the town's water supply. He also advises that the local government, Goulburn-Murray Water, Goulburn Valley Water and the catchment management authority are all denying responsibility for the weir and finger-pointing at each other, with no agency stepping forward to take responsibility for management of the Pyalong weir or to rectify the situation. My constituent and the Pyalong community are rightly concerned that unless the pipe is repaired their water supply will just continue to drain away, and they may be left without water. My question is: can the minister identify which authority is responsible for the Pyalong weir, and will she ensure the necessary repairs are completed so the residents of Pyalong are not left without water?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — Today my question is for the Minister for Public Transport, and it concerns the behaviour of the communications officers at the Level Crossing Removal Authority (LXRA), in particular the communications officer who monstered the Office of the Victorian Government Architect and forced them to change their advice with respect to elevated long-distance rail. The original advice said it was bad and argued against it. Within days of questions being asked in this chamber the architect had changed the advice and incorporated the exact words that were demanded by a communications officer at the LXRA — a spin doctor who had no architectural knowledge or qualifications. I ask: will the minister take action against this officer, who has threatened and bullied the government architect to change advice?

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) — My constituency question is for the Minister for Roads and Road Safety, and it relates to his grand announcement this week of a 20-year plan to support new roads in Melbourne's west. I have been approached by a number of people in Northern Metropolitan Region who are concerned about their roads in the north and feel that they have a more urgent need than 20 years. So I am asking the minister to provide me some advice on roads in Melbourne's north, particularly High Street, Epping, to Wollert, to Plenty Road, to Craigieburn Road, to Mickleham Road, to the north-east link and Rosanna Road — which are often championed by great Banyule resident Jenny Mulholland — to Somerton Road and, further north, to Bridge Inn Road as well. If the minister could provide me with when the growth and support for those roads in Melbourne's north will come online, we would appreciate it.

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — My question today is for the Minister for Planning. The constituency question I have is: will he ensure that before any decision is made in the current consideration for changes in height limits in the Upper Ferntree Gully township the full gamut of community feedback and feeling about this issue will be properly considered? There is currently a debate taking place about any appropriate height limit for additional development in the Upper Ferntree Gully township, a beautiful township nestled at the foot of the Dandenong Ranges. There is a range of views about what is the appropriate height limit and the impact that extra residents may have on things such as emergency evacuation in times of bushfire and the amenity of the area. The question I have is: will the minister make sure that all community concerns about a change in height limits are appropriately considered?

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) — Almost three years ago I had the privilege of tabling the *Betrayal of Trust* report in this house. There were a number of recommendations at the time in relation to issues that we concluded during the course of our inquiry. One of them was to look at a Victims of Crime Assistance Tribunal-type system for redress. I note that earlier this year the Attorney-General — and my constituency question is to the Attorney-General — made some comments in relation to the government working on this very issue in response to those recommendations that we made in that report. Only a couple of weeks ago the federal government highlighted that they were considering a national redress scheme and asking the states and territories to assist in that process. More recently the Attorney-General has spoken about working with the commonwealth, so my question to the Attorney-General — as this affects many of my constituents, as it does many other Victorians — is: when will the government commit to the national redress scheme as has been highlighted recently by Minister Christian Porter?

The PRESIDENT — Order! It is not really a constituency question.

Ms CROZIER — Why is that?

The PRESIDENT — It refers to a broad government policy and a broad government response.

Ms CROZIER — A constituent has raised it with me. Many constituents have raised it with me, in fact.

The PRESIDENT — I will let it stand today, but you are tackling a broad government response — —

Ms CROZIER — Can I rephrase?

The PRESIDENT — If you could rephrase, it would help me.

Ms CROZIER — Thank you, President. A number of my constituents have requested me to ask the Attorney-General when the government will commit to the national government's redress scheme so that they have some certainty in relation to a redress scheme being put in place.

The PRESIDENT — As I said, I will let it stand today, but might I say that the rephrase was not satisfactory either, in the sense that any member in this place could stand up and claim to have heard from a constituent or a group of constituents about such and such. I am not in a position to judge whether that is accurate, but I am in a position to judge whether the matter goes to a particular action within the electorate as distinct from a matter of broad policy. Even the preamble on this one was about your involvement with the original report, which I understand and so forth. So, yes, I accept that it is likely, because of your involvement in that report, that constituents are perhaps more inclined to ask you than other members in other circumstances how it is going.

On that basis I am letting it stand, but I do remind members that constituency questions are not about government responses to matters and they are not about

government policy. They are about getting a specific action done in an area. There are other opportunities for members to process these matters, like, for instance, the adjournment debate.

Western Metropolitan Region

Ms HARTLAND (Western Metropolitan) — My question is for Minister D'Ambrosio and is on issues relating to the environment. Last month the historic Corkman Irish Pub was illegally demolished, and asbestos from the site was found in Melbourne's western suburbs, in Cairnlea, at a site that is in fact residential, with houses about 20 metres from the site. Can the minister explain why it took the Environment Protection Authority so long to clean up the asbestos at the Cairnlea site, particularly considering the close proximity to homes?

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is for the Special Minister of State, and it relates to the debacle that we saw with the Moorabool Shire Council elections, where 446 ballot papers were incorrectly sorted as late votes when they were in fact posted on time. The question that I would like to pose to the minister is: will the minister order an investigation into how this serious blunder occurred and ensure that it does not happen again?

Sitting suspended 1.04 p.m. until 2.08 p.m.

SAFE SCHOOLS PROGRAM

Debate resumed.

Mr RAMSAY (Western Victoria) — As I said prior to lunch I have grave reservations about the government's intention to implement the Safe Schools Coalition policy into our school curriculum, and I do congratulate Dr Carling-Jenkins for bringing forward this motion to give us an opportunity to raise the concerns that some of us have in relation to the impact that this policy will have on those children, particularly those very young children who are at an age when they are not able to have an understanding of some of the objectives of this sort of social engineering policy that is being foisted upon schools by the Andrews government and was created by the outspoken Marxist Roz Ward.

Dr Carling-Jenkins states — and I was up to paragraph (e) at the point when I had to conclude — that:

> (e) Victorian parents of children with disabilities feel the Safe Schools program does not take their children's needs into account …

And that is true. In fact I have had parents come to my office raising concerns about how their children who have a form of disability would be affected by this policy curriculum and parents who are certainly unclear where or how it actually meets the needs of those with disabilities. In paragraph (f) Dr Carling-Jenkins says:

> (f) there is widespread public awareness that the Safe Schools Coalition Victoria has social re-engineering as one of its higher purposes …

I have just spent most of my contribution raising significant concerns about the creator of this policy but also the fact that it appears very much to be more about social engineering than it is about anti-bullying. I do not wish to go over the remarks that I made previously on that. Paragraph (g) says:

> (g) government schools should be free of any form of radical indoctrination …

And that is very true. I again raise and share similar concerns that Dr Carling-Jenkins has in relation to the detail of this program and also the extension of it through the respectful relationships curriculum, which I have significant concerns about, not only in terms of what it is trying to do in a fairly underhanded approach but also in terms of the words that are being used to teach six and seven-year-old children about mature concepts, gender-based violence, gender norms and heteronormativity.

Ms Shing interjected.

Mr RAMSAY — Thank you. I knew when I said it that it was not right, Ms Shing. But if I cannot say it, I do not know if a six-year-old would be able to even say it or understand it. Going back to the three Rs would be a common purpose for a good school curriculum that is worried about homophobic bullying, gender non-conforming people and heteronormativity.

The motion says to withdraw the program immediately from all schools. I thoroughly support and endorse that action. It says to conduct a review, which takes into account the views of parents, into the incidence and prevention of bullying in schools. What a good idea — actually talking to the parents, school councils, principals and other stakeholder groups in relation to how to provide a good anti-bullying program for schools, but unfortunately the Andrews government is not seeing fit to do that. Instead they accepted the concept proposed by Roz Ward in relation to this social engineering program.

In conclusion I congratulate Dr Carling-Jenkins for bringing this motion forward. It does give us an opportunity to raise the considerable concerns that our constituents have raised with us through our offices and in emails and letters in relation to the proposed policy curriculum of the government. While Dr Carling-Jenkins says to withdraw the program, I think the program proposed by the government should go straight into the bin. Redo it, because there is nothing in the Safe Schools Coalition policy for school curriculum that gives me any sort of confidence that in fact it is going to address the primary cause of the program, which is to stop bullying.

While I did listen intently to Ms Shing's very emotive, passionate and personal contribution, and it did go for some length, as others have indicated — so long in fact I think it took me a couple of toilet stops to get through the total contribution — it nevertheless traversed a fair range of issues not related actually to the motion itself, which is not unexpected, because Ms Shing actually has form in that respect. She is more than happy to provide to this chamber a range of stories, both personal and other, that are losing relevance to the bill that she is talking to or about.

Ms Shing — Not one part of what I said was not relevant to the topic.

Mr RAMSAY — I did not say that. What I did say was you do have form when you speak to certain pieces of legislation. Sometimes you take a direction that does not have relevance or conform to the detail of the bill that you are speaking about. Nevertheless, I think we were in agreement, and certainly Ms Shing's contribution was also that we need to provide a safe environment at schools for our children. That should be the primary purpose. That is why, as I pointed out, the coalition supported a Safe Schools anti-bullying policy in 2010. But the Andrews government, running true to form, has diverted away from a fairly simple anti-bullying policy for children to a social engineering, social experimental, social curriculum, aided and abetted by the Greens, no less, which is not unexpected.

I fully support Dr Carling-Jenkins's motion, and I fully support part (2)(a) of her motion, which calls for the withdrawal of the program immediately from all schools.

Ms PULFORD (Minister for Agriculture) — The government cannot support this motion. The government wants to make Victorian schools safe and inclusive places for all students. The government recognises that school can be an incredibly difficult place for some kids who are same-sex attracted or questioning their gender identity or dealing with being different. We want our schools to be safe places that nurture all young people and enable them to reach their full potential.

As members of Parliament and as politicians we often talk about and reflect on our aspirations for the education system. Sometimes we talk about the kinds of buildings and built school environments we want kids to be in. Other times it is about access, travel times and kids being able to get to school. Sometimes it is about the nature of the curriculum or having a breadth of subjects that they can access. But, more often than not, one of the things that unites us in this place is the desire to provide an environment for kids in the state education system where they can reach their potential, which is different for each and every one of them. It is about identifying their interests; it is about making sure that they are comfortable to be themselves and to explore what it is that they love and what it is that they are interested in. It is about identifying the other things that will become the building blocks to support them throughout the rest of their lives as they go on to further education and to the workforce, and as they go on to contribute to society in all of the different ways that people do.

The debate around the role of the Safe Schools Coalition Australia and the Safe Schools program in the Victorian community has gone to some pretty strange places. This idea that wanting to provide an environment that is conducive to learning for all young people is somehow Marxist propaganda is a crazy, post-truth, Trumpian interpretation of the world. We know that many same-sex attracted and gender diverse young people, as well as old people and middle-aged people, experience physical or verbal abuse and that for many young people a lot of this happens in a school environment. As the people responsible for the school environment it is incumbent upon all of us to do everything we can to make it safe.

The Safe Schools Coalition provides age-appropriate resources. I know there are some people who would prefer to think that if children are not discussing matters of sex and sexuality in a school environment then perhaps it will never occur to them and therefore it will never happen, but I think — —

Mr Ramsay interjected.

Ms PULFORD — Sorry, Mr Ramsay?

Mr Ramsay — I was saying six and seven-year-olds are probably not engaging in that conversation yet.

Ms PULFORD — I think children of all ages are aware of the different nature of relationships and the different nature of human interactions. Six and seven is a pretty good age, I would have thought, to be talking to young people about respect — to be respecting others, to be respecting difference and to be ensuring that their classmates and their friends can be comfortable being who they are and can be well supported in their school environment. In fact as a parent I have always tried to engender respect in my children from a much younger age than six or seven.

But the program is important. It provides age-appropriate resources to our young people, and that is the point. So the content aimed at 16 and 17-year-olds is different to the content aimed at 6 and 7-year-olds. It is also an important resource to help schools manage incidents.

The debate here, I think, has really lurched from one kind of extreme view to another. The program at its heart is about ensuring that young people feel safe at school, particularly those who we know are far more likely to experience discrimination, harassment and abuse. I think that Victorian schools are not places for discrimination, harassment and abuse.

I would like to also commend our colleague in the government Harriet Shing, who spoke in the debate on this bill in the last sitting week with extraordinary passion from a deeply personal perspective of some of her experiences and the experiences of members of her community. I say to Ms Shing: we were all on that occasion, and are on this day and every other day, incredibly proud to call you a colleague and a friend. We stand with you. We stand with all members of the LGBTI community, and we will oppose this motion.

We want kids in Victoria to be absolutely confident that they have every right to be who they are and that they should be respected and comfortable and safe knowing who they are. I think it is incredibly important that they also know that the Victorian government has their back. We want them to be able to spend a little less time worrying about perhaps a point of difference and a very deep concern about fitting in, which is so important to young people. We want them to be concentrating on their schoolwork when they are at school so that they can reach their full potential as students and as members of the Victorian community.

Mr ONDARCHIE (Northern Metropolitan) — I stand to support Dr Carling-Jenkins's order of the day 3 relating to the Safe Schools Coalition. I note that the first paragraph of her motion says:

> the bullying of any child, for any reason, is undesirable and unacceptable …

There should not be a member in this chamber who disagrees with that. I reflect on my time at school, albeit a long time ago, when I was the only kid — —

Ms Symes interjected.

Mr ONDARCHIE — You cannot imagine me at school?

Ms Symes — No.

Mr ONDARCHIE — Really?

An honourable member — She wants photos.

Mr ONDARCHIE — They are black and white; they are sepia.

Honourable members interjecting.

Mr ONDARCHIE — I did wear a tie at school, that is true.

In all seriousness, though, I was the only semi-dark-skinned kid in a very white, Anglo-Saxon classroom. The kids of the day thought, 'Maybe we should create a name for him', and they did. So for a great deal of my schooling life, having gone with that entire class cohort through the years, I was known as Choco or Nigger Boy, and that went on every single day. Back then you left the school at 3.30 in the afternoon, and you did not have to think about it until 8.30 the next morning. These days, with mobile devices, kids can be bullied 24/7.

It is interesting that after I was elected to this place in 2010, I ran into a gentleman in Collins Street who came up and shook my hand and said hello. I have got to confess I did not quite know who he was. He said, 'Craig, I just want to say hello and congratulations. I went to school with you. I have to confess that until I saw your name on the TV the other night I did not know what your real name was because I called you Nigger Boy all those years at school'. Bullying of any child is unacceptable.

When the coalition government passed the law commonly known as Brodie's law, I and several people, including the Honourable Jane Garrett, were foundation board members of something called the Bully Zero Australia Foundation — a foundation that exists today and delivers programs around anti-bullying right across Australia. I say to the current board of Bully Zero Australia and the executive: congratulations

on a great job. That is the sort of organisation that needs support to deliver these programs in schools.

It is suggested by those in government that the Safe Schools program is an anti-bullying program. Well, it is not. It is not an anti-bullying program. Despite its name, it is not about making schools safer for students. It is not a broad anti-bullying program that encourages children to respect each other no matter what the circumstances are. It is about pushing one person's radical Marxist ideology onto other people's children. Victorian schools should really provide genuine anti-bullying programs which respect all students, irrespective of their circumstances. It should not be about pushing Daniel Andrews's Trojan Horse to politicise the Victorian education system.

When elected in 2018, a Matthew Guy government will scrap this program and put in place a proper anti-bullying program — perhaps one similar to what Bully Zero Australia does now. We will do so because we are dedicated to ensuring that all our children are educated in a safe, inclusive and age-appropriate environment for learning. I say 'age-appropriate' because I am getting lots of comments. Those opposite said there were not many. I am getting lots. I refer to Justine, a mum from Oak Park, who says she is writing because she is a mum of three girls and is very concerned about the Safe Schools program being introduced to the school. She says it is:

> … advertising the harmful practice of chest binding on their websites, encouraging students to cross-dress, teaching kids gay and lesbian sexual techniques, encouraging kids to use either boys' or girls' toilets — —

Honourable members interjecting.

Mr ONDARCHIE — This is what Justine of Oak Park in my electorate is writing to me. Other people, like Rebecca of Reservoir, say:

> This is not an acceptable program for young children who are developing in mind and body. It is wrong to teach children to be sexually active at a young age and sparking curiosity in young children. Children are impressionable and learn their place in the world when they are of mature age and mind.

She also says — and this is important:

> It is not a teacher's place to teach my child about different sexual activity and to de-genderise them.

I pick up Mr Finn's earlier comments: let parents be parents, and let teachers teach the fundamental things we expect an education system to teach.

Patrick of Brunswick West says 'extreme disappointment' does not begin to state how he feels about what he has learnt about the Safe Schools program. He has two young boys, one in grade 3 and one in year 8, who, as he says:

> … are going to be exposed to this rubbish being pushed through our school systems.

He thinks that growing up is hard enough in this day and age without kids being encouraged to learn about and explore their sexuality at such young ages. I have spoken to many local residents who have shared these concerns about the Safe Schools program.

The Andrews Labor government is compelling every government secondary school to deliver this program. Under this program, as Mr Finn well pointed out this morning, parents have no ability to remove their child from the program. It is being forced upon them. The Matthew Guy coalition believes that the Safe Schools program should be replaced with a new comprehensive anti-bullying program, one that has respect for the individual at its heart, regardless of race, religion, gender background or sexual orientation. The reason we support this motion of Dr Carling-Jenkins today is it goes to the heart of what parents want. It says, 'Let us be parents; let us deal with the age appropriateness of the content being presented by the government'. The motion talks about how parents of children with disabilities feel that the program does not take into account the needs of their children. This is a bad program, and I do not know why Daniel Andrews sees it as top of his list to socially engineer our children.

We have carjackings happening every day. We have crime happening every day. We have people going into Officeworks, picking up what they want, flouting the law and, as Mr O'Donohue described it, 'flipping the bird' at Victoria Police. We have real problems in this state, real problems that need effort here and now. It seems that Daniel Andrews has his mind set on changing the way that parents raise their children. We on this side of the house support Dr Carling-Jenkins's motion.

Ms LOVELL (Northern Victoria) — I just want to make a short contribution on this motion. I do congratulate Dr Carling-Jenkins for bringing this motion on this very important issue to the house. This certainly is a program in our schools that has caused a great deal of concern to many parents. As my colleague Mr Ondarchie just said, many parents are questioning whether it is the role of the state and educators to be teaching their children the content of this particular curriculum. They feel that it is their role as parents to teach their children about different relationships at different stages in their lives, when they feel their children are ready to be taught about those things, when

they feel they are mature enough to handle being taught about various sexual relationships. I agree with parents: it is the role of parents. It is up to parents how they raise their children, and they should have the right to teach their children about various different types of sexual relationships at a time that they think their children are mature enough to be taught about these things.

As Mr Ondarchie also said, it is not just the Safe Schools Coalition that people are concerned about; it is also the respectful relationships agenda of this government. Both of those titles give you the impression that we should all support these programs. On safe schools, all of us want safe schools for our children. We want them to be safe in every manner, whether it be safe from bullying or safe from the terrible things that have happened in America in schools with shootings et cetera. Safe schools is a given; we all want safe schools. But the term 'safe schools' is being used to mask another agenda, an extreme Marxist agenda of Roz Ward and the current Premier. Again, respectful relationships is something we all want, but that is not what that program appears to be about in the detail that we have been given of it so far.

I only want to make a very short contribution to this debate, and really the only reason I decided to speak today is to read to you an email that I received from a former school principal in my electorate, a school principal with 40 years in the teaching profession, and someone who was, I believe, a union representative in their time. This email reads:

> As a retired school principal whose main role was student wellbeing and welfare, I strongly oppose the introduction of this program into the education system. It is a program to promote the interests of the gay community in the guise of an anti-bullying program. Roz Ward, the coordinator of this program and confirmed Marxist, was recently suspended for her remarks suggesting that the Australian flag should be replaced by a communist one. She was reinstated after fierce pressure was placed on the authorities by the 'loony left' brigade that is so prominent in all levels of the education system. Schools already have sound codes of conduct and anti-bullying programs operating effectively. After having spent in excess of 40 years in the teaching profession, I can honestly say that this program is the most sinister, divisive and dangerous program to be flagged. It is your responsibility as a politician to familiarise yourself with the Safe Schools Coalition, identify the hidden agendas and oppose its implementation.

That is what we are doing today on this side of the chamber — opposing its implementation — just as this principal of 40 years experience in the teaching profession has asked us to do. He is not the only one. It is parents from all over this state who are asking us to oppose these Looney Tunes ideas that are coming out of the Andrews Labor government and being implemented throughout our schools.

As we have all said on this side of the chamber, we want safe schools and we want strong anti-bullying programs in the schools. Mr Ondarchie spoke of his experience of being a Sri Lankan student in Australian schools. I know of my own father's experience when he came to Australia. Whilst my dad is of French, Norwegian, Greek and English background, he came from India; he was born in India. He had very dark skin. In fact he was quite similar in colouring to Mr Ondarchie, with the dark hair, dark eyes and dark skin, and he spoke with a clipped accent, because anyone who has been brought up in India speaks with that accent. He suffered horrible bullying when he first came to Australia. He was called many nasty names and was the subject of many, many jokes in his work environment, in his university environment and even in his sporting environment. But he took it on the chin.

In the European section of Bombay, where my father had lived, they actually had quite luxurious living arrangements, including bathrooms that were inside with not only toilets but also bidets. When my father came to Australia in 1947 most people still had outdoor toilets. He used to think to himself when they were carrying on and talking to him as if he was someone who was of lesser value than them because of where he came from, 'But you lot go outside to go to the toilet'. It was a small thing, but in his mind that was the way he coped with being told that he was of lesser value than those people who had been born in Australia.

My father made a very good life for himself here in Australia. People would be surprised to learn — and many people were surprised to hear this at his funeral — that he was not born and raised in Shepparton and was not a fifth-generation person from Shepparton. They just thought he had always been there. In fact he did not move to Shepparton until he was well into his 40s, but because he gave so much to the community and was such a valued member of the community in Shepparton, they thought he had been there for generations.

He came to Australia to have a better life for himself and for his children. He gave us a better life. We are very grateful for what Dad did for us. I look on my father as someone who was a hero, not someone who should have been bullied. For those reasons I want to see very safe schools and very strong anti-bullying programs, but this Safe Schools Coalition is not the one to deliver that.

Ms BATH (Eastern Victoria) — I will be brief this afternoon, but I want to rise and just put one more slightly different slant or take on this motion today. I will be supporting Dr Rachel Carling Jenkins's motion.

In light of the first point that many have covered off on, that bullying of any child for any reason is undesirable and unacceptable, I acknowledge that everyone in this chamber feels the same way. I also acknowledge that many people have been quite passionate about their own views and their own experiences through life. We have to own our own experiences and other people have to accept that they are our experiences. It is important to respect people's experiences.

With that in mind, I was at a function a couple of weeks ago. The guest speaker was a lady by the name of Judi Fallon, the schools program manager for the Alannah and Madeline Foundation. Everybody here will have heard of the Alannah and Madeline Foundation, which was set up by Walter Mikac after that terrible, terrible experience back in 1996 when he lost his two children and his wife at the Port Arthur massacre. He wanted to create a better life for others who still have their children, so he set up a foundation, which is an Australia-wide foundation now. While I am not going to go into great detail about the foundation, I found Judi quite a compelling person to listen to. Her passion for youth, for children and for keeping children safe and respecting their future and their possibilities is just beautiful.

The foundation's mission is to keep children safe from violence. In many ways bullying is a form of violence and it can have long-lasting and wide-reaching effects on a human being. Some bullying you can overcome and shake off, but some inflicts scars that people wear for a long, long time. I am not alone in saying that we all abhor this and wish it did not happen in our school systems, but it does. The bullies bring in their own issues, and in some ways we feel sorry for them as well. What is their home life like?

But with respect to Judi, she was a teacher for over a decade and a principal for a decade. Having retired she has been six years in this position and she is passionate about education. She also works with the eSmart Digital Licence program in schools, informing students from a very young age and working with their parents to help them understand that your Facebook imprint starts basically from when you are born, when your parents post things about you. When children at primary school have mobile phones, there is a need for care and consideration and for security settings to be at their max so they are used for positive social interaction rather than being a dangerous tool.

I was most interested to know what Judi's position was in terms of anti-bullying programs, and I asked her something along the lines of what was her view with respect to anti-bullying programs and getting children to accept and understand diversity and respecting children and people across the board. Her answer was this. She said, 'When a child in a school asks a question, the teacher should answer the question. If they ask another question, the teacher should answer that question and use it as a teaching vehicle within the class. The staff should be well prepared to be able to answer questions'. But she said in effect that there is no need to overburden children with lessons on this. It was a short conversation because it was with a group of people.

If I can add my feelings on this issue, I believe that staff in our schools, if they ask for professional development on this, need to be able to go off and get professional development with the school's blessing and that of the school council. It should be considered as a whole-of-school acceptance and agreed-upon professional development.

I felt Judi's message was that we do not need to overburden children with additional lessons about issues that they may not need to know about. If a child has a question, answer the question. I think that is a very important message. It is the same for us with our own children. If they ask a question, we should answer the question and not then drum in a particular line or a contingency plan. I just wanted to add that. I felt that this lady had much to contribute. She has contributed through her work with the Alannah and Madeline Foundation, and I believe that is a tremendous foundation as well. That is my contribution.

Dr CARLING-JENKINS (Western Metropolitan) — I appreciate the opportunity to exercise my right of reply to the motion listed as order of the day 3 standing in my name.

Firstly, I would like to thank Ms Shing for the disarmingly honest and intimate, but lengthy, contribution she made last sitting week. Disappointingly its length prevented other members from contributing. They were expecting to speak on the day in accordance with negotiated timeslots. This debate would have been all the poorer if it had not been for the coalition, the Greens and the members of the crossbenches making extra time for it to be resumed today, and for this I note that I am deeply grateful.

Unfortunately Ms Shing very clearly misrepresented my arguments. Listening to her contribution alone one could have thought that my motion was an attack on

LGBTI people. Such an interpretation of my motion is not accurate, and I invite the house to re-read my motion for clarification. I have stated many times during my time here in the house that every human life has equal dignity and value regardless of age, gender, ethnicity, religion or ability. This motion is in keeping with that, and at no point does it suggest that LGBTI young people should not be treated with respect.

Where I disagree with Ms Shing is that I believe that the Safe Schools program is not the way to help children who are struggling with their gender identity. Ms Shing spoke often of it being okay for them to be who they are, and I simply question the ability of the Safe Schools program to do this. There are some aspects of the program that pose significant dangers to the health and wellbeing of children, and this is what lies at the heart of my motion. It is not a position based on ideological or religious belief; it simply does not need to be. The fact is that these dangers, which I drew attention to in my opening remarks and which other members have spoken about as well, are widely recognised by experts across the fields of paediatrics, education and child protection. And if this program is for, as Ms Shing emphasised, secondary schools, I would like to know why the government is allowing it and promoting it in our primary schools, why it is funding the Safe Schools Coalition to enter primary schools to promote the transitioning of 10-year-olds and why it is allowing materials designed for year 8 students to be taught openly to year 3 students.

There have been claims made during this debate that Safe Schools is not about Roz Ward and not about cultural Marxism. If that were true, I would certainly find Safe Schools less objectionable — in fact I doubt there would be much public controversy, if any — but in reality that is not the case. Gender ideology is clearly at the heart of Safe Schools, and this is clear to many, if not most, of us. This has been expressed by parents and it has been expressed in the media and by the general public who recognise the vein of radical indoctrination.

I am absolutely all for an anti-bullying program that teaches emotional intelligence, mutual respect and understanding for all students who are 'othered'. This would achieve true equality, without the indoctrination element of the Safe Schools Coalition Victoria. The RULER program out of Yale University does this successfully. It is proven — and I emphasise 'proven' — to drastically reduce bullying, help students to understand themselves better and create a more effective and compassionate society, all without being driven by gender or any other ideology. And guess what? It is focused not on furthering the political agendas of LGBTI groups, but on developing the emotional intelligence of our future generations. The money put into Safe Schools would be better channelled into a program like the RULER program, and the fact that the government refuses to do this is testament to the reality that political ideology is at stake.

Mrs Peulich spoke in favour of my motion in the last sitting week, and I thank her for her support. As a former schoolteacher of 15 years and as a mother, Mrs Peulich is one of many who understand the concerns about Safe Schools and how it has little to do with bullying and a lot to do with the ideological indoctrination of children during their formative years. As she said in her contribution, the program is not appropriate and it is not right. That sentiment is shared by concerned parents all over Victoria.

I also want to thank all members who contributed to the debate today, and I will address each very briefly. In response to Ms Patten, who started off today, I just want to say that at no point did I say in any part of my contribution that being gay is an ideology. That is a complete misrepresentation of what I presented. Ms Patten quoted contested stats. As an academic I will not even dignify that with a reply, but I simply refer Ms Patten to my initial contribution for clarification.

Ms Pennicuik presented the Greens position of supporting the Safe Schools program and as part of her contribution she cited a review. I am familiar with the so-called national review of the Safe Schools Coalition by Professor Bill Louden, and I think it is very important to note some facts about this review. Firstly, it was meant to be completed by two professors — Bill Louden and Donna Cross. Professor Cross, a former Western Australian of the Year and distinguished expert on bullying, however, took no part in the review. Secondly, Professor Louden was only given two weeks to report, and as such his report did not entail a proper review of the experiences of teachers, students and parents when elements of the program were utilised in their schools, nor could it reasonably have been expected to be a full review of the resources of this program. Lastly, the review process did not involve a call for submissions. Surely any commonsense approach would recognise that this review hardly carries legitimate weight. I call on this government to conduct a legitimate review.

Mr Finn in his contribution expanded the debate by pointing out that many children are bullied for a variety of reasons and that the Safe Schools program is not the answer. He also spoke passionately on the point that parents should have more control over what is taught to their children, and quite simply I agree.

I thank Mr Eideh for his contribution. However, I encourage him to read the program to find the facts of what it teaches.

Mr Ramsay covered each point in detail and I appreciated his contribution. In the end he called quite simply for the program to be put in the bin and to be redone because of a lack of confidence in its ability to promote anti-bullying, and I agree.

Ms Pulford said that the government cannot support this motion. I want to say that I agree with the ideals that she set out around children being safe and protected, and I would also note that I have never been called post-truth or Trumpian — so I thought that was quite amusing.

Ms Pulford interjected.

Dr CARLING-JENKINS — Thank you, Ms Pulford, for clearing that up. I just thought it was quite amusing. Apparently it was not directed at me — perhaps at other people in this chamber.

Mr Finn interjected.

Dr CARLING-JENKINS — Mr Finn is owning that one. However, Ms Pulford simply did not have her facts straight and she has been misled, I believe, which is unfortunate.

Mr Ondarchie clearly set out the need from personal experience — and I thank him for sharing his personal experience — for a genuine anti-bullying program which is safe, inclusive and age appropriate. He also drew on the words of his constituents, and I appreciated that and agree with his comments.

Ms Lovell also highlighted the role of parents and the deceptive name of the program, which I thought was a good point. The name 'Safe Schools' is used to mask what is an extreme agenda. She also read out an email that she had received from a principal of 40 years standing, which I thought was a valuable contribution to this debate, and I agree with her position.

Ms Bath made just a very brief contribution in which she emphasised respect for all experiences and she spoke to the point of protecting children. I really admire the way Ms Bath will go out and seek an expert opinion, and this is what she did. She does this consistently when speaking on bills and she did it for this motion. She sought out an expert opinion on anti-bullying and respect for diversity, and found that what came back was that there is no need for overburdening within our classrooms. I thought that was a really interesting and very valuable point. I thank her for that contribution and agree with her.

In conclusion, our children deserve the very best educational programs we can give them. Safe Schools is ideological and less about bullying than furthering the political and social agendas of the LGBTI movement to which it is intimately connected. Instead of being indoctrinated with such theories and agendas our children deserve a program that builds their emotional intelligence and eradicates all forms of bullying, without controversy, without confusion, without causing concern to parents and without ideologically based for bias. To this end, Safe Schools should be immediately withdrawn to prevent further damage, and it must be largely overhauled if it is to ever continue as a program worthy of the children of our state. I commend this motion to the house.

House divided on motion:

Ayes, 18

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

Noes, 18

Barber, Mr	Mulino, Mr (*Teller*)
Dalidakis, Mr	Patten, Ms
Dunn, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Shing, Ms
Hartland, Ms	Somyurek, Mr
Leane, Mr	Springle, Ms
Melhem, Mr	Symes, Ms (*Teller*)
Mikakos, Ms	Tierney, Ms

Pairs

Bourman, Mr	Jennings, Mr
Dalla-Riva, Mr	Herbert, Mr

Motion negatived.

MINISTER FOR CORRECTIONS

Mrs PEULICH (South Eastern Metropolitan) — I rise to move my motion in an amended form from that appearing on the notice paper in relation to the former Minister for Corrections. The amended form has been approved by the President and circulated to all members of the chamber because of the circumstances of the former minister, which were announced this morning, which prevented me, of course, from giving notice of a motion in amended form the day before

moving it, as is usually required. I thank the President for his ruling and assistance as well as the Clerk.

This motion is not one that any member of Parliament would take enormous joy in moving. However, given that the issues underpinning the motion are of such gravity and given the failure of the Premier to respond in the appropriate way — which is similar to his failure to respond to the concerns that arose in relation to matters concerning former minister Adem Somyurek — there are grounds for moving this motion. I move:

That this house —

(1) notes the —

(a) abuse of ministerial staff and entitlements by the former Minister for Corrections, Steve Herbert;

(b) failure of the former Minister for Corrections, Steve Herbert, to answer questions in the Parliament in relation to his abuse of ministerial staff and entitlements;

(c) failure of the former Minister for Corrections, Steve Herbert, to properly disclose his residential property;

(d) failure of the Premier to hold the former Minister for Corrections, Steve Herbert, to the same standard of behaviour he demanded for the former Minister for Small Business, Innovation and Trade; and

(2) calls on the Premier to launch a full and independent investigation of the matter relating to the conduct of the former Minister for Corrections, Steve Herbert, relevant to the abuses and failures above.

Mr Herbert is an affable fellow on a personal level. I have a good relationship with him in the chamber. He has a quick wit, and he is fairly jovial. The matters that have arisen out of what appears to be a small error of judgement in the first instance have unearthed several areas of significant concern that reflect upon Mr Herbert as a minister of the Crown and as the Minister for Corrections in particular. Observance of rules and the law goes hand in hand with any job, let alone that of the Minister for Corrections, with the standards expected of the person in that role. As the Minister for Training and Skills and Minister for International Education, and we have heard members — —

Ms Pulford — President, I draw your attention to the state of the house.

Quorum formed.

Mrs PEULICH — I expect that the government will try to consume much of this time by the calling of needless quorums as a way of stopping what I think is a necessary topic for debate and consideration by this chamber.

I was talking about the importance of probity, integrity and accountability, especially when one assumes or holds the position of a minister of the Crown but also Minister for Corrections. As a minister who had been credited with attempting to help clean up some of the dodgy providers amongst registered training organisations in his portfolio, as both the Premier and Minister Pulford alluded to in their earlier comments today, and with helping to clean up that particular portfolio by demanding attention to detail, accuracy and correct documentation, I think there is an even greater onus on the minister to demonstrate all of those qualities himself.

Lastly, the former minister, Steve Herbert, is also a member of the Privileges Committee. For all of those reasons the issues that this motion raises required this motion to be brought forward for consideration.

Over recent days there have been a number of revelations about the conduct of former minister Steve Herbert that have arisen largely through the media, and I commend the media on some of its efforts to probe and hold ministers, as well as the Premier, accountable. In particular I acknowledge the work of Neil Mitchell on 3AW this morning in basically calling as he saw it that the minister had to go. The Premier listened, and the minister now has gone. However, he still remains in this house.

The revelations over the last few days have disclosed that the former minister used his chauffeur-driven car to transport his pooches — pampered, Socialist Left pooches — or pets, Patch and Ted, between his city residence and his country house. Indeed few Victorians would be able to relate to that sort of privileged life where one has a country residence and a city residence. On perusal of his various returns with a number of other properties having been disclosed, I guess it is an interesting dilemma to be able to forget, as he has done, to disclose your primary place of residence or a house.

Mr Barber interjected.

Mrs PEULICH — Yes, it is not the first up. David Feeney was in a similar position. I would never forget where I live, despite the fact that over 10 years since coming to the upper house I have lived within 100 metres of being eligible for an overnight stay, but it has never crossed my mind to change my residence or

somehow try to make myself eligible for an allowance that is available. I think any abuse of those allowances therefore — and I am not suggesting that this is the case — is something that reflects poorly on all members of Parliament, but certainly to use a ministerial driver to transport unaccompanied pooches is not acceptable.

I myself, in having served as Cabinet Secretary, did have access to a driver. I never used it for such purposes, which is considered to be an extravagance. Indeed the reported information is that perhaps of the series of three drivers — in the period of time he was minister that does seem to be quite a turnover; perhaps they did not like the extracurricular duties that may have been expected of them — one of the drivers may have been expected to walk the dogs, and of course if one walks the dogs, one would expect that you would carry a little plastic bag to be able to collect dogs' droppings. I would imagine that is a substantial digression from the job description that most chauffeurs have signed up for.

But in answering questions from here in the chamber, from the Assembly and from the media there has certainly been no clarity. The initial response by the minister has simply been that he has not got the foggiest. I think there was a belief that if you stonewall and play it down, somehow the matter will be forgotten and overlooked. That is clearly not the case, and it is a stark contrast to the manner in which the Premier instigated a review of concerns arising from the alleged conduct of former minister Adem Somyurek. I have a copy of that report, where an investigation was undertaken meticulously, looking at the ministerial code of conduct, looking at the public service values, talking to witnesses and taking evidence. All of that is there on the public record.

By contrast the minister basically took a Sergeant Schultz defence that he did not know, and what became apparent was that his answers appeared to belie what ostensibly could have been a much more serious abuse of the privileges and the responsibilities of a minister. We do not actually have an idea of the extent of rorting. The minister has certainly been caught at it. That is the reason we need an independent investigation to clearly understand the extent of that rorting.

I know the former minister has repaid a little under $200, which could barely pay for the petrol, let alone any tolls and let alone the driver's time. I understand that based on calculations of those trips it basically pays for a one-way journey and not the return journey, but of course there is no clarity about the total number of times that unaccompanied dogs have been transported by a ministerial car with a ministerial driver. It is for this reason and the obfuscation of the former minister that we need an independent investigation. I do not know whether $192 or thereabouts is sufficient recompense for the costs that have been incurred as a result of this flagrant breach of the ministerial code of conduct. We need to know what the extent is.

Minister Herbert unfortunately has been in the headlines previously for spending taxpayer funds on costly flights and for office expenses. Indeed I believe that there have been some concerns raised about a part-ownership of a horse with a person connected to underground figures. I would have thought that a minister for corrections having associations or business dealings with anyone connected with the underworld would be a considerable reason for concern. We need to know precisely the magnitude of the breaches and how many times Patch and Ted were chauffeured. One way of finding out would be to talk to the drivers.
Mr Herbert refused to talk to the drivers or to have the logs produced and compared to his diary. I am not suggesting that he needs to release his entire diary, but to cross-reference and crosscheck it would be fairly easy to do. A starting point would have been to talk to the drivers.

I may well understand why perhaps the minister chose not to do so, because there has been some concern about the manner in which he reportedly has been treating drivers.

Ms Pulford — Deputy President, I draw your attention to the state of the house.

Quorum formed.

Mrs PEULICH — I would like to thank the minister for ensuring that we have more of an audience and more people listening, because these are very important issues. Another reason we need an investigation and why the minister obviously did not want to talk to the drivers is the reports of his raising his voice at a female driver. If this occurred — and I understand that there may not have been a complaint lodged — I would like to contrast it with the approach that was taken with Ms Dimity Paul when it emerged through the media again that allegations were made about the manner in which she was spoken to and treated by former minister Adem Somyurek. Ms Dimity Paul was advised, counselled, on how to make a complaint. It strikes me as very odd that a similar approach has not been taken with this particular driver.

It may well be that the driver concludes that she does not wish to proceed with the complaint, but nonetheless

I think there is a greater degree of vulnerability potentially in being a female driver for a minister than in being a factional organiser working as a chief of staff. I think that a driver should have certainly been afforded the level of consideration that a political staffer — a chief of staff, a factional organiser — was, as was the case with Adem Somyurek.

This is one other area that befuddles me: in any organisation if there is a complaint that could ultimately lead to an allegation of bullying — and I am not suggesting that that is the case — one would think that a suitable investigation of the circumstances would be undertaken. I do not believe that this has been undertaken, but I am advised that indeed there have been some attempts to expose the driver who may have leaked this information to the media, therefore potentially victimising the victim. Under the Occupational Health and Safety Act 2004 these matters are actually quite serious, and that reflects poorly on the way that this matter has been handled. That is yet another reason an independent investigation is required. We do not know whether the female driver is out on stress leave as a result of this or not. We do not know whether the driver wishes to proceed with a complaint or whether there has been pressure placed on other drivers not to speak. It is for those reasons that we need an independent investigation.

Apart from the fact that the drivers have chauffeured pets between homes in one direction and repayment has been made for only one direction, all we have at the moment is the former minister's word. Considering the gravity of the concerns, this is simply not enough. Notwithstanding the fact that Mr Herbert has resigned as minister, these matters require an independent investigation. In actual fact the minister should not have offered his resignation. It should have been demanded of him in view of the gravity of the complaints and concerns. This reflects very poorly on the Premier, especially as he adopted a different approach with his factional friend and former employee of Kim Carr, a bigwig in the Socialist Left, and Adem Somyurek, who is possibly seen as a factional foe to Premier Daniel Andrews.

Unfortunately the perception that the public has of the Premier — and we have seen this in the way that other issues have played out, including his handling of the Country Fire Authority issue and the sky rail issue — is that he has one set of rules for friends and factional allies and one set of rules for everybody else, including the Victorian people.

As Premier of the state he actually has responsibility for the *Code of Conduct for Ministers and Parliamentary Secretaries*. He was very slow to adopt that code of conduct, which was adopted by former Premier Ted Baillieu, but he has subsequently done so and he is responsible for its implementation and for investigating its breaches. The buck now rests with the Premier.

As I said, we have no proof other than the former minister's words of the extent of these breaches, of the cost and indeed of what happened with his drivers. We do know one thing because he has admitted it in the newspaper. I would just like to refer to the *Australian* in an article headed 'Minister's dogs take taxpayers for ride' — a very apt headline — written by Angus Livingston. This story has been reported in other media outlets, but in this article the minister tries to contextualise what he did as being a product of his demanding schedule, indeed that he had problems with timetabling and his schedule. I quote:

> 'I made a mistake in trying to look after the dogs because of problems I had with my timetabling, my schedule', the Labor minister told reporters on Thursday.
>
> 'Being a minister in the senior portfolios, it's a tough job, it's a really tough job'.

I do not doubt it, but if we recall also the investigation instigated by Premier Andrews into the Adem Somyurek affair, one of the terms of reference was to actually examine the capability of the minister's office. It seems to me that if the minister had been up-front and public about the fact that he has timetabling and scheduling difficulties and that he finds the job really tough — and this is just two years into a new government — then clearly the Premier needed to initiate a similar review of the minister's office so that his timetabling, his scheduling and his workflow could be addressed so that they would not compromise him as a minister.

In my view the Premier has actually let the minister down by not ensuring that the standards were observed but also by not instigating an immediate review that perhaps may have resulted in a different outcome. The ministerial code is quite clear about what is required. Clearly former Minister Steve Herbert has not complied with it, in particular principle 1.3, which says that:

> Ministers —

and parliamentary secretaries —

> must ensure that they act with integrity — that is, through the lawful and disinterested exercise of the statutory and other powers available to their office —

and by —

> appropriate use of the resources available to their office for public purposes …

Clearly it has not all been used for public purposes.

I know the Premier has gone to some lengths to try and draw a contrast between this incident and the behaviour of a former member for Frankston in the Legislative Assembly, Geoff Shaw, but at the end of the day there is a personal benefit that is accrued. Therefore in my view, not knowing the extent of the cost to taxpayers and particularly because he was a minister, I would see the cost as being far greater.

The abuse of ministerial staff and entitlements, including those reported in the media of Mr Herbert's misconduct in relation to raising his voice towards a taxidriver or drivers; the high turnover of drivers, suggesting the reports of Mr Herbert perhaps being aggressive towards drivers, whether or not it is true; Mr Herbert's instructions to drivers to actually flout rules and as a result leading to the abuse of parliamentary and ministerial entitlements by ferrying his dogs, Ted and Patch, to his private and previously undisclosed residence; and misusing taxpayers dollars and public servants for a private purpose unrelated to Mr Herbert's official duties and the role of a minister of the Crown — all of that is in breach of the ministerial code. Some have estimated that the number of journeys may have been as high as 30 or more for Patch and Ted. Again, we do not know.

There is a series of reports into the alleged misconduct of Mr Herbert towards drivers of his ministerial vehicle, which relate to Mr Herbert improperly directing drivers to walk his dogs. This is obviously beyond the role of a ministerial driver or a public servant. These apparent breaches of the ministerial code of conduct, including those relating to the abuse of ministerial staff and entitlements, as I have just quoted, and the misuse or lack of appropriate use of resources available to his office for public purposes, are matters that require immediate, independent investigation.

Mr Herbert appears not to have acted with integrity by instructing drivers to walk his dogs. It was not an appropriate use of public resources to ferry his dogs some 120-plus kilometres from one private residence in Parkdale, which he had ably declared on his register of interests, to his mysteriously undisclosed and undeclared private residence in Trentham. Again, the question also arises: which property was in actual fact his principal place of residence? Was it Trentham? We know what the minister has said. He said that it was Trentham — or was it actually Parkdale? Informal sources around Parkdale sight the minister on a regular basis at various eateries, often in the company of the former member for Mordialloc, Ms Janice Munt, in particular at the Tanabe Japanese restaurant, and a number of others.

Certainly there are very strong views that there is a question mark over which property is his principal place of residence. One way of actually clarifying that would be to crosscheck it against the register of members interests — which he had clearly breached until the media began making inquiries — and which we cannot fully verify because those amendments will not be publicly available until December. We are just relying on the minister's words.

One question is: which is the primary place of residence and on which residence is the former minister actually paying land tax? That may be one item that may illuminate where indeed he is living. That is not for this house perhaps to itself pursue. It would have been appropriate perhaps for the former minister to have offered that in order to resolve any question marks over this.

If indeed there has been some subterfuge about where he actually lives, then the implications for members allowances, which are extensive and generous, are also matters of concern. The Parliamentary Salaries and Superannuation (Allowances) Regulations 2013 outline the various benefits and the obligations that fall upon members in terms of notifying of home base and second residence. They say in regulation 6, headed 'Notification of home base and second residence':

> (1) A member must notify the relevant Clerk of the location of his or her home base within 30 days of—
>
> (a) becoming a member;
>
> (b) changing his or her home base.

That leads on to other benefits such as an entitlement, which is substantial. If indeed it is outside the metropolitan area and beyond 80 kilometres, it is substantial. It is approximately $35 486 per annum for any minister of the Crown or office-bearer, so it is a lot of money. Multiply that by a number of years, and clearly we are not necessarily talking about just $192 for a bit of petrol for ferrying Patch and Ted to their summer home.

Reports about the register of interests clearly show that there have been problems and that the former minister has not been attentive to making those declarations in the appropriate time. Reports regarding his conduct towards drivers and behaving in an aggressive manner are matters that engage potentially the Occupational Health and Safety Act. The *Code of Conduct for Ministers and Parliamentary Secretaries* also requires a

minister to act honestly and reasonably. Another apparent breach by Mr Herbert is that it has been reported that he has not acted reasonably by improperly directing drivers and abusing his parliamentary entitlements, resulting in the misuse and waste of public funds for a private purpose and a material gain for himself, including the ferrying of Ted and Patch from his private residence to another private residence which was previously undeclared.

Mr Herbert may not have acted reasonably by raising his voice to a driver or drivers. The former minister did not act reasonably by improperly directing public servants to walk his dogs. The former minister did not act reasonably when he attempted to shirk responsibility for his actions and in making excuses for the litany of abuses he committed. There are also doubts in relation to the recollections of Mr Herbert in relation to his conduct, misuse of taxpayers dollars and inability to be up-front and forthcoming with details relevant to the frequency and length of trips made by his dogs Patch and Ted and other reports in relation to his conduct.

Mr Herbert has stated on one occasion that he had no recollections of apparent breaches. Yet on another occasion when interviewed he changed his story, stating the incidents only occurred on an infrequent basis. This is clear evidence of Mr Herbert either having a very selective memory or his incompetence or possibly dishonesty in relation to the matters.

The code of conduct also expects ministers to accept accountability for the exercise of powers and functions of their office — that is, to ensure their conduct, representations and decisions are consistent with the particular responsibilities of their office. Mr Herbert has been reluctant to accept accountability. However, now that he has resigned the extent of his apparent misconduct needs to be assessed and action taken to put in place reform, controls and, if necessary, sanctions on Mr Herbert. Mr Herbert's exercise of his powers and functions has been seriously flawed, and Mr Herbert should cooperate in a further investigation of this matter, which should be instigated forthwith by the Premier, the Honourable Daniel Andrews.

Mr Herbert's conduct has not been consistent with the particular responsibilities of his office, as his former role as the Minister for Corrections requires that a person holding the position demonstrates the highest standards of integrity, given the jurisdiction of the portfolio in overseeing the reform and punishment of offenders. He himself cannot offend or conduct himself in an improper fashion with no regard for the rules and the expectation to align with the responsibilities of the portfolio held as the Minister for Corrections.

The code of conduct at 2.3 states:

> Ministers … are expected to provide a proper account of their exercise of public office …

Mr Herbert has not been able to provide any proper account of his spending of taxpayers dollars for the private and improper use of a taxpayer-funded chauffeur and car for the purpose of ferrying Patch and Ted. Also, his failure to declare his principal residence must be investigated, given it could be directly linked with the improper use of taxpayer funds.

The ministerial code of conduct at 2.6 provides that:

> They must not encourage or induce other public officials, including public servants, by their decisions, directions or conduct in office to breach the law or to act improperly.

There appears to be another apparent breach of the ministerial code of conduct. Improperly directing public servants — that is, I guess, pressuring, expecting or demanding that ministerial drivers comply with his requests, possibly breaching the rules and acting improperly — constitutes a misuse of taxpayers dollars and resources and abuse of his entitlements.

Under the code 2.7 provides that:

> Ministers … are to regard the skills and abilities of public servants as a public resource, and are expected to ensure that public servants are deployed only for appropriate public purposes.

There was a clear breach of 2.7 by deploying ministerial drivers for private purposes to ferry Ted and Patch from his Parkdale private residence to his undeclared private residence in Trentham. Mr Herbert's directives to walk his dogs is also a private purpose and would be in direct contravention of this clause, given that public servants were deployed for his own private purpose — or that of Ted and Patch.

Clause 2.8 of the code states that:

> They must have proper regard to efficient and effective government administration including ensuring that resources, facilities and personnel provided at public expense are not subject to wasteful or extravagant use and that due economy is observed.

Now, this would certainly not pass the pub test, but nor does it pass the test for the *Code of Conduct for Ministers and Parliamentary Secretaries*, public service values or any other code to which members are held. Mr Herbert did not have the proper regard for the efficient and effective use of resources, facilities and

personnel provided at public expense, again ferrying Ted and Patch from a private residence to an undisclosed private residence on what is estimated could have been — and who knows — in excess of 30 incidents, and it could be more. This is certainly considered to be an extravagance, and no doubt the dogs were having a ball.

The *Code of Conduct for Ministers and Parliamentary Secretaries* at 3.5 provides:

> Irrespective of the context, and whomever the person … involved, ministers … should always ensure they act in accordance with their overall obligations to the people of Victoria for honest, efficient and effective government.

Clearly Mr Herbert has not met the obligations bestowed upon him as the then Minister for Corrections. He has not delivered efficient or effective government and has obtained private gain at taxpayer expense — the full extent of which is not yet known. We certainly need to get to the bottom of this, which is the reason for this motion.

The code of conduct at 3.6 provides:

> It is important that anyone in the community be able to raise issues and make representations to ministers … and/or their offices if they have matters meriting attention.

What is not known is whether the reported and apparent misconduct on the part of the former Minister for Corrections in relation to his treatment of a driver or drivers is correct. This is a serious matter that the Premier cannot continue to ignore. Did a driver or drivers take offence at Mr Herbert's conduct and improper direction relating to Ted and Patch — the walking of Ted and Patch and the ferrying of Ted and Patch from a private residence to an undisclosed private residence — and did Mr Herbert in fact intimidate drivers by raising his voice at them?

Ms Pulford — Deputy President, I draw your attention to the state of the house.

Quorum formed.

Ms Wooldridge — On a point of order, Deputy President, I put it to you that this is the third quorum in about 30 minutes and that in fact rather than seeking the numbers in the house this is actually a vexatious process by the government. I would ask you to consider the circumstance in which repeated calling of quorums and the thwarting of processes and debate in the house is actually not in the interests of the smooth operation of this house and our ability to debate the motions that we have at hand. I ask whether the government can be asked to discontinue with this vexatious process.

The DEPUTY PRESIDENT — Order! There are no standing orders that a quorum has to be present all the time. Members are entitled to call for a quorum, so there is no point of order.

Ms Wooldridge — On the point of order, Deputy President, could I ask that this matter be referred to the President for his consideration in terms of the operation of the house on an ongoing basis?

The DEPUTY PRESIDENT — Okay.

Mrs PEULICH — Paragraph (b) of the motion says:

> failure of the former Minister for Corrections, Steve Herbert, to answer questions in the Parliament in relation to his abuse of ministerial staff and entitlements …

This constant calling of quorums is yet another example of the government attempting to thwart a debate that needs to be had. We saw how relentlessly Geoff Shaw was pursued by the current Premier and his team when in opposition. This highlights the hypocrisy and the double standards of the Labor Party. Indeed Ms Pulford is playing to the Labor Party strategy. Mr Herbert has also been less than helpful in aiding the inquiry into his alleged misconduct and improper use of taxpayer dollars. Many of the questions that were asked yesterday during question time and directed to be answered by the President were unable to be furnished to the chamber for us to actually get to the bottom of the matter, which is the reason why I ask the house to support this motion.

Citing the ministerial code of conduct, paragraph 2.4:

> Ministers … are expected to take all reasonable steps to ensure that they do not knowingly mislead the public or the Parliament.

It cannot be said with any degree of confidence that Mr Herbert took any reasonable steps to ensure he did not knowingly mislead the public or the Parliament, specifically in relation to the misuse of taxpayer dollars for the purposes of ferrying Ted and Patch. The alleged improper direction of ministerial drivers, reports of abuse of a driver or drivers as well as his failure to declare his Trentham property are an integral part of his abuses of entitlements.

Mr Herbert's inconsistent account of what actually occurred in stating that he did not have the foggiest when probed on how many times that Ted and Patch were ferried and then later changing his story to only two occasions certainly should not fill anyone with any degree of confidence. His answers to questions in the Parliament have been evasive, and the former minister

needs to be brought to account for all of his misgivings, indiscretions and apparent abuses. But importantly the Premier needs to be held to account for continuing to stonewall and for continuing to bat off dismissively these very serious allegations, which if indeed there was a minister involved from a hostile faction or staffers involved from a hostile faction he would be approaching very differently.

Paragraph (c) of the motion states:

> failure of the former Minister for Corrections, Steve Herbert, to properly disclose his residential property …

The former minister had failed to properly disclose his private property residence in Trentham. An integral part of his dog-day afternoon is the abuse of entitlements and taxpayer dollars and reports of misconduct on the part of Mr Herbert towards a driver or drivers. The minister had ample opportunity to correct his register of interests, yet he has taken these opportunities to document his other private residences in Parkdale — the start of the journey for Patch and Ted's unfortunate outings — as well as his East Melbourne property and a property in Yinnar South. He even amended his part ownership in the racehorse Sea Devil, in part owned by an associate of the underworld figure Mick Gatto. But somehow the former minister simply overlooked the end destination for Ted and Patch, and indeed this is very convenient.

We certainly do not want the house to blow away with Dorothy and Toto. It was Ted and Patch who led the way in Ted and Patch's bodacious adventure. The former Minister for Corrections says he simply forgot due to the hard job he had had, and when prompted the former Minister for Corrections corrected his error. So it was more of a media management strategy, and the contrived apology was very belated and a result of pressure from the Premier's office. Mr Herbert initially said there was absolutely no issue. Subsequently of course we indeed find that there are many very serious issues. I guess for the good old members of the Socialist Left, spending other people's money is never an issue of concern. For members on this side of the house we of course take a very different perspective.

This is not just about Mr Herbert's role as a minister. It goes to the very heart of his actions as a member of Parliament as well. If Mr Herbert had been hiding his private residence to cover up for Ted and Patch's unfortunate outing, this may find him in contempt of Parliament under the Members of Parliament (Register of Interests) Act 1978. There is no doubt that he has already breached this act by failing to properly disclose his Trentham property. However, there may be further breaches of this act, and that is why we need this investigation. Section 6(2) of the Members of Parliament (Register of Interests) Act 1978 states:

> For the purposes of this act an ordinary return shall be in the prescribed form and contain the following information —
>
> …
>
> (f) the address or description of any land in which the member has any beneficial interest other than by way of security for any debt …

There appears to be a breach of section 6(2)(f) of the MPs register of interests act 1978. If, however, it is ascertained that this was in fact a wilful breach, Mr Herbert of course would be in contravention of section 9, which states:

> Any wilful contravention of any of the requirements of this act by any person shall be a contempt of the Parliament and may be dealt with accordingly …

This is very serious and needs to be further examined, as it may be found following an independent and thorough investigation to be the case.

Paragraph (d) of the motion asks the house to note the:

> failure of the Premier to hold the former Minister for Corrections, Steve Herbert, to the same standard of behaviour he demanded for the former Minister for Small Business, Innovation and Trade …

I think herein lies a very stark contrast.

In relation to point (d), my concern is that both the Premier and Mr Herbert are downplaying the abuses and downplaying the wrongdoings in simply labelling them an error in judgement, but unfortunately this does not quantify the level of wrongdoing. This is what happened with the former Minister for Small Business, Innovation and Trade — there were investigations to ascertain the level of breach, and penalties were handed down accordingly. Why is it that the Premier and Mr Herbert are trying to employ tactics — some may call them tactics of deception — to downplay the seriousness of the breaches, abuses and misconduct? The answer is quite clear: Mr Herbert is a crucial part of the Socialist Left. Mr Somyurek of course was a part of the Shop, Distributive and Allied Employees Association faction. When he subsequently left that faction he morphed into the Labor Unity faction, so he was certainly a number that the Premier could do without in the cabinet.

The Premier and Mr Herbert know that this could get ugly. In fact this sort of investigation could get dog ugly. That is because there are likely to be far larger sums of money involved, and there are likely to be findings against Mr Herbert for breaches of policy,

legislation, code of conduct and standards applied to ministers of the Crown as well as members of parliament. The attitudes of both Mr Herbert and the Premier are disturbing. Do Mr Herbert and the Premier believe they are above the law, or is there one law for political mates and members of the Socialist Left and one for the rest for us? Why has Daniel Andrews responded so differently to the situations of Mr Somyurek and Mr Herbert? Surely there is not one set of rules for the former Minister for Small Business, Innovation and Trade and another for Daniel Andrews and Mr Herbert, but that certainly appears to be the case.

If the Premier does not act on this matter, that is the conclusion that this chamber — and indeed this Parliament and Victorians — will surely reach. Even though he has now resigned, Mr Herbert is still getting a level of protection that this Parliament has not seen for some time, and he is getting public backing from the Premier through his statements and the statements of other government MPs that Mr Somyurek clearly did not enjoy. It differentiates the manner in which these two cases have been handled.

As I have mentioned before, the concerns about Mr Herbert are not just a one-off. Mr Herbert's dealings with an associate of Mr Gatto suggest that perhaps he had poor judgement that preceded his role as a minister. This lack of regard for codes, regulations and legislation when demonstrated by a Minister for Corrections is a very disturbing message to Victorians. The Minister for Corrections is supposed to deal with crime, not do business with the underworld, so why is the Premier unwilling to launch an independent investigation? Again, this is obviously to protect his mates. It is a lack of commitment to accountability or a lack of a commitment to integrity in government, or probably both.

Mr Herbert and the Premier continue to play down these incidents, which involve misconduct, the abuse of entitlements and the apparent abuse of public servants, including verballing staff. The fact that they continue to stonewall on a number of critical issues is an absolute damning reflection of the culture of this government. To downplay this as simply an error of judgement does not explain why Mr Herbert failed to properly disclose his Trentham property, which he says is his primary private residence.

When taxpayer funds, resources and public servants are involved in such a scandal, our duty as members of Parliament is to ascertain the extent of these abuses. Making excuses, obfuscating, shirking responsibility and calling needless quorums — as Ms Pulford has done — shows a complete lack of regard for the integrity demanded by the people of Victoria in public officials, regardless of their place in government or who their friends are. This may well be a dog-day afternoon for Mr Herbert, but Daniel Andrews still has a very serious case to answer, which is what this motion calls for.

Lastly, the motion:

> calls on the Premier to launch a full and independent investigation of the matter relating to the conduct of the former Minister for Corrections … relevant to the abuses and failures above.

The only way to resolve this matter is to launch a full and independent investigation of the matter, as was the case with the former Minister for Small Business, Innovation and Trade. These double standards amount to nothing short of protection for those with their noses in the trough. There is a case to answer, and Daniel Andrews cannot hide from the fact that he is now in the doghouse for excusing the actions of Mr Herbert. Daniel Andrews has, with the resignation of Mr Herbert as the Minister for Corrections, now been proven to be lacking the judgement to foresee that Mr Herbert's position was untenable. Why did not Daniel Andrews demand Mr Herbert's resignation when the breaches and misconduct first came to light? Certainly politics is a dog-eat-dog world, but the Premier cannot apply double standards — one standard for friends and one for foes. He continues his protection of the former Minister for Corrections, which sends a disturbing message about the Andrews government — that if you are a political friend, you can do the wrong thing and expect to get off scot-free. In actual fact you cannot just get off scot-free you can actually profit from it.

I call on the Premier to show some integrity and launch an independent investigation, and I call on this house to encourage him to do so because further dragging out this matter will only bring further disrepute to ministerial and parliamentary standards. The people of Victoria expect more from a Premier. Former Prime Minister Hawke sacked one of his ministers for simply not paying the tax on a teddy bear. In recent memory a Premier stepped down for not declaring the receipt of a bottle of Grange Hermitage. To not act will show that Daniel Andrews lacks a moral compass or that he is okay with his ministers flouting the law as long as they are factional friends and effectively therefore that he endorses and rubberstamps the abuses which have occurred.

Daniel Andrews needs to act now and stop downplaying the gravity of this scandal, despite the ministerial resignation. This issue has had worldwide

media attention, and we would be a laughing-stock if the Premier were to imply that it is okay to abuse public resources for private gain the way Mr Herbert appears to have done. This is about conduct, it is about integrity, it is about due process and it is about the standards that apply to not only ministers but also all MPs. Let us not allow this to be about political protection for factional allies. I commend the motion to the house.

Mr BARBER (Northern Metropolitan) — What are we talking about here? Mrs Peulich may want to give her version of what she thinks happened for the historical record — historical in the sense that the minister has now resigned — but I am taking a different approach. The issue here is that it appears that a minister was unable to distinguish between resources that were provided to him for his work — that is, a ministerial driver to take him to ministerial functions and appointments — and resources that might have been for purposes of a personal or domestic nature. That is a serious issue. Any time a minister of the Crown cannot distinguish between public resources provided for the purposes of them doing their work and resources for their own private use — their own domestic arrangements and personal needs — that is a problem. There does not seem to be much disagreement that the minister did not see the distinction. He certainly did not see the distinction when he ordered his dogs to be driven. He did not see the distinction when this matter was exposed and he was approached by the media. And then belatedly he seems to have been told by his own government that he had done the wrong thing, at which point he reluctantly admitted that he had done the wrong thing. He did the wrong thing; we all agree with that. But the question is one of accountability.

Accountability does not always mean that you have to resign or fall on your sword anytime something goes wrong in your portfolio. Accountability means that you have to be able to stand up and give an accounting of what happened, how it happened and how you have taken action to ensure that it will not happen again.

During question time today the Minister for Families and Children was asked about how someone managed to walk out of a low-security youth detention centre, and the minister attempted to give an account — well, she said she is investigating it and she will at some future date give an accounting about what happened, how it happened and what she has done to make sure that it will not happen again.

But in this case the matter was purely personal. It was about the minister himself in relation to the use of the resources that had been provided to him. The minister in the initial stages, and even really to this moment, has been unable to give an accounting of how many times this happened, whether he had some reasonable excuse and whether he was in breach of any codes or guidelines that he ought to have known about and that he ought to have observed.

Mrs Peulich is quite right in saying that there are fairly explicit provisions within the ministerial code of conduct. For example, section 2.7 says:

> Ministers and parliamentary secretaries are to regard the skills and abilities of public servants as a public resource, and are expected to ensure that public servants are deployed only for appropriate public purposes.

That of course would include a ministerial driver. It says likewise in other sections. Section 2.9 says:

> In particular, ministers and parliamentary secretaries are provided with various 'ministerial' office facilities and equipment at public expense in order that public business may be conducted. The use of these resources should be consistent with the requirements of section 2.8.

Section 2.8 is about having proper regard to efficient and effective administration, ensuring that facilities and personnel provided at public expense are not subject to wasteful or extravagant use. This inability to understand what are public resources for public purposes versus private resources seems to be where the minister tripped up. There are quite explicit terms in the code of conduct if he had any doubt.

I do not know, because I have never had a ministerial car, whether there are specific — —

Honourable members interjecting.

Mr BARBER — I am not feeling particularly neglected because I have not had a ministerial car. There are many ministers and ex-ministers in this chamber who could perhaps explain. They could step forward and give their own testimony as to whether there are specific guidelines about the use of cars that ministers are to understand and that drivers would understand and whether there was any room for any misunderstanding. If there is a manual or a procedure for how cars are to be used — and I would be amazed if there is not — someone ought to bring me a copy here and explain that to me as well, because I do not know. But if that is the case, then again there may have been a further breach of what might have been a fairly explicit document.

Some people are calling for the rules to be tightened, but as far as I understand, the rules are all fairly clear. Of course you always have the opportunity to err on the side of caution and not come too close to crossing any

particular lines. You should stay well away from those lines, and if you think they are unclear, that is all the more reason to do so.

The minister having resigned does not necessarily take care of the accountability problem, and I think that is the essence of Mrs Peulich's motion that was hastily redrafted after the minister actually resigned earlier today. In fact it is possible to avoid accountability by resigning. I think what Mrs Peulich is seeking to do here is to say, 'The minister is no longer the minister, but the Premier ought to be able to give an accounting of what happened, how it happened and what steps the Premier will take in order to ensure that it does not happen again'.

This Premier did not come to office promising high standards in public life. There have been plenty of premiers and prime ministers who did, either because they came to government or because they took over from an earlier leader of their own party. Let us face it: this is not the first time in the world of Westminster parliaments that someone has been accused of misusing a resource that was provided to them for public purposes.

Unfortunately the set of issues that are raised are all too familiar, but I just find it interesting that the Premier did not come to office promising new standards and a lifting of standards in relation to public life. I believe that is because he was not in a position to do so. He does not exercise the authority over his own party to say, 'We're going to have a new way of doing things'. If he had said that, then he would be able to say to his ministers, 'This is what I promised to the Victorian public, and now you're all going to get in line'. But he did not do that — and that is because I think he knows that there are too many people inside the modern Labor Party who do not see the distinction or do not care about what is provided to them for the purpose of serving the public versus what is part of the game, part of the rort.

Mrs Peulich has drawn parallels with the treatment of another former minister, Mr Somyurek, in relation to some improprieties in his ministerial office. But I also point out that at the moment, as far as we know, there is a fairly large group of MPs who are under investigation — Labor MPs — by the Ombudsman for misuse of their parliamentary entitlements. The suggestion has been made that electorate officers employed by those MPs were not doing parliamentary business as employees of the Parliament but in fact were seconded to the Labor Party to help it run its campaign. That is a matter that is still under investigation. I make no judgements or finding of facts. Those are the allegations that have come from some of the staffers themselves and they are being investigated. Now, the scale of that runs into potentially a wage bill of hundreds of thousands of dollars, so I ask: how is it that the Premier could have enforced on Mr Herbert the requirement to pay back a few hundred dollars when large numbers of his own MPs are currently under investigation by the Ombudsman for misuse of public resources valued in hundreds of thousands of dollars?

How does the Premier hand out this kind of punishment to what on the scale of it, in terms of dollars, seems to be a much smaller infraction than the one being investigated by the Ombudsman? I do not believe the Premier did sack the minister. I do not believe the Premier had the authority to sack the minister. I do not think he had the muscle within his own party to pressure this minister. I think it was the minister's own factional colleagues who decided that his time had come and one of them could do a better job than he was doing.

That is all most unfortunate. It has been an unfortunate incident that was just made public, and in fact we are not going to necessarily see any lifting of standards or new procedures or new rules put into place. This issue related to ministerial resources that are part of the government system. As an aside I note that the Premier at one point did attempt to introduce what has been longstanding Greens policy, which is a parliamentary standards commissioner who would, as part of their remit, consider the proper use of parliamentary resources provided to MPs. The Premier, according to reports, was unable to get that through his own cabinet, so there is no independent body that can investigate the use by MPs of their resources, although I draw a distinction between what we are talking about here, which is ministerial and public service resources.

I do not wish in any way to prolong Mr Herbert's misery or participate in some exercise of getting a few more licks into the guy now that he has resigned. That is not what I am on about. The strict wording of the motion calls on the Premier to launch an investigation of the matter relating to the conduct that is being described or alleged, some of which the former minister has already admitted to. I presume it is implicit that if the Premier was to launch that investigation, he would then at some point disclose the investigation results. The Premier would give an accounting of what happened. How many times were these dogs being ferried around? Were there other issues in relation to the minister's drivers?

The issue of the failure to disclose a principal place of residence is, of course, a matter for the Parliament. It is part of parliamentary disclosure requirements. The parliamentary disclosure requirements, by the way, are so out of date it is ridiculous. The disclosure rules and the associated code of conduct, I think, were thought up in 1972 and implemented in 1975 and basically have not been touched since. The Special Minister of State has the ability to create regulations under the Members of Parliament (Register of Interests) Act 1978. There are even fines under that act for the failure to meet your obligations. In fact the Special Minister of State has the ability through regulation to update that code and the rules that relate to disclosure.

Some people have commented that while the disclosure of assets is required, the detail is insufficient. I disclose in a little bit more detail my limited property portfolio: an acre of bush in the Otways and a principal place of residence in West Brunswick. I am in the *White Pages* anyway, so I am not particularly worried about that disclosure. Others have commented that the rules around disclosure are insufficient. I just make the point that the government of the day could change that via regulation or the act could be updated if the government wanted to have a conversation with all the different parties in the Parliament about what we would find is an acceptable set of changes.

Without joining in on some members of the opposition's glee that another scalp is now hanging off their belt, the strict wording of the motion is calling for an investigation of the matter. I do believe the former minister has been unable or unwilling to give a full accounting of what happened, and therefore it is appropriate that we support this motion.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — At this juncture, at this point in time, it is probably pertinent to start with the contribution from Mr Barber. I think Mr Barber's contribution was fair. I do not agree with some of the commentary that he provided, but nonetheless I thought it was a contribution that was fair minded and approached the issue in a way that was respectful of the challenges that we face in this chamber.

Earlier today when I was asked a question at the beginning of question time the commentary I made was that Minister Herbert — former Minister Herbert now — is a friend of mine. After the outcome of the November 2014 election he reached out to me in a way that offered friendship in a professional way. Sometimes Parliament and politics can be a solitary place to be. Sometimes the work that we do and the competitive nature of it — not just of course with our own colleagues but with those opposite — can result in a relatively combative environment. Sometimes we see the worst of each other in a day-to-day sense, and only at times of natural disaster or in other situations do we see the very best of each other.

I also acknowledge the fact that Steve Herbert has a family. I do not say any of this to take away from the motion before us or to condone Mr Herbert's conduct, which he himself acknowledges that if he had his time again would not have happened. I mention his family because of the way that he was hounded — and I use that word intentionally — by the fourth estate and the tactics that they undertook to make his life unpleasant and make him uneasy in his home in Trentham. There are reports of them going from store to store asking about stories shopkeepers may have had of the minister and reports of them ringing his ex-wife seeking dirt on him that they could use for their own stories. I think that the media, the fourth estate, should reflect on the way they conducted their reporting of the story and on their behaviour as well.

They have a very, very important role to disseminate information about what we do and to keep us accountable for our actions, as they did in this particular incident. But there also is a line which people should try not to cross. I think that the media performed their duties to a certain point and then they went well past that. That disappoints me, because none of us is perfect in this place, not even me. I am only sorry that those opposite are not listening to my contribution, because I am sure they would have been only too happy to agree with that self-assessment. The reason that I make that point is that we do not all get it right all the time, and Steve Herbert got it terribly wrong when he took advantage of the access to his ministerial car and used it to transport his dogs.

I could spend 10 to 15 minutes here talking about why he did what he did. I do not think it actually adds to the discussion. He acknowledges that it was inappropriate.

I believe that on the day the story broke I was asked by the media about it, and I talked about how he had often spoken of his love for his dogs and in fact all of the animals on his farm as well. He takes amazing care of them. But I also said in that brief discussion with the journalists that on this occasion the minister had got it wrong. So we do not resile from the fact that Steve Herbert got it wrong and that he used the vehicles in a way that is not in keeping with the community's standards and the expectations they have of ministers and members of Parliament in this place.

Some people have previously raised the issue of Geoff Shaw and said they believe that somehow that example correlates with the example of Mr Herbert. But can I say that fundamentally it is not the same and it cannot be treated the same, because one was used for commercial gain and the other was used in a personal capacity because of the hours he worked. He wanted to see the dogs transported in a way that meant they were safe and that did not require him to travel from the city to Parkdale and then back out to Trentham. That was obviously unfortunate.

This is not an opportunity for me to spend a long period of time justifying this, because again, as I said, there is no justification for what transpired. But this is fundamentally a man that has dedicated himself to public good, public benefit and the benefit of the community at large. We have policy fights in this place and outside, where we argue about the way that we conduct ourselves in terms of the trajectory to where we want to see the great state of Victoria go. They will always be robust and we will not always agree, but that is of course the democratic system at play — as we see of course it being played out in the United States as I deliver this speech.

But we cannot resile from the fact that this man has done an amazing job within his portfolios, predominantly with the skills and training sector. I do not wish to politicise this by referring to a sector that he found when we came to government, other than to say that he was dedicated to improving opportunities for our young people and, in fact, for our older people, and for all of the people who want to avail themselves of skills and training to enable them to either change vocations or to improve their existing vocations in a way that makes them more employable or more attractive to employers within the broader market. He did a very, very good job in those portfolio areas.

The corrections portfolio is one he only received a number of months ago. It is a difficult portfolio area, as acknowledged by I think nearly everybody that has had that ministry from any side of Parliament, with the challenges that are faced, with a community that demands protection from criminals that perpetrate the worst of crimes in the community versus the ability to try to ensure that people are rehabilitated and not committing crimes when they leave the system.

We have before us a motion that talks about his abuse of ministerial staff and entitlements. I think that is a gross exaggeration and a stretch. I think the very political words that are used in the opening line do a disservice to those that are pushing for this motion to be passed by the chamber, because they do so in a way that does not take into consideration the fact that by the minister's own reckoning it happened a maximum of two times and, as far as he can recollect, once. This was part of the problem. We had a genuinely decent person wanting to give the right answers to the questions that were put to him. He could absolutely record that there was one trip, but beyond that maybe one other trip at most. He did not want to mislead the chamber. He did not want to provide misinformation in relation to those questions, so he answered the question as honestly as he could — one or two trips.

We have a situation where we agree that there was the misuse of his vehicle entitlement in that way. I think the use of the word 'abuse' in paragraph (1) of the motion is unfortunate, and as I said, I think it says more about the people that are politicising this outcome in an attempt to further their own political opportunities than actually dealing with the issue at hand.

Honourable members interjecting.

Mr DALIDAKIS — I fear that the way that I started my contribution is in fact not the way that those opposite would like to engage with the debate at hand, because I acknowledged at the outset that we do not always agree but that this was somebody who has dedicated himself to public policy and also for the benefit of the broader Victorian community, and out of respect to former Minister Herbert, I am going to maintain dignity in the face of abuse from those opposite, which is disappointing.

If I look at paragraph (1)(b), it talks about the failure of the minister to answer questions. The minister attempted to answer the questions to the best of his ability, and of course where the President felt that additional information was required, the President asked him to provide that information, and he tried to do so. We got to a situation today of course, which is a new situation for me in this place, where the minister had resigned his commission to the governor and we turned up at question time and the answers to the questions that had been put to him yesterday had not been provided because he was no longer the minister. I believe the President has asked the acting leader of this place to look into that. I am not sure where that is at; I have not been able to have that discussion with the acting leader. But in terms of paragraph (1)(b), former Minister Herbert did indeed try to answer the questions to the best of his ability, and what we saw was that he was attacked, smeared and pilloried for doing nothing more than using language that absolutely made clear that he was not aware of the exact number of times, whether it was once or twice.

I think the minister has ultimately paid the highest price possible for somebody in Parliament who is in government and who is in the position of a minister. He has resigned his commission. He did so this morning, no doubt having reflected on the nature of the complaints in terms of his misuse of his ministerial car. He did so in a way that reflected of course what he acknowledged himself, which was a lack of community support for the conduct that he had undertaken.

Mr Ondarchie interjected.

Mr DALIDAKIS — What I was starting out with in my contribution before Mr Ondarchie came into this place was a recognition that anybody and everybody in this chamber, regardless of which political party they are associated or affiliated with, attempts to do the very best they can by themselves, to do the best they can by their families and to do the best by their electorates and the people that they represent. Clearly that is potentially a view that is not shared by some members of this chamber.

Mr Ondarchie — Well, not even you, because you defended him.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Mr Ondarchie, your name is on the list. You can raise it afterwards. Enough! The minister to continue.

Mr DALIDAKIS — If you look at (1)(c), you see it talks about the failure of the former minister to disclose his residential property. Absolutely he should have declared it. It was an oversight that in this place is not able to be forgiven lightly, because the fact of the matter is that we all know what our disclosure requirements are. We all know the need to ensure that, when we have those pecuniary interests to lodge with the Parliament, we sign off knowing what is required of us and what is asked of us.

On this particular occasion Mr Herbert let himself down, by his omission, and he acknowledged that. When it was brought to his attention he immediately lodged, I guess, an amended form, noting that it should have been there in the first place. I heard him say here in this place that there was no reason for it not to have been put on his pecuniary interests and he cannot understand why it was not there, given that he had already identified a block of land in Trentham as well, and so from this perspective it is certainly by no means making excuses, but it is not as if he was trying to hide the house. He made a significant error with his failure to disclose it, but it was not a wilful non-disclosure, in my opinion.

Others in this chamber may share a different view about what his motivations were or were not in relation to that disclosure, but given that he had openly talked about his property in Trentham — given he had openly talked about and disclosed the block of land in Trentham — there can be no misunderstanding that he was trying to hide something. There is no way he was trying to hide something, but clearly I think the benefit of the doubt in relation to why this omission occurred was something that obviously he regrets deeply, and he has said so himself.

Mrs Peulich interjected.

Mr DALIDAKIS — I have got another 42 minutes, and I am happy to go through until 5 o'clock if you want.

Mrs Peulich interjected.

Mr DALIDAKIS — You bring up the StartCon motion, and I will debate that happily as well. For one month those opposite have grandstanded and attempted to try to imply that a government position of greater diversity within StartCon was something that they now oppose, and so for four weeks they have consistently put off the motion, attacking me personally for wanting greater diversity. They have put that off for four weeks. Well, I tell them, let us bring it on — through you, Acting President. Let us see it no. 1 on the notice paper on the next Wednesday of opposition business, because guess what, they do not want to debate this motion because they do not want to be shown up as a group of people that oppose greater diversity within the tech sector. They do not want that, because they have had the opportunity to debate it and they have chosen time and again to refuse to bring it on.

Let me continue speaking to the motion at (1)(d), which is to attack the Premier in terms of upholding standards of behaviour, but in this particular instance the Premier has never shied away from the fact that he believes the standards should be greater than what were provided by the minister of the time. The Premier at no stage has sought to defend use of the vehicle inappropriately.

Mr Ondarchie interjected.

Mr DALIDAKIS — Mr Ondarchie may like to actually think very carefully about his interjections, because at no stage has anyone agreed that using his vehicle in that manner was acceptable — at no stage. In fact I am clearly on the record as also accepting that the use of the vehicle in that manner was an inappropriate use of the resource. But the Premier, who at no stage agreed to this, has been inserted into the motion because those opposite believe that they can somehow

try and gain some political advantage by linking the Premier with the former minister's decision. The Premier sought assurances from the minister at the time of course about the behaviour, and the minister himself at the time said he would not use the resource in that way going forward, acknowledging that it was an inappropriate use of the resource.

Today we get to a point in time where the minister has resigned as a result of reflecting that the outcome of this matter has taken a toll on him personally and no doubt on his family. He has chosen to step down from his position in the ministry with a view to ensuring that the matter can continue to be discussed here, as we are doing, but also in an attempt to have the matter brought to an end.

What Mr Herbert announced yesterday, and it appears that Mr Ondarchie was not present yesterday during question time, was that a calculation has been made, I can only presume by the department, and that calculation came to I think — this is my recollection; I am happy to be corrected — approximately $190.

Mr Ondarchie — It was $192.80.

Mr DALIDAKIS — Approximately $190 — that is what I said. That is the approximate amount of what he has repaid in relation to fuel costs and the like. I also point out that Mr Herbert advised this chamber that he would make a donation to a lost dogs home or the like in an amount of approximately $1000 — again, I am happy for the record to be corrected accordingly — and he did that in a way to show his contrition in relation to the issue at hand.

Mr Herbert has made a decision of his own accord. As I have said repeatedly, he made a blue; he made an error of judgement. That is both unfortunate and disappointing, because the outcome of that is that he is no longer a colleague of mine within the ministry. I will miss his friendship on that level, but I wish to note that he will continue, no doubt, to try to serve the people of Northern Victoria Region ably, as he has indicated.

Mr O'Sullivan interjected.

Mr DALIDAKIS — I have indicated that he will look to serve the people of Northern Victoria Region ably, as he has.

Mr Ondarchie interjected.

Mr DALIDAKIS — On a day on which a lot has occurred, what I am keen to point out is that despite the constant interjections of Mr Ondarchie, I will continue to refrain from responding to him directly, because his interjections actually demean him — his interjections demean the contribution that each and every one of us make and the challenges we face in doing so.

Mr Ondarchie — The day I worry about your judgement — —

Mr DALIDAKIS — I would not dare to reflect on the judgement of other members in this place in relation to the use of ministerial cars, because I do not think that that would reflect well on this chamber or on the individuals involved. Given that Mr Ondarchie does profess to be a man of God, he would understand the statement, 'He who is free of sin should throw the first stone'.

Mr Ondarchie — Close.

Mr DALIDAKIS — Thanks. I had a number of years of high school at an Anglican school. I did my best to learn and listen.

Mr Herbert has resigned from his commission and decided to accept that the conduct he displayed for all to see was less than what is required, and he has done the honourable thing by withdrawing from his role. As I said, Mr Herbert has moved to a different phase of his career, and he will ably represent Northern Victoria Region.

Let me just reflect on that, because it is a wonderful thing to be elected to Parliament and to represent our constituencies and indeed our constituents in this place. For me, of course, I was elected to represent Southern Metropolitan Region, and as I said before in relation to former Minister Herbert, he was elected to represent Northern Victoria Region. What is important to note is that there is still much good work to be done in his electorate, and I look forward to working with him as best I can to ensure that his constituents have access to government programs, services, opportunities, employment and the like as best as we can provide within the realm of government. I acknowledge that my colleague in this place Ms Jaclyn Symes, who is currently in the chamber, also does a tremendous job in representing Northern Victoria Region and doing so on behalf of the government. It is a vast area, but it has some amazing towns that I have had the pleasure of representing previously.

This is not the end of Mr Herbert's parliamentary career. This is not the end in terms of his ability to serve Victorians. This is not the end of what Steve Herbert has to offer and provide to the community. That is very important, because we all serve this place in a variety of different ways — in opposition, in government and from the crossbench. We all do so, as I said at the outset

of my contribution, working from the principle of trying to make Victoria the best place it can be. We have disagreements and disputes about policies and how we arrive at certain outcomes, but nonetheless we do our very best to achieve those outcomes anyway.

Finally, if we look at paragraph (2) of the motion before us, as far as I am aware the review in terms of the number of trips that were taken has already taken place at the instigation of Mr Herbert. The calculation of the amount of money to be repaid was done independently of former Minister Herbert, so it is my understanding that we have already effectively met the requirements of paragraph (2).

In summing up, in responding to this motion, I once again acknowledge that each of us have a family, each of us have people who are impacted by what we do and how we do it, and no doubt those close to former Minister Herbert have felt greatly the mistakes he has made. I expect that moving forward this matter will give us all pause for thought. Members are aware that attacks on the individual are what we would normally regard as fair game, but I would hope that they understand that an attack on extended family and others who form the nucleus of our support, those who support us in what we do — especially, as I said at the outset, attacks by those in the media — is something that can only be regarded as a direct commentary on the tactics of those undertaking such an attack. I refer to the intimidation of people who are close to Mr Herbert and those in his local community.

The motion before us does all of us a disservice. It is not needed, given that the former minister has resigned. I would hope that when members look to vote on this matter they genuinely and sincerely consider what has transpired and how it has transpired, Mr Herbert's contrition, his apologies, the repayment he has made and ultimately the sacrifice he has made of his own career.

Mr RAMSAY (Western Victoria) — I just wanted to briefly say a few words in relation to this motion, and I will support it on the basis of, as Mrs Peulich went through in some detail, the transgression of the minister and the accountability that is required under that transgression. But despite what Mr Dalidakis might think, I am not here to sink the boots into Mr Herbert. In fact I remember very well — and I just wanted to pass this on to the chamber and particularly the newer members — that when I was a new member of this Parliament of only a week Brian Tee, who was the Minister for Planning at the time — —

Mr Ondarchie — He was the shadow.

Mr RAMSAY — He was the shadow minister; thank you, Mr Ondarchie. He was sitting on this side questioning my integrity and my potential pecuniary interest in a proposed wind farm, as we were dealing with wind farm legislation. There was no basis to it, no fact, merely an opportunity for Mr Tee to lay the boots into a new member, make a whole lot of accusations and then dust me off and put me out the door to lick my wounds. I have never forgotten that experience, a very humbling experience for a new member to suddenly be chastised and have their reputation called on in the chamber behind parliamentary privilege, where I had no right of defence. So I remembered that, and I made a promise to myself that if I ever saw anyone else in this chamber put in a position where they are having a shitty week or they are being drawn to account — whether it is a perception or a factual transgression — that I would not purposely try to denigrate that person.

So it is on that basis I am here to say, yes, Mrs Peulich made some very important points in her motion about the responsibility that a minister has — in fact all of us have — in relation to the use of our entitlements. I think Greg Barber made some very good points in his contribution, as did Mr Dalidakis, and I note Mr Ondarchie's interjections where Mr Dalidakis had a different point of view during question time, where Mr Herbert was asked a series of questions in relation to providing factual evidence to the chamber around the use of the ministerial car and the dog conveyance and the amount of trips and the costs et cetera. So that has been pretty well canvassed.

But I did want to put on record — not knowing Mr Herbert well and not personally — the dealings I had with him particularly in relation to work in tertiary education, and Glenormiston college specifically, where I asked of him to do what he could to help retain that college for agricultural education, which is extremely important for my constituency in western Victoria. To be fair to him, he did as best he could to try to preserve it for that purpose.

Mrs Peulich interjected.

Mr RAMSAY — Don't look at me. I'm sorry, Mrs Peulich. You had your go. I am not excusing the fact — and that is what your motion is about — but I am saying as a minister and as a person who had an issue that I wished him to try to deal with and help with I found him most helpful in that respect. Nevertheless, that is not the motion, but I did want to put on record that I understand it is not a good week for Mr Herbert.

Very disappointing is Dan Andrews, with a total lack of leadership in relation to his response to this issue, and I

think it has already been identified by Matthew Guy in press releases today. He has form in that he has continually in the public supported those transgressions of his factional supporters in the cabinet, and we have seen that again with Mr Herbert. In fact if he showed any true leadership, he would have called for the resignation of or dismissed Mr Herbert a week ago, but unfortunately he was hoping that this would all slide under the carpet. To the credit of the *Herald Sun* and others, they continued raising the issues publicly, and of course those on this side of the house continued drawing Mr Herbert to account. It is with those few words that I make my contribution to the motion moved by Mrs Peulich.

Debate adjourned on motion of Mr ONDARCHIE (Northern Metropolitan).

Debate adjourned until later this day.

MINISTER FOR SMALL BUSINESS, INNOVATION AND TRADE

Mr ONDARCHIE (Northern Metropolitan) — It is quite a pleasure indeed to rise this afternoon to move:

> That this house notes —
>
> (1) the failure of the Minister for Small Business, Innovation and Trade to secure StartCon Melbourne in 2016 and 2017, despite offering free tickets to all innovation ministers throughout Australia; and
>
> (2) the comments from Matt Barrie, CEO of Freelancer.com, regarding the incompetence of the Minister for Small Business, Innovation and Trade and his office.

In moving this motion, let me reflect on history. I will not choose to rewrite history, as the Minister for Small Business, Innovation and Trade has done. I am going to quote exactly what happened.

On 30 October 2015 the minister for small business, Philip Dalidakis, announced that he had poached a big start-up conference from Sydney. He stood on the steps of Sydney town hall to announce that Victoria had lured Australia's biggest start-up tech conference to Melbourne from 2016. The media release says:

> Minister for Small Business Innovation and Trade Philip Dalidakis was today in Sydney to announce that Victoria has lured Australia's biggest start-up tech conference to Melbourne from 2016.
>
> Mr Dalidakis joined Freelancer.com CEO Matt Barrie to make the announcement at this year's conference, SydStart, in front of more than 2000 people at the Sydney town hall, welcoming the new 'StartCon' conference to Victoria.

The minister is quoted as saying:

> 'Freelancer.com's decision to move Australia's biggest start-up tech conference to Melbourne highlights Victoria's reputation as the no.1 tech destination in Australia'.

But he got a bit more snarky after that, because he offered the New South Wales minister for innovation a ticket to the Melbourne conference, and he said via Twitter:

> Happy to provide @VictorDominello a free ticket to attend Aus's biggest #startup conference #StartCon here in Melbourne later 2016 …

Then he got a little bit more excited, because he decided to invite all the other innovation ministers to bask in his glory. On 15 January 2016 he tweeted:

> Good idea @stuartstoyan we shld invite all state/fed #innovation mins 2 attend #StartCon as @VicGovAu's guests #SpringSt #VicTheStartUpState

He announced it to 2000 people at Sydney town hall with great fanfare. You will recall that he said at the time that no taxpayers money was spent on attracting StartCon to Melbourne, so perhaps he flew to the Sydney town hall at his own expense. If he did not, it was paid for by some form of ministerial budget or by his own electorate office budget and was therefore paid for by the taxpayer. There was taxpayers money involved.

On 3 March 2016, not that long after Minister Dalidakis invited all the innovation ministers to come to Melbourne for StartCon 2016, the website StartupSmart.com.au revealed that it was not going to happen. A headline on the site read 'Australia's biggest start-up conference won't be moving to Melbourne after all'. I quote from the article:

> It was the ultimate coup: on the steps of the Sydney town hall, with a beaming smile on his face, Victorian minister for innovation … announced that Melbourne had stolen Australia's biggest start-up conference from its arch rival.
>
> …
>
> But it wasn't to be.
>
> Announced on Thursday, StartCon will be taking place in November at the Royal Randwick racecourse — yes, back in Sydney.

So the thing he was gloating about, the thing he was talking about that he had stolen from Sydney with great fanfare, was in fact being held at Royal Randwick racecourse in Sydney. The article went on:

> A spokesperson for the state government tells StartupSmart they expect StartCon to be held in Melbourne next year —

that is, 2017. The article quotes the spokesperson:

> 'The contractual negotiations to host StartCon in Melbourne are continuing and while the negotiations have not progressed as quickly as we would have liked we are committed to supporting the start-up ecosystem, here and across Australia …
>
> 'For this reason we are comfortable with the conference being held at the Royal Randwick racecourse this year — it's better that the 2016 conference go ahead rather than be delayed and support no-one'.

Freelancer CEO Matt Barrie told StartupSmart.com.au that the conference had been running in Sydney since it was founded in 2009. He is quoted as saying:

> 'Our roots are in Sydney, and we cannot ignore that.
>
> 'We're going to focus on giving Sydney and Australia an even better conference and look at doing more cities in 2017'.

It all started to unravel then. The minister, who was clearly suffering from premature edification, went out to Sydney and talked to everybody about how he had stolen this conference. But it was all too quick, because he had not done the deal.

On 9 March 2016 it was complete embarrassment for the Andrews Labor government. I suspect that Minister Dalidakis was not the Premier's favourite person that day, because after questions raised by this opposition in state Parliament the *Herald Sun* reported that the 2016 start-up event would remain in Sydney and not move to Melbourne. It said it was an 'embarrassing blow for the Andrews government'.

If we talk about consistency in any form, an embarrassing blow for the Andrews government is almost a weekly event, be it in innovation, small business, jobs, trade, law and order, health or public transport. The list goes on. There are weekly embarrassments for the Andrews Labor government. Quite frankly the *Herald Sun*, if I can paraphrase, probably summed it up well: the Andrews Labor government is an embarrassment to Victoria.

On 17 May 2016 Minister Dalidakis was quite upset that he was not given the opportunity to answer the questions he wanted to answer at the Public Accounts and Estimates Committee hearings. The Department of Economic Development, Jobs, Transport and Resources secretary, Richard Bolt, was asked the questions, and Minister Dalidakis was not happy about that. He said he wanted to answer them, but the committee said, 'No, we're asking Mr Bolt these questions'. Mr Bolt gave us a frank and full answer. When asked about StartCon 2016 he said this:

> The best advice I can give the committee is that it was not possible on the briefing that I have before me to execute agreement with Freelancer.com in time to bring StartCon to Melbourne in 2016. It is not an ambition that the Victorian government and the minister, as I understand, have relinquished. LaunchVic is now established, so 2017 still remains a possibility for Victoria …

He went on to say:

> The second observation I was making, Mr Morris —

the deputy chair of the Public Accounts and Estimates Committee —

> is that interest in hosting this event in Victoria has not been relinquished by the government or the minister. With LaunchVic now up and running, then we are looking to the future.

Mr Morris then asked Mr Bolt:

> So do you think the decision to promote it on the date that it was promoted to be held on was rushed?

Mr Bolt, the departmental secretary, said:

> I really could not offer an opinion on that, Mr Morris. I think that the idea of Victoria becoming a significant start-up location and a stronger start-up location is clearly government policy. It is a ministerial commitment. It is something the department is very keen to assist the government to do, and we are looking to the future. At this point I would not reflect on whether or not certain things should or should not have been said.

Is there a more damning comment by a departmental head about their minister that we have ever seen? If you were reading into this at all, clearly Mr Bolt, as departmental secretary, was not happy that his minister went to Sydney with great fanfare and announced StartCon for Melbourne for 2016 without checking with the department. It was a simple case of premature edification.

On 23 September 2016 StartupSmart.com.au revealed in an article that Minister Dalidakis had pulled the plug. The article states:

> The Victorian government says it will no longer be providing support to bring the StartCon conference to Melbourne and will instead be providing funding to three other tech conferences with a particular focus on cultural and gender diversity.
>
> Last year, Victorian minister for innovation Philip Dalidakis announced the SydStart conference, the biggest start-up event in Australia, would be coming to Melbourne from this year and be rebranded to StartCon with $1 million in government funding and in-kind marketing.

I remind you that this was for a conference that was held at Royal Randwick in Sydney. One million dollars in government funding and in-kind marketing was

offered by the Victorian Minister for Small Business, Innovation and Trade for a conference that was going to be held in Sydney. I know that he turns his mind to export, but never did we think he would pay money for a product to be exported to New South Wales. Never did we think that. Maybe his own KPIs reflect that anything is good enough, and certainly we see that from the government as they become an embarrassment week after week. The article on StartupSmart.com.au goes on to say:

> But earlier this year it was revealed the conference would be staying put in Sydney for 2016 due to prolonged negotiations between StartCon organiser Freelancer and the state government.
>
> Now Dalidakis says the government will no longer be backing the conference.
>
> 'We've not been able to finalise that deal with (Freelancer CEO) Matt Barrie', Dalidakis tells StartupSmart.
>
> 'I wish him and Freelancer all the best'.

They fell out of love. They went from being great mates on the steps of Sydney town hall, announcing to 2000 people that StartCon was coming to Melbourne with $1 million in government funding and in-kind marketing, to the conference remaining in Sydney. The article goes on:

> StartupSmart understands that the decision was due to StartCon's lack of desire to negotiate with the government and to implement diversity metrics for the conference.
>
> The SydStart conference last year was heavily criticised for an all-male first round of speakers, but Barrie says this year's instalment is different.
>
> 'We have a huge line-up of female speakers', Barrie tells StartupSmart.
>
> 'It's not 50-50 — the tech industry isn't 50-50'.

And then he got angry. He got angry because Minister Dalidakis had shifted the blame to him. After standing on the steps of Sydney town hall Superman style with his hand on his hips and announcing to the world that he alone had rescued the world by stealing StartCon from Sydney and bringing it to Melbourne in 2016, it turned out to be nothing. Maybe Superman got hit by kryptonite in the process. I do not know, but he has failed Victoria.

What did StartCon do for 2016? It introduced what it called the Dalidakis double deal for Victorian residents. Understandably Matt Barrie felt he had been done over by the minister, so he offered a two-for-one deal for Victorian residents.

Matt Barrie is the CEO of Freelancer.com — the man who Mr Dalidakis embraced. The minister talked about how he was stealing this conference from Sydney for $1 million of Victorian taxpayers money to bring it to Melbourne, but it ultimately stayed in Sydney. Matt Barrie said this online:

> Last week I received a phone call from Dinushi Dias, a journalist from StartupSmart, asking me why StartCon hadn't moved to Melbourne in 2016. I was confused when she said that Philip Dalidakis (Minister for Small Business, Innovation and Trade in Victorian government) had just told her in an interview that the reason they pulled out of sponsoring StartCon was because we refuse to meet their gender diversity requirements.

Mr Barrie went on to say:

> This couldn't be further from the truth. We have not had a single conversation with anyone from the Victorian government, or LaunchVic, about gender diversity.

He attached all the correspondence and the documentation on his website so we could all see it. He continued:

> The reason StartCon didn't go to Melbourne this year is because Philip Dalidakis and his team couldn't deliver on what they agreed upon in a signed letter. The minister and his team tried to retrade on multiple points, including marketing support, and his department were unable to turn around a basic sponsorship agreement in five months despite repeated prodding, to the point of absurdity.
>
> Absurdity, in that our deputy CFO got sick of prodding so many times, his emails deteriorated to single question marks.

I have to say Minister Dalidakis does have a reputation for not responding to letters and emails. Many people I talk to in industry, in small business and in trade and innovation can quote the dates when they have written to Minister Dalidakis, and they have heard zilch. He is quite prepared to get on a plane at taxpayers expense, go to Sydney and announce a great conference coming to Melbourne that did not end up coming to Melbourne.

Matt Barrie went on to say:

> Dalidakis signed the original letter with sponsorship terms in October 2015. Given we had reached agreement on the deal points quickly (I had complimented originally that they had acted at 'startup speed'), I thought that following up with the long form agreement would be a fairly simple process.
>
> After this original signed agreement dated October 2015, the government's follow-up proposal (provided two months later in December) was 6000 words and 26 pages long and bore no resemblance whatsoever to the minister's signed sponsorship letter.

There is a surprise! He says one thing and he does another. He says in a letter he is sponsoring StartCon. He gives a commitment to StartCon, and then when it gets to the truth of the matter, he backs away. He has form — —

The ACTING PRESIDENT (**Mr Finn**) — Order! Mr Ondarchie, it being 5 o'clock I must interrupt the proceedings of the house for statements on reports and papers.

Mr Ondarchie — Can we record I have still got 45 minutes to go?

The ACTING PRESIDENT (**Mr Finn**) — Order! You do have 45 minutes to go, and that will be recorded. We will not forget; there is no chance of that.

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS AND PAPERS

Department of Treasury and Finance: budget papers 2016–17

Ms BATH (Eastern Victoria) — This afternoon I am going to speak on the Victorian 2016–17 budget, specifically on royalties. I note that according to its budget the Victorian government is expected to reap more than $252 million through the coal royalties tax over four years. I think that certainly had an impact on the decision of the Hazelwood power station to close, given the impost of that extra tax. The *Age* tells us — today I think it might have been — that the AGL Loy Yang coal-fired power station in the Latrobe Valley in my electorate has announced that the threefold increase in royalties tax will add almost $35 million to its annual operating costs. The other point is the Latrobe Valley supplies about 85 per cent of the electricity for the entire state of Victoria.

Compounding this are concerns around affordability not only for industry but for consumers paying their bills, and the closure of Hazelwood will have a great impact. We have heard through a variety of media channels that householders should brace for steep rises in their power bills as the wholesale price increases. There are certain, I guess, discrepancies over the actual percentage rise. The government says it is around 4 per cent to 8 per cent, but other modelling has shown it could be as high as 20 per cent by the end of next year following Hazelwood's closure. With consumers already hurting from inflated electricity costs, the consequences for the state are certainly dire.

Speaking to those operators in the industry who have had decades of experience in power systems — they know how to produce electricity and they know what the system is — they tell me that it is not just the quality of baseload power that is important in keeping the prices affordable but the quality of electricity being produced. Inertia from large turbines such as those in existing coal-fired power stations provide stability and security to the supply grid.

The government certainly has had a policy since 2010 to close the Hazelwood power station. I fail to see why the closure could not have been managed better over a longer period of 12 months or more, with the government working with Engie, the workers and the unions to reduce the negative impact and to allow the older workers within the mine to retire first and give younger workers a pathway to transition through training to other plants. Alarmingly it is the younger generation with hefty mortgage commitments and children who will now struggle to meet their financial obligations when the power station closes.

Sadly, unemployment continues to rise in Latrobe city from 7.3 per cent in December 2014 to currently 10.7 per cent in the City of Latrobe. In Morwell in fact the rate is 19 per cent. Given these alarming and ever-growing rates, one can only wonder how the government will be able to garner new employment opportunities and provide certainty for our community members in the Latrobe Valley. With potentially more than 1000 jobs to be lost at the closure of this major employer, there will be a certain domino effect on local businesses, tourism, construction, hospitality and leisure industries. The ramifications will certainly be felt far and wide.

Mary Aldred is the chair of the Committee for Gippsland and does a great job. She talks about the Committee for Gippsland recognising that the generator business in and around the valley supplies 3000 direct jobs tied to the Latrobe Valley power stations and more than 1000 subcontractors.

The Victorian government has played a major role in this closure. A forward planning government would have considered an integrated approach to minimise the impact on the community. When workers and representatives are asking for such gains, one question is: why was this not taken into account?

When we look to the future, it is particularly concerning that the consequences of this closure will be on (a) jobs, (b) the community in that area already under stress and (c) increasing prices across the board in terms of affordability for families and industry. It has a great potential to cripple this state.

Victorian Equal Opportunity and Human Rights Commission: operation of Charter of Human Rights and Responsibilities

Mr EIDEH (Western Metropolitan) — I rise to speak on the 2015 report on the operation of the Charter of Human Rights and Responsibilities. This is a very important report, and I thank Mr Michael Brett Young who led this review which considered ways to enhance the effectiveness of the charter and improve its operation. This report coincided with the eight-year review of the charter, which allowed for deeper insight into and reflection about the effectiveness and operation of the charter.

The report focuses on the protection and promotion of four fundamental rights under the charter: the right to equality, the right to protection of families and children, cultural rights, and the right to liberty and security. Human rights belong to all Victorians, and it is a shared responsibility to protect them. Ensuring the rights of all Victorians not only leads to better outcomes at an individual level, it strengthens the community. The Charter of Human Rights and Responsibilities Act 2006 seeks to protect and encourage human rights for all Victorians. The report states that:

> human rights are essential in a democratic and inclusive society;
>
> human rights belong to all people without discrimination;
>
> the diversity of the people of Victoria enhances our community;
>
> human rights come with responsibilities;
>
> human rights have a special importance for Aboriginal Victorians.

As I said, this report coincided with the eight-year review of the charter, which sought to understand and more deeply reflect on the effectiveness and operation of the charter. The report states that:

> In the past few years, the commission has observed a declining investment in human rights education and the development of a human rights culture within government.

There is always more that can be done, and reports like this one shed much-needed light on areas which can be improved. There continue to be issues which affect everyday Victorians, including children and young people, women, people with disabilities, LGBTI Victorians, and Aboriginal and Torres Strait Islander Victorians. There need to be continued strong human rights leadership and a sustained commitment to change. These are critical to tackle many of these complex and multifaceted human rights issues.

We on this side of the house are proud of the measures we have already put in place to generate a culture change within government. It was our government that appointed Victoria's first gender and sexuality commissioner and established the LGBTI task force. In addition to this, the report acknowledges the other great examples of leadership in advancing gender equality across government. Victoria Police commissioned an independent review into sex discrimination and sexual harassment, including predatory behaviour within the organisation; and the Department of Environment, Land, Water and Planning demonstrated a genuine commitment to flexible work practices.

Whilst there is always room for improvement, our government is proud of the legacy of change we are implementing. I commend this report to the house.

Environment, Natural Resources and Regional Development Committee: Country Fire Authority Fiskville training college

Mr MORRIS (Western Victoria) — I am making some comments about the final report of the inquiry into the Country Fire Authority (CFA) training college at Fiskville. They are made in the context of some startling revelations that have come to light of late — that is, with regard to what we have seen in the test results on some water at the Metropolitan Fire Brigade training centre at Craigieburn. We all well know what happened at CFA Fiskville. There was some contamination of the water with perfluorooctane sulfonate, and as a result of that contamination the government decided that Fiskville was going to close.

What I am really concerned about and hoping to raise is the double standard that we are seeing from the government with regard to its treatment of Fiskville and the training centre at Craigieburn, which I might point out is controlled in effect by the United Firefighters Union (UFU) — the union that our Premier, Daniel Andrews, has backed over his own then minister in Jane Garrett. He is the same Premier who has backed the UFU over the tens of thousands of CFA volunteers who fight fires in our fire season each and every year, saving lives and property, as well as working throughout the year to ensure that we are kept safe. This UFU that controls the Craigieburn site is the one that the Premier has chosen over the great volunteers and the great organisation that is the CFA here in Victoria.

If we have an issue with contamination of water at Craigieburn, one would expect to see the government taking exactly the same steps as it took at Fiskville. You might expect to see a parliamentary committee conducting an investigation, as did occur at Fiskville,

with the Environment, Natural Resources and Regional Development Committee inquiry into the contamination at Fiskville and indeed the appropriate response. But no. What we see with this government is that it just turns a blind eye. It says, 'Everyone's going to be fine. The same contaminant that caused the closure of Fiskville can just be completely ignored at Craigieburn. It's all fine and we'll continue as usual'.

However, I think it is important that measures are taken to ensure the safety of all those at that site. I certainly concur with the member for Gembrook in the other place, the shadow emergency services minister, Mr Battin, who has called for the site to be closed until the safety of the site can be guaranteed. If it was good enough for Fiskville, one would imagine that to be consistent this government needs to do the same at Craigieburn.

Commission for Children and Young People: compliance with intent of Aboriginal child placement principle

Ms SPRINGLE (South Eastern Metropolitan) — I rise today to speak to the Commission for Children and Young People's report *In the Child's Best Interests*, which is the commission's report of its inquiry into compliance with the intent of the Aboriginal child placement principle in Victoria.

Child protection is a particularly vexed issue for many of Victoria's Aboriginal communities. On the one hand, the state does have a responsibility to ensure that each and every Victorian child is protected from harm, abuse and neglect in cases where natural parents cannot do so, for whatever reason. On the other hand, the removal of Aboriginal children from their families has so often meant their removal from their communities and therefore also from their cultures and source of strength and identity.

As a nation we all became fully aware of the consequences of separating Aboriginal children from their communities and cultures when the *Bringing Them Home* report was published and tabled in 1997. The Aboriginal child placement principle is a fundamental principle which is supposed to guide the placement of Aboriginal and Torres Strait Islander children who are removed from their natural parents.

It was first articulated by Aboriginal community-controlled organisations in the 1980s and has since been endorsed in a Victoria's Children, Youth and Families Act 2005, which is the legislation that governs the child protection system here. It is the underlying intent of the principle that Aboriginal children should wherever possible remain in the care of their extended families. If that is not possible, the next best options are, in this order: placement with another Aboriginal family from the local community, placement with another Aboriginal family elsewhere and, lastly, placement with a non-Aboriginal family with the assurance that the child's culture and identity will be maintained through regular contact with his or her natural family and community.

The Department of Health and Human Services child protection division is statutorily bound to comply with the Aboriginal child placement principle, which is very clearly set out in legislation. It is therefore deeply shocking to read in this report of the commission's inquiry that there is what the commission has described as minimal compliance with the principle by the department in its overall practices. It seems that while appropriate policies and procedures are in place, the practical implementation of those policies and procedures is sorely lacking. Time and time again the commission found that the department was not able to produce data to show its compliance or otherwise with the requirements of the Aboriginal child placement principle. Perhaps most shockingly of all — and I quote here from the report:

> File reviews showed that not one Aboriginal child experienced complete compliance with all ACPP requirements.

On the eve of the 20th anniversary of the *Bringing Them Home* report into the stolen generation, we have here a document that shows a truly terrible record of non-compliance with fundamental statutory requirements in relation to the protection of Aboriginal children in Victoria. The awful irony here is that the non-compliance is by the very department that is tasked with the protection of children. In other words, it is clear that at least for the time period covered by this report the department has failed to adequately protect Aboriginal children for whom it is responsible.

The one cause for optimism is that the period covered by this inquiry ended in December 2014. There have been reforms since then, most notably the Aboriginal principal officer reform, which allow Aboriginal organisations to take over the role of the department with respect to particular Aboriginal children. Ultimately this report is merely the latest in a long series of reports which detail failure after shocking failure by Victoria's child protection authorities under multiple ministers and multiple governments.

Environment, Natural Resources and Regional Development Committee: Country Fire Authority Fiskville training college

Mr RAMSAY (Western Victoria) — My statement on a report tonight is in relation to the government response to the inquiry into the Country Fire Authority (CFA) training college at Fiskville. I was pleased to see my parliamentary colleague and colleague of Western Victoria Region raise a similar issue to the one that I wish to raise tonight as well. Given the Fiskville CFA firefighter training facility was such an important place for firefighters in south-west Victoria, it is not unnatural that both of us would be concerned about the events that have led to readings of perfluorooctane sulfonate (PFOS) found in water samples at Craigieburn, the much-heralded new Metropolitan Fire Brigade firefighting training facility, which has been long supported by the United Firefighters Union (UFU) as a state-of-the-art facility with a closed water reticulation system that provides significant improvement in safety for firefighters well over and above what was provided at Fiskville.

That might well be the case, given Craigieburn cost just under $300 million and does have the state-of-the-art water reticulation and firefighting practice area for drill (PAD). But the point I want to make is that the government through the board and then through the UFU made the decision to close Fiskville given the concentrations of PFOS found in only two water samples at two different points of the PAD. They did that on the basis of evidence provided by different academics and toxicologists who said that in fact those PFOS samples could prove harmful to staff and firefighters using the site at Fiskville and to the water. Well, interestingly enough, and I quote the government's response:

> The government acknowledges the committee has not completed its important inquiry, but made its interim report on the basis of its 'concerns about the environmental and health impacts of the spread of PFOS …

As Mr Morris rightly said, if that is the case, why is the government not being consistent in not suspending operations at Craigieburn and calling for its closure, as the shadow Minister for Emergency Services, Brad Battin, has recently called for? It is strange to see the UFU actually deadly quiet on this issue. In fact they were going to make a statement on Friday, but we have heard nothing from the UFU — absolutely nothing — yet during the Fiskville inquiry and prior to that they were screaming for blood for the closure of Fiskville because of water contamination at that site. We have the same sort of contamination at Craigieburn and not a sound from the UFU.

I think what is even more interesting is that the inquiry, the committee of which I was a part of, made recommendations in relation to the danger of PFOS, which is an additive to firefighting foam. One of the companies that was providing evidence to that committee actually has complained to the secretariat of that committee to say that in fact their comments were taken out of context and inaccurate and that they were looking for retractions. They provided a letter that says:

> Recent scientific research confirms the lack of adverse effects in occupational workers (as well as in the population at large) resulting from exposure to PFAS.

It goes on to conclude:

> … 'the epidemiologic evidence does not support the hypothesis of a causal association between … PFOS exposure and cancer in humans'.

That sort of text and that sort of research actually makes a mockery of the reasons why Fiskville was closed, because it was done on the basis that in fact PFOS was found and proven harmful by all of these experts that were associated with it. Clearly this company and many other experts, including regulatory agencies, are not of that view. In fact the company goes so far as to say:

> … 'In humans, research has not conclusively demonstrated that PFCs are related to specific illnesses, even under conditions of occupational exposure'.

So we have a quandary here. We have had a Fiskville training site close because of supposed PFOS contamination. Craigieburn is still operating with PFOS contamination, and now there is new evidence to suggest there is no direct link between PFOS and illnesses associated with occupational hazards.

I really believe we need a whole new review of the testimony provided for the committee regarding the closure of Fiskville. We also need a review of why Craigieburn has not been closed, which it should have been if the government were to be consistent with the position it took on Fiskville. We also need to re-examine what the effects of PFOS really are to the environment and to the occupational workplace in terms of dangers to human health and potential cancer-causing chemicals.

Auditor-General: *High Value High Risk 2016–17 — Delivering HVHR Projects*

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the Victorian Auditor-General's report entitled *High Value High Risk 2016–17 — Delivering HVHR Projects*. Victoria is a booming state in terms of its capital investment. In June 2016 the total estimated investment of high-value, high-risk (HVHR) projects was around $40 billion. In 2016–17 capital investment is estimated at $57.7 billion. This comprises the total in new and existing capital projects in the current budget papers.

In 2010 the government introduced a high-value, high-risk project assurance framework and budget process in order to minimise any risk in the execution of these projects. A project is classified as high risk if the total estimated investment is greater than $100 million and it is funded through the budget process, regardless of funding source. The report defines high-risk investment and outlines an appropriate risk assessment process, and it specifically identifies those projects that require a higher level of attention. This process forms part of the investment life cycle framework.

The reason for instituting this process for high-risk projects is to safeguard Victoria's investments in development and provide a mechanism for the management of possible mistakes. It also increases the prospects of timely project delivery and consolidates tangible benefits for all Victorians. According to the report, this is the third in a series of audits on the HVHR process.

The report highlights the fact that the Department of Economic Development, Jobs, Transport and Resources currently does not have representation on the project-level committees. It is considered advisable for a representative to be present at those committee meetings. While the department is provided with adequate information regarding the identification of and monitoring of known risks to HVHR projects pertaining to untoward delays affecting timely delivery, and it manages to provide sufficient advice to the Treasurer regarding any looming significant risks, it is heavily reliant on timely and accurate reporting by agencies.

All in all, the report states that of the three previous Victorian Auditor-General's Office (VAGO) audit recommendations nearly all are in the process of implementation, and although further work is still ongoing from HVHR recommendations, in most instances there have been noteworthy improvements in the process. However, VAGO has made three essential and useful recommendations that, if implemented, will improve the current quality of HVHR monitoring and reporting, and I support them all.

Greyhound Racing Victoria: report 2015–16

Ms PENNICUIK (Southern Metropolitan) — I would like to make a statement tonight on the Greyhound Racing Victoria (GRV) annual report for 2015–16 and particularly on pages 12 and 13 of the report. Page 12 has the heading 'Every Greyhound Comes First'. It starts by saying:

> GRV's reform program was very much focused on animal welfare in 2015–16 …

I wonder why that focus on animal welfare came about in 2015–16, after the live baiting scandals that were revealed in 2015! It goes on to say:

> … a range of initiatives were implemented which are beginning to deliver positive outcomes. However, the biggest and most important challenge is to ensure that every greyhound enjoys a full life on the track and in the community.

The very next sentence says:

> In 2015–16, 3012 greyhounds registered in Victoria were euthanased in the state and interstate according to euthanasia certificates supplied by veterinarians.

Apart from 3000 greyhounds being an unacceptable figure, it is completely at odds with the estimate that was made by the Victorian racing integrity commissioner in 2015. He estimated that as many as 4000 greyhounds are killed every year in Victoria before their fifth birthday. Others say the figure is higher. This throws a cloud of doubt over the figure published in this report. It says:

> Reasons provided included injury, illness, aggressive behaviour, owners unable to find homes and end-of-career decisions by owners.

It says:

> GRV considers this figure completely unacceptable …

That is the first time that it has done that.

If you turn over to page 13, table C lists the number of injury incidents, injury rates and severity in Victorian race meetings between 1 July 2014 and 30 June 2016. The table presents a number of categories of injury, but if you add them up per 1000 starters — and Greyhound Racing Victoria is saying around 4000 pups are whelped — it comes to a total of 73 injuries in that period, which firstly is unbelievable and, secondly, means that if you were to take the figures that are

presented in this report as accurate, of those 3000 greyhounds that Greyhound Racing Victoria say were euthanased in the last year only 73 of them — or less than 73 of them, because the table goes for a longer period — were actually as a result of injury. I would suggest that most of them were a result of end-of-career decisions by owners or that the dog was not winning races or competitive in races. This is really the fundamental problem with greyhound racing.

The Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales found the following problems: the overbreeding of dogs, the inability to rehome them and the extensive rate of injury on the track cannot be overcome in the industry and for the industry to remain 'sustainable'.

At the bottom of page 12 the annual reports states:

> Finding homes for greyhounds that have finished racing or never made it to the track —

never made it on the track'; that is my emphasis —

> is also critical in ensuring every greyhound is rehomed.

Then there is table B, which shows the number of Greyhound Adoption Program (GAP) adoptions in 2011–12 to 2015–16 — that is, over a four-year period — was 895. Again, the special commission of inquiry found that even with the best will in the world by the greyhound racing industry and the greyhound adoption programs, be they the GAP or other programs, greyhound racing would be unable to rehome greyhounds to the extent that is required to reduce the number of dogs that are euthanased by the industry.

This report is very interesting reading. It is at odds with a lot of other information that is out there in the community. The racing integrity commissioner, when he estimated up to 4000 greyhounds are killed in the industry a year, called for an independent review and inquiry into the number of dogs euthanased. I for one do not want to take the word of Greyhound Racing Victoria on its figures. I think this report in fact emphasises why we do need that independent review.

Department of Treasury and Finance: budget papers 2016–17

Ms LOVELL (Northern Victoria) — I rise to speak on the budget papers for 2016–17, and in particular I would like to talk about road asset management, which is in budget paper 3, pages 150 to 151. In this budget paper we see that the government has actually cut the funding for road asset management. What we are seeing right around country Victoria is roads crumbling and actually very unsafe roads. There are very large potholes, almost to the point of being sinkholes, everywhere. Someone spoke earlier today about the B-doubles in their area having to actually divert across double lines to pass through roads safely. It is not safe if you are on the wrong side of double lines. This is what is happening right throughout country Victoria.

Last week I did a survey via Facebook about country roads in my region and the ones that people were extremely concerned about, because I was getting a lot of feedback from people, particularly about the Murchison-Tatura Road. We have seen a wet winter. The roads were already bad and now they are crumbling, and they need significant investment from this government.

But what has this government actually done? In the final year of the former government, in 2014–15 the actual figure for road asset management was $489 million. But in 2015–16 we see that the expected outcome was only $419 million, so that is $70 million less than in the final year of the former government. The 2016–17 target of $440.3 million is also another $45.7 million less than it was in 2014–15. That is $115.7 million — nearly $116 million — that this government has cut out of its road asset management budget just in its first two years in office.

On top of that the government also cut the country roads and bridges program funding that went to local councils. At $40 million a year, there is another $80 million that has been cut from road maintenance in this state. Almost $200 million has been cut from road asset management. We see that the pavement resurfacing targets in regional Victoria were also cut by 4.5 per cent, so less resurfacing has been done, purposely, by the government; and that has led to our roads being extremely unsafe.

The roads that were mainly mentioned in the survey that I undertook were C357, the Murchison-Tatura Road; C369, the Mooroopna-Murchison Road; C351 both from Kyabram to Echuca, and also the Kyabram through Lancaster-Mooroopna section. Other roads that were included as roads that people were significantly concerned about were C355 from Mooroopna to the Murray Valley Highway; C354 from Merrigum to Lancaster; C361 from Numurkah to Nathalia; and C348 from Rushworth to Stanhope.

The intersection of the Midland Highway and Archer Street was also nominated, and it has a significant pothole on it that is doing real damage to people's cars. When you look at it, it is more of a sinkhole. It is a very deep hole that needs to be repaired. The end of the

duplicated section of the Goulburn Valley Highway, which is A39, as you approach Kialla West from Melbourne, was also nominated because it is really terrible at the moment; and some areas of the Goulburn Valley Highway within the township of Shepparton, such as on Wyndham Street and the service road and Numurkah Road. These roads have all been nominated. They are just the tip of the iceberg. The government has cut funding for resurfacing and maintenance of roads, and it is making country roads particularly unsafe for country people to travel on.

This government must provide significant investment in country roads. It must also give significant investment to local councils for their investment in country roads. They also need to look at what they pay to motorists whose cars are damaged on these roads, because at the moment the cap of $1200 prevents a lot of people from claiming some of the costs for damage that has been done to their cars.

MEDICAL TREATMENT PLANNING AND DECISIONS BILL 2016

Statement of compatibility

Ms MIKAKOS (Minister for Families and Children) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Medical Treatment Planning and Decisions Bill 2016.

In my opinion, the Medical Treatment Planning and Decisions Bill 2016 (the bill), as introduced to the Legislative Council, is compatible with the human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill establishes a new scheme of medical treatment planning. It consolidates the laws relating to medical treatment decision-making, in line with contemporary views about personal autonomy and how people participate in decisions about their own health care.

The bill establishes, among other things, the following mechanisms: the making of advance care directives, which enable a person to give binding instructions or express preferences and values in relation to the person's future medical treatment; the appointment by a person of a medical treatment decision-maker, who may make medical treatment decisions for the person when the person does not have decision-making capacity; the appointment by a person of a support person, who may support the person in making decisions regarding medical treatment; and a scheme for the making of medical treatment decisions on behalf of persons who do not have decision-making capacity in other circumstances.

The bill aims to enhance people's ability to ensure that their preferences and values direct decisions about their medical treatment. It also aims to provide greater clarity and support for people responsible for making medical treatment decisions on behalf of others, and for health practitioners interacting with people in their care.

Human rights issues

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

The human rights protected by the charter that are relevant to the bill are: the right not to be subjected to medical experimentation or treatment without consent under section 10(c); the right to privacy under section 13(a); the right to equality before the law under section 8; the rights of children under section 17(2); and the right to freedom of conscience under section 14.

Medical treatment without consent

Section 10(c) of the charter provides, relevantly, that a person has the right not to be subjected to medical experimentation or treatment without their full, free and informed consent. In addition, section 13(a) of the charter protects a person's right not to have their privacy unlawfully or arbitrarily interfered with. This right extends to privacy in the sense of bodily integrity, which involves the right not to have our physical selves interfered with by others without our consent. The purpose of these rights is to protect the individual's personal autonomy and integrity. They recognise the freedom of individuals to choose whether or not they receive medical treatment or participate in medical experiments.

The bill provides that an adult is presumed to have decision-making capacity with respect to medical treatment unless there is evidence to the contrary. Medical treatment in the absence of explicit consent will only occur in confined circumstances. The bill also sets out a number of principles to which any person exercising powers or performing functions or duties must have regard. These principles recognise and protect a person's right to make informed decisions about their medical treatment, and seek to ensure that a person's preferences, values and personal and social wellbeing direct decisions made about their treatment when they are unable to make relevant decisions.

A number of clauses in the bill enable the provision of medical treatment in circumstances where a person lacks capacity to consent to that treatment. These provisions interfere, to varying degrees, with the right not to be subjected to medical experimentation or treatment without consent. However, in my view each of these interferences is reasonable and justified, and therefore compatible with the rights contained in sections 10(c) and 13(a) of the charter.

Medical treatment in accordance with an advance care directive

Under clause 13 of the bill, any person who has capacity, including a child, may give an advance care directive. An advance care directive may contain an 'instructional directive' or a 'values directive'. An instructional directive is an express statement of a person's consent to, or refusal of, medical treatment, and takes effect as if the person has consented to or

refused the treatment. A values directive is a statement of the person's preferences and values in respect of medical treatment decisions.

Under clause 60 of the bill, if a person has given an advance care directive and does not have decision-making capacity at the time a decision needs to be made about medical treatment, a health practitioner must, as far as reasonably practicable, give effect to any relevant instructional directive. If the instructional directive refuses particular treatment, the practitioner must withhold or withdraw that treatment. If the instructional directive consents to particular treatment, the practitioner may administer that treatment if the health practitioner is of the opinion that it is clinically appropriate to do so. The practitioner must also, as far as reasonably practicable, consider any values directive in offering and administering treatment.

Under clause 75 of the bill, a medical research practitioner may administer a medical research procedure to a person in circumstances where they do not have decision-making capacity if, among other things, the person has consented to the procedure under an instructional directive.

Clauses 60 and 75 therefore provide for the administration of treatment and procedures where a person lacks decision-making capacity at the relevant time but has given an instructional directive consenting to such treatment or procedure.

In my view, medical treatment or a medical research procedure in accordance with an instructional directive does not interfere with the rights under sections 10(c) and 13(a) of the charter, as the person has provided consent. On the contrary, advance care directives promote these rights. Through an instructional directive, a person can choose in advance whether or not to receive a particular treatment or research procedure. The bill makes those choices binding on the person's health practitioner and medical treatment decision-maker, if the person does not have decision-making capacity.

There are stringent requirements that apply to the making of a valid advance care directive. Under clause 13(a), a person must have decision-making capacity in relation to, and understand the nature and effect of, each statement in the directive. Under clause 17, two adult witnesses must certify on the directive that the person appeared to have decision-making capacity in relation to each statement, appeared to understand the nature and consequences of each statement, and appeared to freely and voluntarily sign the document. For a person under the age of 18 years, one of the witnesses must be a medical practitioner or psychologist with prescribed training and experience. This important safeguard reflects the unique challenges in assessing the capacity of children.

The bill also creates several offences to ensure the integrity of advance care directives. Clause 14 makes it an offence to, by dishonesty or undue influence, induce another person to give an advance care directive. Clause 15 makes it an offence to knowingly make a false or misleading statement in relation to another person's advance care directive.

Pursuant to clause 20, an advance care directive may only be amended or revoked in accordance with these same formal requirements that apply to their making. Clause 21 provides that, if a person attempts to amend or revoke an advance care directive other than in accordance with these formal requirements, the document does not take effect. However, the document may nevertheless constitute a statement of the person's preferences and values that may be taken into account by a medical treatment decision-maker. This seeks to preserve the integrity of properly given advance care directives, while ensuring that a person's preferences and values are always considered when they can be identified.

The effect of these provisions could be that, if a person changes their mind about their future treatment, but cannot comply with the formal requirements to amend or revoke a relevant directive, they may be subject to treatment or a research procedure from which they have withdrawn their consent. In these circumstances, the bill may limit the right under section 10(c) and interfere with the right to privacy under section 13(a) of the charter.

In my opinion, however, any interference in these circumstances is justified under section 7(2) of the charter and, with respect to the right to privacy, neither unlawful nor arbitrary. The formal requirements for advance care directives ensure that a person has the decision-making capacity to give an advance care directive. They provide clarity as to a person's instructions, preferences and values if they lose decision-making capacity. If advance care directives could be amended or revoked informally, these purposes would be undermined.

Furthermore, in addition to the requirement that informal amendments to an advance care directive be taken into account by a medical treatment decision-maker, under clauses 22 and 23 of the bill, the Victorian Civil and Administrative Tribunal (VCAT) may revoke, vary or suspend all or part of a directive. VCAT may also declare that a directive is invalid.

VCAT's power is constrained to ensure that it is also compatible with the human rights of the person in question. Before making an order, VCAT must be satisfied that the order is consistent with the person's known preferences and values, and their personal and social wellbeing. VCAT must not revoke, vary or suspend an instructional directive unless it is satisfied that circumstances have changed such that the directive would no longer be consistent with the person's preferences and values, or that the person relied on incorrect information or made incorrect assumptions. Division 2 of part 6 permits a person to apply to VCAT for a rehearing of an application under the bill. These provisions authorise VCAT to rehear an application, and affirm, vary or set aside its original decision. They provide an added check on VCAT's powers under the bill.

Under clause 51, a health practitioner may refuse under part 4 of the bill to comply with a person's instructional directive if they believe on reasonable grounds that circumstances have changed such that the person's advance care directive is no longer consistent with their preferences and values, and the delay that would be caused by an application to VCAT under clause 22 would result in a significant deterioration of the person's condition.

This provision serves an important purpose. It recognises that, at some point after a person makes an instructional directive, circumstances may change such that the directive no longer reflects the person's preferences and values. Where it is impracticable in the circumstances for VCAT to formally amend or revoke the directive, clause 51 protects a person's

interest in receiving important medical treatment in accordance with their preferences and values. It strikes a balance between this interest, and the need to ensure clarity and certainty around the status of an advance care directive.

Clause 51 is subject to several limits which ensure that it is compatible with the rights under sections 10(c) and 13(a) of the charter. It only authorises a health practitioner to refuse to comply with an instructional directive for the purposes of a medical treatment decision under part 4 of the bill. The health practitioner must otherwise obtain or ascertain a medical treatment decision in accordance with the bill, such as by referring any medical treatment decision to the person's medical treatment decision-maker pursuant to clause 61. The criteria under clause 51 are narrow, and the health practitioner must have reasonable grounds for the required beliefs. In the absence of exigent circumstances, the primary avenue for varying or overruling a statement in an advance care directive is an application to VCAT under clause 22. Clause 51 only permits a health practitioner to refuse to comply with an instructional directive where that primary avenue is impracticable.

For these reasons, in my view medical treatment or a medical research procedure in accordance with an instructional directive in an advance care directive is compatible with the rights under sections 10(c) and 13(a) of the charter.

Medical treatment in accordance with the decision of a medical treatment decision-maker

Under clause 26 of the bill, an adult who has decision-making capacity may appoint another adult to be their medical treatment decision-maker in circumstances where they lose decision-making capacity. The appointee is the adult's medical treatment decision-maker if they are reasonably available and willing and able to make a medical treatment decision. If there is no appointed decision-maker or an appointed decision-maker is unavailable or unwilling to make decisions on behalf of a person, then the adult's medical treatment decision-maker is their guardian under the Guardianship and Administrations Act 1986 (if any), provided that the guardian has power to make medical treatment decisions and is reasonably available and willing and able to make a decision.

If the adult has no such guardian, then their medical treatment decision-maker is the first person of the following who is in a close and continuing relationship with them and who, in the circumstances, is reasonably available and willing and able to make a decision:

the spouse or domestic partner of the person;

the primary carer of the person;

the first (and if more than one, the oldest) of the adult child of the person, the parent of the person, or the adult sibling of the person.

An attorney under an enduring power of attorney who continues, under section 155 of the Powers of Attorney Act 2014, to have the power to make medical treatment decisions on behalf of a person is taken to be the person's appointed medical treatment decision-maker to that extent.

Pursuant to clause 60, if a health practitioner is administering medical treatment to a person who has neither decision-making capacity nor a relevant instructional directive, then the health practitioner must, as far as reasonably practicable, refer any medical treatment decision to the person's medical treatment decision-maker. Under clause 61(1), a person's medical treatment decision-maker may make a medical treatment decision on the person's behalf. Pursuant to clause 75(b)(ii), a person's medical treatment decision-maker can also consent to a medical research procedure on the person's behalf.

Clauses 60, 61 and 75 therefore provide for the administration of treatment and procedures where a person lacks decision-making capacity at the relevant time but has a medical treatment decision-maker who is available and willing to make decisions on their behalf.

At common law, the actions of an agent within the scope of their authority are attributed to the principal. Notwithstanding, to the extent that the consent of a person's medical treatment decision-maker may not be considered to be equivalent to the person's full, free and informed consent, the bill interferes with the rights under sections 10(c) and 13(a) of the charter by authorising a medical treatment decision-maker to make decisions about whether a person should receive medical treatment.

In my view, however, this interference is justified under section 7(2) and, with respect to the right to privacy, neither unlawful nor arbitrary.

The purpose of a medical treatment decision-maker is to enable a person who does not have decision-making capacity to have medical treatment decisions made on their behalf by an appropriate person. A person can exercise some control over their future treatment by appointing someone they trust to make decisions on their behalf. Alternatively, the bill enables people to have decisions made on their behalf by a person with whom they are in a close and continuing relationship, who can reasonably be expected to understand, and therefore make decisions based on, the person's preferences and values.

The bill establishes a number of safeguards to ensure that the decisions of medical treatment decision-makers do not disproportionately interfere with the rights of people without decision-making capacity under sections 10(c) and 13(a) of the charter.

Clauses 28 and 36 impose formal requirements for the appointment of medical treatment decision-makers. These requirements ensure that a person has the capacity to appoint their medical treatment decision-maker, and that the appointment clearly and accurately reflects the person's preferences and values.

Clause 43 gives VCAT oversight of appointed medical treatment decision-makers. On application or by its own motion in any hearing before it, VCAT may relevantly revoke or vary the appointment of a medical treatment decision-maker, or declare that an appointment is invalid. VCAT's power is constrained to ensure that its orders are compatible with the human rights of the person in question. Before making an order, VCAT must be satisfied that the order is consistent with the person's known preferences and values, and their personal and social wellbeing. VCAT must not revoke an appointment unless it is satisfied that the person does not have capacity to revoke the appointment, and that the appointee is not acting in accordance with the person's preferences, values and personal and social wellbeing, or is

not complying with the bill's requirements. VCAT may only declare an appointment invalid in limited circumstances, such as where the appointment was induced by dishonesty or undue influence.

Parts 4 and 5 of the bill contain further safeguards that apply to all medical treatment decision-makers. For example, under clauses 50(1) and 73(1), before administering medical treatment or a medical research procedure, a practitioner must make reasonable efforts in the circumstances to ascertain if the person has an advance care directive. Under clause 98, the operator of a health facility must take reasonable steps to ascertain whether an advance care directive is in force, in relation to any patient in the facility. If the operator ascertains that a patient has an advance care directive, the operator must take reasonable steps to ensure that a copy is placed with the patient's clinical records at the facility. These provisions seek to ensure that an advance care directive is always identified and the person is treated in accordance with any advance care directive they have made.

Further, under clauses 61 and 77, the medical treatment decision-maker must make the decision that they reasonably believe the person would have made if the person had decision-making capacity. To make a decision in accordance with this obligation, the medical treatment decision-maker must:

> consider any valid and relevant values directive;
>
> next consider any other relevant preferences that the person has expressed and the circumstances in which they were expressed;
>
> if unable to identify any relevant preferences, give consideration to the person's values whether expressed or inferred from the person's life;
>
> also consider the likely effects and consequences of the treatment or procedure, and whether these are consistent with the person's preferences and values, and whether there are any alternatives, including refusing the treatment, that would be more consistent with those preferences and values; and
>
> act in good faith and with due diligence.

Through a values directive, a person can specify the preferences and values that must form the basis of future medical treatment decisions made on their behalf if they do not have decision-making capacity. In this way, a person can circumscribe the discretion of their medical treatment decision-maker, and ensure that their own preferences and values direct decisions about their medical treatment.

If it is not possible to ascertain a person's preferences or values with respect to medical treatment, a decision-maker must:

> make a decision that promotes the person's personal and social wellbeing, having regard to the need to respect their individuality; and
>
> consider the likely effects and consequences of the treatment, and any alternatives (including refusing treatment), and whether these promote the person's personal and social wellbeing.

In any case, the medical treatment decision-maker must consult with any other person who they reasonably believe the person would want to be consulted in the circumstances.

Under clause 53, a health practitioner may administer medical treatment to a person without the consent of their medical treatment decision-maker, if the practitioner believes on reasonable grounds that the treatment is necessary, as a matter of urgency, to save the person's life or prevent serious pain, distress or damage to the person's health.

Under division 3 of part 4 and division 4 of part 5, VCAT has oversight of the decisions of medical treatment decision-makers regarding medical treatment and medical research procedures, respectively.

The public advocate also exercises oversight over medical treatment decision-makers. Under clause 62 of the bill, a health practitioner must notify the public advocate if a medical treatment decision-maker refuses significant medical treatment on a person's behalf, and the health practitioner reasonably believes that the person's preferences and values are not known or unable to be known or inferred by the medical treatment decision-maker. Under clause 67, if the public advocate is of the opinion that the refusal is unreasonable in the circumstances, then it must apply to VCAT for review of that decision within 14 days of receiving the notification. VCAT may affirm, vary, set aside or substitute the decision of the medical treatment decision-maker to consent to or refuse significant medical treatment of the person.

The bill creates several offences which will protect against abuses of the powers of medical treatment decision-makers. Clause 41 makes it an offence to purport to act as an appointed medical treatment decision-maker or support person. Clause 42 prohibits inducing another person, by dishonesty or undue influence, to appoint a medical treatment decision-maker.

For these reasons, medical treatment or a medical research procedure in accordance with the decision of a medical treatment decision-maker is compatible with the rights under sections 10(c) and 13(a) of the charter.

Non-emergency medical treatment in the absence of any form of consent

Under clause 63, if a person does not have decision-making capacity, and their health practitioner is unable to locate an advance care directive or a medical treatment decision-maker for that person, then the health practitioner may administer medical treatment.

If the treatment is significant treatment, the practitioner may only administer it with the consent of the public advocate. 'Significant treatment' means any medical treatment involving a significant degree of bodily intrusion, a significant risk to the person, or significant side effects. The public advocate may consent or refuse to consent to the treatment in accordance with clause 61, as if the public advocate were the person's medical treatment decision-maker.

If the treatment is not significant treatment, then the practitioner may administer the treatment without consent. Clause 63 therefore interferes with the rights under sections 10(c) and 13(a) of the charter. However, this

interference is justified under section 7(2) and, with respect to the right to privacy, neither unlawful nor arbitrary.

The purpose of clause 63 is to prevent a person without decision-making capacity being denied medical treatment, if they do not have an advance care directive and there is no-one willing and able to make a decision in the circumstances.

The nature and extent of this limitation is confined by important safeguards, which correspond to the significance of the treatment. Health practitioners must make reasonable efforts to ascertain if the person has an advance care directive or a medical treatment decision-maker. Clause 63 is only enlivened when neither mechanism is available. For routine treatment, the health practitioner must record the details of their decision in the person's clinical records. A guardian may be appointed in respect of the person under the Guardianship and Administration Act 1986. Significant treatment requires the public advocate's consent, which will ensure that the treatment is consistent with promoting the person's personal and social wellbeing.

Clause 63 is necessary to achieve the purpose of ensuring that people without decision-making capacity are able to receive important medical treatment that may improve their quality of life. There are no less restrictive means reasonably available to achieve this purpose.

For these reasons, in my view clause 63 is compatible with the rights under sections 10(c) and 13(a) of the charter.

Emergency medical treatment

The bill authorises the provision of medical treatment that is necessary to save life or prevent serious harm without the consent of a medical treatment decision-maker, where there is no relevant instructional directive that is known to the health practitioner.

Under clause 53, a health practitioner may administer emergency medical treatment or a medical research procedure to a person, without the consent of the person's medical treatment decision-maker or consent or authorisation under part 5 of the bill. If the practitioner is aware that the person has refused the treatment, whether by an advance care directive or otherwise, then they are not permitted to administer it.

This provision interferes with the rights under sections 10(c) and 13(a) of the charter; in my view, any such interference is compatible with these rights.

Clause 53 promotes the right to life under section 9 of the charter, which includes the right not to be arbitrarily deprived of life. Its purpose is to enable people without decision-making capacity to receive emergency treatment that is necessary to save their lives or prevent serious harm.

The scope of clause 53 is limited. The bill establishes a high threshold for emergency medical treatment without consent. The health practitioner must believe that the treatment is necessary, as a matter of urgency, to save the person's life, to prevent serious damage to the person's health, or to prevent the person from suffering or continuing to suffer significant pain or distress. The practitioner must have reasonable grounds for this belief.

Clause 53 strikes an appropriate balance between the right to life and the right not to be subjected to medical treatment without consent. Consistently with the common law, a person's own refusal of particular medical treatment has overriding weight. If the practitioner is aware that the person has refused the treatment, they are not permitted to administer it. This is subject to the safeguard in clause 51, which authorises a health practitioner to refuse to comply with an instructional directive where the delay caused by an application to VCAT to amend the directive would result in a significant deterioration in the person's condition, and circumstances have changed such that the directive is no longer consistent with their preferences and values.

For these reasons, emergency medical treatment under clause 53 is compatible with the rights under sections 10(c) and 13(a) of the charter.

Palliative care

Clause 54 of the bill provides that, in certain circumstances, a health practitioner may administer palliative care to a person who does not have decision-making capacity for that care without obtaining consent.

Palliative care includes the provision of reasonable medical treatment for the relief of pain, suffering and discomfort, and the reasonable provision of food and water.

Pursuant to clause 12, a person cannot give a binding instruction that they do not wish to receive palliative care, as any statement concerning palliative care in an advance care directive is taken to be a values directive. However, a health practitioner must, as far as reasonably practicable, consider a values directive when offering and administering palliative care to a person.

To the extent that some forms of palliative care may amount to medical treatment, these provisions may interfere with the rights under sections 10(c) and 13(a) of the charter. A health practitioner does not require the consent of the person or the person's medical treatment decision-maker to administer palliative care. Even if a person attempts to give an instructional directive that they do not wish to receive palliative care, or a medical treatment decision-maker refuses consent to palliative care, a medical practitioner may provide palliative care to that person if they do not have decision-making capacity.

The rights in sections 10(c) and 13(a) express and protect the value of personal dignity: the notion that a person should be treated with the respect and honour inherent in their status as a human being and an individual. Palliative care is consistent with this value. By enhancing quality of life and relieving pain and suffering, palliative care enables people to face the end of life with dignity. These provisions enable a health practitioner to minimise a person's pain and suffering when they are experiencing symptoms associated with dying. The decision to enable health practitioners to do so was made in consultation with a range of practitioners, consumer advocacy groups and the Office of the Public Advocate. Many of these stakeholders voiced strong concern about people refusing palliative care in advance, or substitute decision-makers refusing palliative care on another person's behalf. A person cannot always fully appreciate the need for pain relief until they are actually experiencing pain. If this occurs at a point where they can no longer participate in decision-making, and

a person has given an advance care directive regarding palliative care, they will not be able to alter their decision.

Furthermore, allowing palliative care to be refused in advance may have the unintended consequence of practitioners continuing to administer more intrusive or aggressive medical treatment where palliative care has been refused but such other treatments have been consented to, rather than providing palliative care to ensure that the person is comfortable.

A number of safeguards apply to minimise the extent to which a person's rights may be impacted. A person may still give a values directive about palliative care. Under clauses 54 and 60, in offering and administering palliative care, a health practitioner must, as far as reasonably practicable, have regard to the person's preferences and values, including any values directive. For example, a person could state that it was more important to them to remain lucid than to be completely pain free. The person's health practitioner would be expected to tailor their palliative care accordingly. The practitioner must also consult with the person's medical treatment decision-maker (if any). Clause 70 authorises the health practitioner to apply to VCAT for directions or an advisory opinion on any matter or question relating to the medical treatment of a person, such as whether giving a person palliative care is consistent with the principles set out in the bill. Finally, all of these powers and functions must be discharged with regard to the principles in clause 7.

For these reasons, the palliative care provisions strike a proportionate balance between respect for a person's individuality and protection of their welfare. They are compatible with the rights under sections 13(a) and 10(c) of the charter.

Medical research procedures in the absence of any form of consent

Clause 80 authorises a medical research practitioner to administer a medical research procedure to an adult without decision-making capacity, where there is no instructional directive and no medical treatment decision-maker. It interferes with the rights under sections 10(c) and 13(a) of the charter. However, this interference is justified under section 7(2) and, with respect to the right to privacy, neither unlawful nor arbitrary.

The purpose of clause 80 is to enable adults without decision-making capacity to participate in medical research procedures that are not contrary to their personal and social wellbeing, even if they have no relevant instructional directive or available medical treatment decision-maker. A medical research procedure is a type of medical treatment which may have therapeutic benefits for the person involved. An adult without decision-making capacity should not be prevented from participating in a medical research procedure that has a reasonable possibility of benefiting them, and poses no greater risk to them than alternative treatment.

Division 3 of part 5 of the bill sets out an extensive set of safeguards. These safeguards ensure that the research can only be performed without the person's consent as a last resort. In substance, these safeguards are equivalent to those currently provided to 'patients' in respect of medical research procedures by division 6 of part 4A of the Guardianship and Administration Act 1986.

A person may give an advance care directive about medical research procedures. This means that they may consent to or refuse a procedure in advance. Pursuant to clause 73, a medical research practitioner must make reasonable efforts in the circumstances to ascertain if the person has an advance care directive.

Pursuant to clause 79, the practitioner must also have taken reasonable steps to identify and contact the person's medical treatment decision-maker to obtain consent before administering the procedure. This obligation is ongoing. Clause 80(2) requires the practitioner to continue to take reasonable steps to identify and contact the person's medical treatment decision-maker while the procedure continues.

Clause 80(1) states that a practitioner may only administer a procedure in limited circumstances. The practitioner must believe that:

> the procedure would not be contrary to any valid and relevant values directive of the person, any other relevant preferences that the person has expressed, the person's values inferred from their life, and the person's personal and social wellbeing;
>
> the relevant human research ethics committee has approved the project in the knowledge that a person may participate without their prior consent, or the consent of their medical treatment decision-maker;
>
> one of the purposes of the project is to assess the effectiveness of the procedure being researched;
>
> the procedure poses no more of a risk to the person than the risk inherent in their condition and alternative treatment; and
>
> the research project is based on valid scientific hypotheses that support a reasonable possibility of benefit for the person as compared with standard treatment.

The practitioner must hold these beliefs on reasonable grounds.

Clause 85 makes it an offence to administer a medical research procedure to a person without decision-making capacity that is not authorised by the bill or otherwise under law.

Under clause 82, VCAT has oversight over these medical research procedures. In particular, on application, VCAT may order that any proposed procedure is or is not contrary to the person's known preferences and values, or their personal and social wellbeing.

The public advocate and the relevant ethics committee also have oversight over these procedures. Before, or as soon as practicable after, administering a procedure, and at intervals of no greater than 30 days, a practitioner must sign a certificate as to each of the matters in clause 80. The practitioner must forward the certificate to the public advocate and the relevant ethics committee as soon as practicable after administering the procedure, and ensure that it is kept in the person's clinical records. Clause 81(4) makes it an offence for a medical research practitioner to sign a certificate that the practitioner knows to be false. The public advocate may apply to VCAT under clause 82 for orders to protect the person's interests.

In my view, these provisions constitute the minimum interference necessary to enable people without decision-making capacity to receive medical research procedures that have a reasonable possibility of benefiting them, consistently with their human rights.

Electroconvulsive treatment under the Mental Health Act 2014

Part 9 of the bill inserts new provisions into the Mental Health Act 2014 which enable the Mental Health Tribunal to determine an application to perform electroconvulsive treatment on an 'other applicable person' (a person who is neither a young person nor a patient under the Mental Health Act 2014) who does not have capacity to give informed consent to the treatment at that time.

A psychiatrist may apply to the Mental Health Tribunal to perform a course of electroconvulsive treatment on a relevant person if:

> the psychiatrist is satisfied that there is no less restrictive way for the person to be treated; and
>
> the person has previously given an instructional directive giving informed consent to the treatment or, if the person has no relevant instructional directive, the person's medical treatment decision-maker gives informed consent in writing.

In determining whether there is no less restrictive way for the person to be treated, the psychiatrist must relevantly have regard to the person's views and preferences in relation to electroconvulsive treatment, any values directive of the person, the views of the person's medical treatment decision-maker or support person, and the likely consequences for the person if the treatment is not performed.

The Mental Health Tribunal must grant the application if it is satisfied of these matters, and must refuse the application if it is not so satisfied.

Where a person has given full, free and informed consent to the treatment through an instructional directive, these provisions do not interfere with the rights under sections 10(c) and 13(a) of the charter.

To the extent that the consent of a person's medical treatment decision-maker may not be considered to be equivalent to a person's full, free and informed consent, these provisions may interfere with the rights under sections 10(c) and 13(a), but that interference is reasonable and, with respect to the right to privacy, neither unlawful nor arbitrary. The purpose is to enable people without capacity to receive electroconvulsive treatment where there is no less restrictive way for them to be treated.

There are numerous safeguards which constrain the extent of the interference. The new provisions require the Mental Health Tribunal to approve electroconvulsive treatment for adults who are not patients. Currently, the Mental Health Tribunal has no oversight over the treatment of this group. The tribunal may only approve one 'course' of electroconvulsive treatment, which comprises no more than 12 treatments, over no longer than six months. The treatment must be stopped if, at any time, the person develops capacity and does not consent, or the person's medical treatment decision-maker withdraws consent. The psychiatrist must report the treatment to the chief psychiatrist, who has investigative and oversight powers and functions under division 2 of part 7 of the Mental Health Act 2014. The Mental Health Complaints Commissioner, an independent entity established by part 10 of the Mental Health Act 2014, may also receive and investigate complaints about public mental health services.

These provisions are rationally connected to the purpose of enabling a person without decision-making capacity to receive important medical treatment. There are no less restrictive means reasonably available to achieve this purpose. Electroconvulsive treatment may only be administered if there is no less restrictive way for the person to be treated.

For these reasons, part 9 of the bill is compatible with the rights under section 10(c) and 13(a) of the charter.

Formal requirements for valid advance care directives

The bill requires that advance care directives and appointments of medical treatment decision-makers and support persons be in writing and in English. These formal requirements also apply to amendment or revocation of these legal instruments.

Such requirements may have the effect of disadvantaging people who do not speak English as a first language or experience difficulties with writing due to a disability. It will make it more difficult for those people to prepare, amend or revoke these instruments.

The right to equality before the law under section 8 of the charter provides that every person has the right to enjoy their human rights without discrimination, and that every person is equal before the law and is entitled to the equal protection of the law without discrimination. 'Discrimination' means discrimination within the meaning of the Equal Opportunity Act 2010. Under section 9, indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons on the basis of race or disability (or another protected attribute), and that is not reasonable.

However, in my view the formal requirements for valid directives do not constitute indirect discrimination, because the requirements are reasonable.

The purpose of the requirements is to ensure that these formal, legal instruments can be clearly and readily understood, particularly by health practitioners. These instruments are intended to guide health practitioners, medical professionals and other decision-makers if the relevant person does not have decision-making capacity.

There are no less burdensome means reasonably available to achieve this purpose. As set out in clause 99, a person may prepare, amend or revoke one of these instruments with the assistance of an interpreter, provided that the interpreter certifies on the instrument that the person appeared to understand it.

For these reasons, I consider the formal requirements to be compatible with the right to equality before the law under section 8 of the charter.

Exceptions under the Guardianship and Administration Act 1986 and the Mental Health Act 2014

The right to equality before the law under section 8 of the charter provides that every person has the right to enjoy their human rights without discrimination, and that every person is equal before the law and is entitled to the equal protection of the law without discrimination. Under section 8 of the Equal Opportunity Act 2010, direct discrimination occurs if a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute.

The bill excludes certain persons from its scheme for medical treatment decision-making. These provisions potentially limit the right to equality before the law, as they result in the application of different schemes for persons, based on certain disabilities. In my view, however, this does not result in treatment that is unfavourable and therefore does not amount to discrimination. The right to equality is therefore not limited.

Special medical procedures under the Guardianship and Administration Act 1986

Clause 57(2) provides that decisions about 'special medical procedures' will be governed primarily by the Guardianship and Administration Act 1986, rather than the bill. Under section 3(1) of the Guardianship and Administration Act 1986, a 'special medical procedure' is any procedure intended or reasonably likely to have the effect of rendering a person permanently infertile, termination of pregnancy, or any removal of tissue for the purposes of transplantation to another person.

Under part 4A of the Guardianship and Administration Act 1986, VCAT may consent to the carrying out of a special medical procedure on a person with a disability who is of or over the age of 18 years, and is incapable of giving consent. Division 1 of part 10 of the bill makes important amendments to the Guardianship and Administration Act 1986. In my view, the Guardianship and Administration Act 1986 provides protection for the rights of people with disabilities under sections 10(c) and 13(a) of the charter that is equivalent to the bill.

Under the new section 41 of the Guardianship and Administration Act 1986, a registered practitioner must not carry out a special medical procedure if the person has refused the special medical procedure under an instructional directive.

Pursuant to section 42E, VCAT may consent only if it is satisfied that:

the person has not given an instructional directive in relation to the special medical procedure;

the person is incapable of giving consent;

the person is not likely to be capable, within a reasonable time, of giving consent;

the special medical procedure would be in the person's best interests; and

if the person has a values directive, the special medical procedure would not be inconsistent with the directive.

In evaluating the person's best interests, VCAT must take into account, among other things, the person's wishes, the wishes of family members, and whether the treatment is carried out only to promote the person's health and wellbeing.

For these reasons, the Guardianship and Administration Act 1986 provides protections for people with a disability who may be subject to special medical procedures that are equivalent to those provided by the bill. Therefore, clause 57(2) does not limit the right to equality before the law under section 8 of the charter.

Medical treatment for mental health patients under the Mental Health Act 2014

Clause 48(1)(a) provides that part 4 of the bill, which concerns the medical treatment decision-making process, does not apply in respect of 'treatment for mental illness' at any time that the person being treated is a 'mental health patient'. According to clause 3(1) of the bill, 'mental health patient' means a patient within the meaning of the Mental Health Act 2014, and 'treatment of mental illness' means treatment within the meaning of that act. This means that the treatment for mental illness of mental health patients is instead governed by the Mental Health Act 2014, as amended by the bill.

Under the Mental Health Act 2014, 'patient' means a person who is detained or subject to compulsory assessment or treatment of mental illness under one of a range of different statutes. Mental health patients may be subject to 'treatment' for mental illness, which includes things done in the course of the exercise of professional skills to remedy the mental illness.

The Mental Health Act 2014 permits treatment to be given to patients who do not have decision-making capacity. This scheme is tailored to the position of people detained or subject to compulsory assessment or treatment. The purpose of treatment must be to prevent serious harm to the person or another person, or serious deterioration to the person's health. The scheme requires assessment and treatment in the least restrictive way possible, with the least possible restrictions on patients' human rights and dignity.

Clause 48(1)(a) does not affect those existing protections. It does not limit the right to equality before the law under section 8 of the charter, because it does not treat people with a mental illness unfavourably because of that attribute. Although it may result in different treatment, any such differences have been carefully and intentionally tailored to deal with specific circumstances that attach to mental health patients and the range of protections that are reasonably required with respect to them. As such, different treatment in this context does not amount to unfavourable treatment.

The bill confers several additional protections on mental health patients. It repeals section 77 of the Mental Health Act 2014, so that emergency medical treatment for mental health patients who do not have decision-making capacity, like all other people, is governed by the bill. It also requires an authorised psychiatrist to have regard to a patient's values directive and the views of their support person, before consenting to medical treatment on their behalf.

For these reasons, in my view clause 48(1)(a) is compatible with the right to equality.

Children

While the bill generally aims to treat all people equally on the basis of their decision-making capacity, several provisions of the bill treat children differently from adults.

Blood transfusions

Clause 48(2) of the bill states that part 4 does not affect the operation of section 24 of the Human Tissue Act 1982. Section 24 of the Human Tissue Act 1982 states that, in certain circumstances, a medical practitioner does not incur any criminal liability for administering a blood transfusion to a child under the age of 16 years without the consent of the child's parent or guardian. Section 24 applies where:

> in the opinion of the medical practitioner, the blood transfusion was a reasonable and proper treatment, without which the child was likely to die; and
>
> a second medical practitioner, or the chief medical administrator or medical superintendent of the hospital, is also so satisfied.

There are several rights that are relevant to this provision. Under section 8 of the charter, every person is equal before the law and is entitled to the equal protection of the law without discrimination. Under section 17(2) of the charter, every child has the right, without discrimination, to such protection as is in their best interests and is needed by him or her by reason of being a child. 'Child' means a person under 18 years of age.

Section 24 of the Human Tissue Act 1982 permits a medical practitioner to override the substitute decision-maker of a child under the age of 16 years, where the child requires an emergency blood transfusion.

Clause 48 preserves this authority. As a consequence, a medical practitioner does not incur any criminal liability for administering a blood transfusion to a child under the age of 16 years without the consent of the child's medical treatment decision-maker under the bill.

However, clause 48 does not mean that a child with decision-making capacity may be given a blood transfusion without their consent. It also does not prevent a child under the age of 16 years from refusing a blood transfusion in advance, through an instructional directive.

For these reasons, clause 48 does not treat children under the age of 16 years unfavourably because of their age. It does not limit the right under section 8 of the charter. To the contrary, it ensures that parents or guardians cannot make decisions for their children that are inconsistent with the children's interests. It promotes the right of children under section 17(2) of the charter to such protection as is in their best interests and needed by them by reason of being children. The numerous safeguards in section 24 of the Human Tissue Act 1982 ensure that the decisions of a child's medical treatment decision-maker will only be overridden when the child requires an emergency blood transfusion to stay alive.

In my view, clause 48(2) is compatible with the rights under sections 8 and 17(2) of the charter.

Medical treatment decision-makers

Under clause 26 of the bill, a child (being a person under the age of 18 years) cannot appoint a person as their appointed medical treatment decision-maker. Pursuant to clause 55(4), a child's medical treatment decision-maker is the child's parent or guardian or other person with parental responsibility who is reasonably available and willing and able to make a decision.

The rights under sections 8 and 17(2) of the charter are therefore relevant to clause 26.

The bill treats children differently to adults with respect to the appointment of a medical treatment decision-maker. Because of their age, children cannot appoint a medical treatment decision-maker, even if they otherwise have decision-making capacity.

Clause 26 therefore limits the right to equality under section 8 of the charter and, in certain circumstances, may limit the right under section 17(2) of the charter. Parents generally act in the best interests of their children, but in some cases, a child might wish to appoint a different medical treatment decision-maker who they feel better understands their directions, preferences and values. In those cases, clause 26 may discriminate against children and deny them the protection that is in their best interests.

However, in my view any limitation on these rights is justified under section 7(2) of the charter.

The purpose of the limitation is to ensure certainty about who can make medical decisions on behalf of children without decision-making capacity. Anyone under the age of 18 years old is regarded as a 'child' for the purposes of the Family Law Act 1975 (cth). Section 61C of the Family Law Act 1975 (cth) states that each of the parents of a child under the age of 18 years old has 'parental responsibility'. Only the Family Court can transfer parental responsibility, through a parenting order.

Permitting a child under the age of 18 years to appoint a medical treatment decision-maker other than their parents may be inconsistent with the Family Law Act 1975 (cth). This could create confusion in the medical profession over whether a medical treatment decision-maker other than a parent or guardian should be deferred to.

This limitation is accompanied by important safeguards which limit its scope. Consistently with the common law, the bill recognises that a child may have capacity to make their own decisions about medical treatment before they turn 18 years old, depending on their level of understanding and intelligence. Children with decision-making capacity may give advance care directives. A child's instructional directives take priority over the decisions of their medical treatment decision-maker. Parents and guardians are under the same obligations as all other medical treatment decision-makers. In making medical treatment decisions for children, they must make the decision that they reasonably believe that the child would have made. As discussed previously, both VCAT and the public advocate have oversight over medical treatment decision-makers.

There is a rational and proportionate relationship between this limitation and the purpose outlined above. There are no less restrictive means reasonably available to ensure certainty about the people who can make medical decisions on behalf of children without decision-making capacity.

For these reasons, I consider clause 26 to be compatible with the rights under sections 8 and 17(2) of the charter.

Presumption of decision-making capacity

Clause 4(2) of the bill states that an adult is presumed to have decision-making capacity unless there is evidence to the contrary. 'Adult' means a person of or above the age of 18 years.

The rights under sections 8 and 17(2) of the charter are therefore relevant to clause 4(2).

Clause 4(2) treats children differently to adults with respect to whether they are presumed to have decision-making capacity. Because of their age, children are not presumed to have decision-making capacity. A child must positively establish that they have capacity to make their own decisions about medical treatment.

Clause 4(2) limits the right to equality under section 8 of the charter and, in certain circumstances, may limit the right under section 17(2) of the charter.

In my view, however, this limitation is justified under section 7(2) of the charter. The purpose is to specify the appropriate starting point for the assessment of a child's capacity. A person's decision-making capacity develops as they mature. Children under the age of 18 years may have decision-making capacity, but this must be determined on a case-by-case basis. Clause 4(2) is broadly consistent with the common law. It strikes an adequate balance between a child's autonomy and their interest in receiving appropriate medical treatment. Many children under the age of 18 years may not be able to understand the information relevant to a future medical treatment decision, retain that information, use and weigh it as part of the decision-making process, and then communicate the decision and their views and needs. In such circumstances, another person must make medical treatment decisions on the child's behalf. If there is evidence that a child has capacity, however, then the child is entitled to make their own decisions about their future medical treatment.

The nature and extent of the limitation is confined. Clause 4(2) does not bar children with decision-making capacity from expressing their instructions, preferences and values in relation to their future medical treatment. There are no less restrictive means reasonably available to achieve the purpose of striking an adequate balance between a child's autonomy and their interest in receiving appropriate medical treatment.

For these reasons, in my view clause 4(2) is compatible with the rights under sections 8 and 17(2) of the charter.

Freedom of conscience

Under the bill, a health practitioner must, as far as reasonably practicable, give effect to an advance care directive. Clause 60(1)(a)(i) states that, if a person has given an instructional directive refusing particular medical treatment, the practitioner must, as far as reasonably practicable, withhold or withdraw that treatment. Clause 60(1)(a)(ii) states that, if a person has given an instructional directive consenting to particular medical treatment, then the practitioner must, as far as reasonably practicable, administer that treatment if they are of the opinion that it is clinically appropriate to do.

The right under section 14 of the charter is relevant to this provision. Section 14 states that every person has the right to freedom of thought, conscience, religion and belief, including the freedom to have or to adopt a religion or belief of their choice, and the freedom to demonstrate their religion or belief in worship, observance, practice and teaching.

In my view, clause 60(1) does not limit the right under section 14 of the charter. Clause 60(1) only applies if a health practitioner is administering medical treatment to a person. It does not alter a health practitioner's ability to conscientiously object to providing treatment to a person, as long as this would not jeopardise the person's health, and the practitioner makes appropriate arrangements to ensure that the person receives care. With respect to clause 60(1)(a)(i), requiring a health practitioner to withdraw or withhold treatment in accordance with a person's refusal of treatment does not limit the practitioner's freedom of conscience, even if the practitioner feels a conscientious obligation to administer that treatment. Freedom of conscience does not extend to physical interference with another person without their consent. With respect to clause 60(1)(a)(ii), a practitioner is required to administer medical treatment under a relevant instructional directive only as far as reasonably practicable, and if it is clinically appropriate to do so. Pursuant to clause 8, a person cannot, through an instructional directive, compel a health practitioner to administer a particular form of treatment, or a futile or non-beneficial treatment, to them.

In any event, even if clause 60 is considered to limit the right under section 14 of the charter, that limitation is justified. The right to think, develop ideas and hold personal beliefs is absolute. The freedom to act on those ideas and beliefs is narrower, particularly when such actions interfere with or jeopardise the human rights of other people. The purpose of clause 60 is to ensure that a person is able to receive and refuse medical treatment in accordance with their preferences and values, rather than those of someone else. It promotes the values of individual autonomy and integrity that underlie the rights in sections 10(c) and 13(a) of the charter. The nature and extent of any limitation is confined. Clause 60 is rationally and proportionately connected to its purpose; it strikes the right balance between potentially competing rights and is therefore compatible with the charter.

Access to health information — right to privacy

Clause 94 of the bill authorises a medical treatment decision-maker or support person to access or collect health information about the person. A health practitioner is authorised to disclose health information about the person to their medical treatment decision or support person. A medical treatment decision-maker or support person may disclose any health information given to them for the purpose of anything relevant and necessary to carrying out the role, or any other lawful purpose. The bill makes consequential amendments to the Mental Health Act 2014, the Disability Act 2006, and the Health Records Act 2001 to this effect.

Under section 13(a) of the charter, a person has the right not to have their privacy unlawfully or arbitrarily interfered with. This right includes the right to privacy of one's personal information.

As the bill expressly authorises people to access, collect and disclose another person's health information, any interference with the person's privacy is not unlawful.

The powers of medical treatment decision-makers and support persons with respect to a person's health information are also not arbitrary.

The purpose of these powers is important: to enable medical treatment decision-makers and support persons to perform their statutory functions. For example, without access to a person's health information, a medical treatment decision-maker will be unable to make informed decisions about the person's medical treatment.

In the case of an appointed medical treatment decision-maker or a support person, the person has freely chosen to appoint the person with an understanding of the nature and consequences of making the appointment.

These powers are limited. They only authorise access to or collection of health information that is relevant to a medical treatment decision to be made by or for the person, and that may be lawfully collected by the person. The consequential amendments to the Mental Health Act 2014, the Disability Act 2006, and the Health Records Act 2001 confer limited authority to access and collect information. In particular, medical treatment decision-makers may only access or collect health information to the extent that is reasonably necessary for the performance of their duties or the exercise of their powers.

As discussed previously, medical treatment decision-makers and support persons are subject to oversight by VCAT. For example, on application by an eligible person or on its own motion in any hearing before it, VCAT may revoke an appointment if it is satisfied that, among other things, the appointee is not acting in accordance with the person's known preferences and values, and their personal and social wellbeing.

In my view, these provisions do not limit the right to privacy under section 13(a) of the charter.

Jenny Mikakos, MP
Minister for Families and Children

Second reading

Ms MIKAKOS (Minister for Families and Children) — I advise the house that the Medical Treatment Planning and Decisions Bill 2016 was amended in the Legislative Assembly. The amendment will require an advance care directive to be witnessed by two people, one of whom is a medical practitioner. Requiring a medical practitioner to witness an advance care directive will ensure that people can discuss their treatment preferences with a medical practitioner and understand all the potential consequences. The witnessing requirements for appointing a medical treatment decision-maker or support person will not be changed.

I move:

That the second-reading speech be incorporated into *Hansard*.

Motion agreed to.

Ms MIKAKOS (Minister for Families and Children) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Every Victorian should be provided with quality medical treatment that is consistent with their preferences and values. The Medical Treatment Planning and Decisions Bill will help to ensure people's preferences and values direct decisions about their treatment and care even if they lose capacity to make decisions. This includes enabling a person to plan for their future treatment by giving statutory recognition to advance care directives.

The bill gives effect to the government's election commitment to simplify current practice and protect advance care directives in law.

I would like to thank the Legislative Council's Standing Committee on Legal and Social Issues for their comprehensive inquiry into end of life choices. One of the key findings of the committee was that Victoria's medical treatment laws are overly complex and need to be simplified. The committee also recommended the introduction of legislation to recognise advance care directives.

Towards person-centred care

Changes in Victorian laws relating to medical treatment decision-making have developed over a number of years and reflect a move towards medical treatment that is more person centred. Central to these developments has been a gradual paradigm shift from paternalistic decision-making to respecting the decisions of people receiving treatment. Through the introduction of refusal-of-treatment certificates, the Medical Treatment Act 1988 recognised that a person's decisions about treatment of current conditions should be complied with even if they lost capacity. This was followed by amendments to allow people to appoint someone to make decisions on their behalf in accordance with their wishes, rather than based on an assessment of the person's 'best interests'.

The Guardianship and Administration Act 1986 was also amended to allow for less formal substitute decision-making, recognising that family and carers are often left to make decisions when a person loses capacity. The recent Powers of Attorney Act 2014 also gave people another avenue to appoint someone to make medical treatment decisions on their behalf if they lost capacity.

While these developments have all been steps in the right direction, they have been fragmented responses that have resulted in an assortment of relevant laws, all with different definitions and tests. This has, understandably, caused confusion amongst health practitioners and the public.

Putting people at the centre of medical treatment decision-making

Despite all the relevant legislation, a person's preferences and values are still not given sufficient weight if they lose capacity to make their own decisions. The Medical Treatment Planning and Decisions Bill 2016 will create a comprehensive framework for medical treatment decision-making for people who do not have capacity. A person has a right to make informed decisions about their treatment, in accordance with

their culture, beliefs, preferences and values. This bill will ensure these decisions continue to direct and guide a person's medical treatment when they lose capacity.

In practice, Victoria is already a world leader in advance care planning. Programs run by health services help people to think about their future medical treatment, to discuss their preferences with their family, friends and health practitioners, and to write these down to guide treatment. An advance care directive is a simple document that may be produced through this process so that a person's preferences and values are made known and can guide future medical treatment. The Medical Treatment Planning and Decisions Bill will ensure Victorian law supports this practice by giving advance care directives clear legal status.

Ensuring that people's preferences and values are followed will not be achieved simply by creating more legal instruments. Advance care directives must be recognised as part of a clear and simple framework for medical treatment decision-making that gives primacy to the decisions of the person receiving treatment.

The Medical Treatment Planning and Decisions Bill is designed to consolidate existing laws, as well as make key changes that reflect contemporary person-centred practices that involve people in decisions about their medical treatment. Medical practice recognises and accommodates a range of different decision-making processes and the bill also recognises the importance of supported decision-making to assist a person to make their own decisions for as long as they are able.

Clarifying obligations

Recent studies have shown that health practitioners do not understand their legal obligations. This is unsurprising given how fragmented the relevant laws are. The bill will remedy this by providing a single definition of medical treatment and clarifying the obligations of health practitioners. The bill applies to all health practitioners under the Health Practitioner Regulation National Law and to paramedics, rather than just medical practitioners. This reflects changes in the provision of medical treatment over the last 30 years, with more care being delivered by multidisciplinary teams and greater responsibilities given to professionals other than doctors. It is, however, anticipated that these changes will impact upon the practices of some health practitioners more than others, depending on how often they treat people who do not have decision-making capacity.

Nothing in the bill will require a health practitioner to provide treatment or care they assess to be non-beneficial for a person. The professional judgement of health practitioners about which medical treatment would be beneficial will continue to be recognised.

Advance care directives

The bill allows a person with capacity to make an advance care directive. An advance care directive will only come into effect if the person loses capacity to make a medical treatment decision.

Through an advance care directive a person may make the same decisions about their future medical treatment that they can make about their current medical treatment when they have capacity. A person will be able to consent to, or refuse, medical treatment.

An advance care directive may include an instructional directive and a values directive. An instructional directive will allow people to provide binding instructions about their future treatment. In an instructional directive a person may refuse treatment or consent to treatment. A health practitioner must comply with a refusal of treatment in an instructional directive. If a person consents to treatment in an instructional directive a health practitioner may provide treatment as though the person had capacity and gave consent. This does not allow a person to demand treatment.

If it is intended that a directive apply as an instructional directive, this will need to be explicitly stated on the document. This may, for example, be shown through a heading over the relevant section or a statement that starts 'This is my instructional directive …'. This will ensure that a practitioner's obligations are immediately clear to them.

Any statement in an advance care directive that is not clearly identified as an instructional directive will be a values directive. Values directives allow people to describe their preferences and values more generally and explain what is important to them and why. A values directive may also include a statement of medical treatment outcomes that the person regards as acceptable. A health practitioner will not be able to rely solely on a values directive to administer treatment and will be required to turn to a medical treatment decision-maker if there is not a relevant instructional directive.

Both medical treatment decision-makers and health practitioners will be required to give effect to a values directive as far as reasonably possible. Values directives will ensure that the treatment provided is consistent with the person's views, even if the person does not make a statement about a particular treatment. In many clinical situations, knowing a person's views and what matters to them supports decision-makers to make treatment decisions that best align with the person's preferences and values.

Informed consent to medical treatment requires that a person understand the nature and effect of the treatment they are consenting to. This is not possible for every future medical treatment that a person may need. The bill instead requires that a person understand the nature and effect of each statement in their advance care directive. This will ensure that they are aware of how their directive will be applied, the sort of treatment they will or will not receive in accordance with their directive, and the likely outcomes of following the directive.

A person may include as much or as little as they would like in their advance care directive. An advance care directive is not required to be in a prescribed form, however, to ensure certainty there are a number of formal requirements for creating a valid advance care directive. This is because an advance care directive will be a legal document in which a person may make critically important decisions about their life.

As long as a person has capacity, they may amend their advance care directive at any time; however, any changes will need to be made in accordance with the formal requirements in the bill. A key component of the implementation of the bill will be the development of messages and triggers to encourage people to regularly review their advance care directive to ensure that it remains consistent with their current preferences and values. A person may also revoke their

advance care directive at any time if they have capacity to do so.

The bill does not narrow the circumstances in which a person's preferences and values should be considered; it simply provides a process for those who want to record these preferences and values in a legal document. If a person records their preferences and values in a way that does not satisfy the formal requirements but still provides a clear account of their preferences or values, this must be considered by their medical treatment decision-maker. The Victorian Civil and Administrative Tribunal may also declare an advance care directive valid, even if it does not fulfil the formal requirements. These measures recognise that a person's preferences and values about medical treatment should always be considered if they are known.

Medical treatment decision-makers

The bill will also allow a person to appoint a medical treatment decision-maker. A medical treatment decision-maker will have the power to make medical treatment decisions a person would make themselves if they had capacity. A person may appoint multiple medical treatment decision-makers, but must list them in order. A person may only have one medical treatment decision-maker at a time, and the first listed person who is willing and able will make the medical treatment decision. This will ensure that it is clear who has the authority to make decisions. Medical treatment decision-makers will be able to make a decision in consultation with others.

Each appointed medical treatment decision-maker must accept their appointment. Acting as a medical treatment decision-maker can be a very demanding role and it is important that people understand their obligations. Requiring people to accept their appointment will also support the important conversation and sharing of information between the person making the appointment and the medical treatment decision-maker about the person's preferences and values and about what matters most to them.

This bill will provide the only process for medical treatment decision-making for a person who does not have capacity. The Powers of Attorney Act 2014 will provide for appointments for other matters such as financial and personal matters. This distinction recognises that medical treatment decisions require different considerations and safeguards to financial and other personal decisions. A person will be able to appoint the same person to both roles, or appoint separate people for each role.

Support persons

The bill recognises that a person should make their own decisions whenever this is possible and they should be supported to do so.

People are often required to make medical treatment decisions at a point when they feel particularly vulnerable due to pain or discomfort, or because they are confined to a hospital bed in unfamiliar surroundings. This may make it difficult for a person to make the necessary decisions at that time. Many of these challenges are already overcome through the informal support of family members and friends and this will continue to be the case for many people needing to make medical treatment decisions.

The role that family and friends play is not defined and the support they provide may be limited because they cannot access critical information or they are not included at key decision-making points by health practitioners.

To ensure that people can be supported adequately, the bill allows people to appoint a support person. A support person does not have the power to make decisions on behalf of the person, but they will be able to access medical records relevant to a decision, assist the person to make their own decisions and have a role in ensuring the person's decisions are implemented. A support person may, for example, coordinate care or obtain and consolidate treatment information. The role is about ensuring that a person has everything they need to make decisions and that these decisions are known and followed by relevant health practitioners.

A person may be appointed as both a support person and a medical treatment decision-maker. If this occurs, it should always be clear who is making decisions.

Medical treatment decision-making

As is the case in the Medical Treatment Act 1988, the bill excludes palliative care from the medical treatment decision-making process. Many health practitioners expressed unease about people refusing palliative care in advance, or medical treatment decision-makers being able to refuse palliative care. Health practitioners highlighted anxieties about potential situations where they may be forced to 'do nothing' in response to considerable pain or suffering of a patient because palliative care has been refused. While these situations may be infrequent, they would be highly distressing for both health practitioners and families to stand idle while a person suffered.

A person with capacity will continue to be able to refuse palliative care. However a medical treatment decision-maker will not be able to refuse palliative care. The bill will allow a person to make a values directive about palliative care. This will mean health practitioners and medical treatment decision-makers will still need to consider any preferences and values set out by the person. In this way, the bill attempts to balance respect for people's decisions with the difficultly faced by families and clinicians when faced with decisions about palliative care.

The bill also excludes 'special procedures' from the medical treatment decision-making process. In order to perform a 'special procedure' on a person without capacity, a health practitioner will continue to be required to apply to VCAT under the Guardianship and Administration Act 1986. A person may, however, refuse a 'special procedure' through an instructional directive.

A medical treatment decision must be made at any time a health practitioner offers to administer a course of treatment. This offer may either be accepted or refused by consenting to, or refusing, the treatment. The decision to refuse treatment is not limited to the time at which treatment is initially offered and treatment can be refused at any time after it commences. If a treatment is refused a health practitioner must withdraw or withhold that treatment.

If a person does not have capacity to make a decision, the bill provides a framework for determining how that decision should be made. The bill provides that if a person does not have capacity to make a decision, a health practitioner's first

step must be to make reasonable efforts in the circumstances to locate an advance care directive. What constitutes a reasonable effort may vary depending on a range of factors, including the urgency of the treatment required and the risk of harm to a person in delaying treatment. It must be recognised though that people make advance care directives because they want them to be considered and inconvenience is not a sufficient reason to not search for a directive.

The bill recognises that in an emergency, treatment that is urgently required to save a person's life, prevent serious damage to the person's health, or to prevent significant pain or distress may be provided without consent. The bill does not require a health practitioner to search for an advance care directive that is not readily available in these circumstances. Nevertheless, a practitioner must not provide treatment that they know the person has refused in an advance care directive.

The bill also provides a framework for determining who should be a medical treatment decision-maker if no-one has been appointed. The majority of people will never formally appoint a medical treatment decision-maker and assume that if they lose capacity the law will allow their domestic partner or a close family member to make decisions for them. The bill provides that the first person listed with a 'close and continuing' relationship who is available and willing will be a person's medical treatment decision-maker if they lose capacity. If no-one has been appointed this will be the first of the person's spouse or domestic partner, primary carer, child, parent, or sibling. This ensures that only someone with a close and continuing relationship who understands the person's preferences and values will make medical treatment decisions on their behalf.

The bill provides that the Office of the Public Advocate will be the 'decision-maker of last resort' for significant medical treatment decisions if none of the people listed as medical treatment decision-makers are available. This ensures that there will always be someone to make decisions and represent a person's interests without needing to go through a formal, and sometimes lengthy, process of having a guardian appointed. To ensure that treatment is provided in a timely manner, consent will only need to be obtained from the public advocate if the treatment is significant. If a health practitioner is unable to locate a medical treatment decision-maker they may provide routine treatment without consent. To ensure this decision is reviewable, the health practitioner must make a note of this in the clinical record, along with information about their efforts to locate a medical treatment decision-maker.

The decision-making role and powers of a medical treatment decision-maker will not differ, regardless of whether they are appointed or recognised. This ensures clarity for health practitioners and medical treatment decision-makers about their role. It also recognises that the majority of people do not appoint medical treatment decision-makers, but trust that their family and friends know and understand them and will make appropriate decisions.

If an advance care directive is located, a health practitioner is required to provide, or not provide, treatment that is consistent with the directive. If there is a relevant instructional directive, this may constitute consent to treatment and a health practitioner may provide clinically indicated treatment. If treatment is refused in a relevant instructional directive, a practitioner must withhold or withdraw the treatment refused.

If there is not a relevant instructional directive, a health practitioner must identify the medical treatment decision-maker. The medical treatment decision-maker must either consent to or refuse the treatment offered by the practitioner.

Medical treatment decisions will need to be made in a range of circumstances and with different levels of knowledge about a person's views. The bill provides a framework to assist medical treatment decision-makers. A medical treatment decision-maker must, as far as reasonably practicable, make the decision the person would make in the circumstances. If a person has made an advance care directive, this should always be a medical treatment decision-maker's first consideration.

If a person has not made an advance care directive or their advance care directive is not applicable to the situation, the medical treatment decision-maker must be guided by a person's preferences and values. A medical treatment decision-maker must first consider any preferences expressed by the person. If no relevant preferences can be identified, the medical treatment decision-maker must, based on their close and continuing relationship with the person, consider the person's values that would likely influence the decision the person would make.

There may, from time to time, be situations where a person's preferences and values cannot be ascertained. In these situations the medical treatment decision-maker must make a decision that would promote the person's personal and social wellbeing. In making this decision, a medical treatment decision-maker must respect the person's individuality. This means that a decision must not be based on assumed characteristics of a person because they have a particular disease or disability. Respect for a person's individuality also means that a medical treatment decision-maker cannot make decisions based on how they would respond to a disease or disability.

To protect the interests of some of the most vulnerable members of the community, the bill creates new notification requirements. If a medical treatment decision-maker refuses treatment on behalf of a person whose preferences and values cannot be known or inferred, the health practitioner must notify the public advocate. The public advocate must review the decision and must apply to the tribunal if they believe the decision was unreasonable. This will ensure that medical treatment decisions are made based on the likely effectiveness of the treatment, not based on subjective judgements of the worth of someone else's life.

Children

The bill recognises that a child with capacity should be able to make decisions about their medical treatment and allows children with capacity to make an advance care directive. In order to manage the varying degrees of capacity amongst children of the same or similar age, the bill is drafted so that the presumption of capacity that applies to adults in the bill will not apply to children. This means that before a child is able to make an advance care directive they will need to show decision-making capacity as outlined in the test in the bill. This is consistent with the common-law recognition that children with decision-making capacity can make their own medical treatment decisions.

The bill also recognises the unique challenges in assessing the capacity of children by including an additional witnessing

requirement for an advance care directive made by someone under the age of 18 years that one of the witnesses is a medical practitioner or psychologist with the prescribed training and experience in assessing the cognitive, emotional and social development of children and adolescents. This provides a safeguard that balances a young person's autonomy with the need to ensure capacity for the decisions being made.

The bill does not allow a child to appoint a medical treatment decision-maker. There is an existing legal framework for recognising decision-makers for children who do not have capacity and the bill will not alter this. Consistent with the framework for adults, if a relevant instructional directive applies, there will be no role for the child's medical treatment decision-maker.

The bill will not remove the parens patriae jurisdiction of the Supreme Court. The Supreme Court will retain its power to make any order to protect the welfare of a child. This jurisdiction provides an important safeguard for potentially vulnerable members of the community.

Obligations for health facilities — record keeping

The bill creates an obligation for health facilities to take reasonable steps to ascertain whether a patient at the facility has made an advance care directive and if so, to place a copy of this on the person's record. This requirement will ensure that health services locate advance care directives and ensure that they are readily available when medical treatment decisions are being made.

Obligations of health practitioners

The bill creates a number of new obligations for health practitioners and alters some existing obligations. When treating a person without capacity, a health practitioner will be required to make reasonable efforts in the circumstances to identify an advance care directive and a medical treatment decision-maker. A health practitioner will also be required to act in accordance with an advance care directive. A failure to comply with these requirements will constitute unprofessional conduct. This recognises the potential breadth in the severity of breaches and ensures there are an appropriate range of responses. Providing treatment to a patient without consent or authorisation will continue to potentially constitute an assault.

Medical research

The bill also governs the performance of medical research procedures on people without capacity. Like medical treatment, whenever possible consent to a medical research procedure should be obtained from the person on whom the procedure will be performed. If the person does not have capacity, the bill provides that the practitioner should make reasonable efforts to find out if the person has an advance care directive, a medical treatment decision-maker, or both. Consent should then be obtained from a medical treatment decision-maker or through an instructional directive. If it is not possible to obtain consent, the bill provides that a medical research procedure may still be performed if certain conditions are met.

The provisions in the bill follow the four-step process for carrying out a medical research procedure on a patient previously in the Guardianship and Administration Act 1986.

Mutual recognition

The bill aims to ensure that, wherever possible, a person's preferences and values guide their medical treatment. There is no reason to disregard a person's stated views just because they were recorded in another Australian state or territory under the laws of that state or territory.

Any advance care directive (or equivalent document) validly made in another state or territory will be recognised as a values directive in Victoria to the extent that it could have been made in Victoria. While most jurisdictions in Australia have laws governing advance care directives, including through the common law, these are not consistent and provide for different powers and processes. Health practitioners in Victoria cannot be expected to have a detailed understanding of laws relating to advance care directives in every jurisdiction. A person's advance care directive also should not be given greater force than it could have been in the jurisdiction in which they made it. Recognising interstate advance care directives as values directives ensures that the obligations of health practitioners are clear and that these documents are still given legal recognition and can continue to guide medical treatment decision-making, without applying the document in a manner in which it was never intended it be applied.

Appointments of substitute decision-makers and support persons made in other Australian jurisdictions will also be recognised. These appointees will have the same powers and obligations as a person appointed under the bill.

Amendments and consequential amendments

The Medical Treatment Act 1988 will be repealed. While the Medical Treatment Act 1988 provided for important instruments to allow people to control their medical treatment, this role will be performed by the bill. Refusal-of-treatment certificates and appointments made under the Medical Treatment Act 1988 will continue to have the same effect despite the repeal of the act.

The bill amends the Guardianship and Administration Act 1986 to remove all of part 4A 'Medical and Other Treatment' except provisions relating to 'special procedures'. The 'special procedures' provisions relate to a discrete set of procedures that require VCAT approval. The nature of these procedures means that the protective oversight of VCAT is necessary. As a result of this, these provisions will remain in the Guardianship and Administration Act 1986, which is focused on protecting the welfare interests of people without capacity.

The bill amends the Mental Health Act 2014 in relation to approval procedures for electroconvulsive treatment of adults who do not have capacity.

The bill amends the Powers of Attorney Act 2014 to remove references to 'health'. The Powers of Attorney Act 2014 will govern substitute decision-making for financial and lifestyle decisions and the Medical Treatment Planning and Decisions Bill will govern substitute decision-making for medical treatment decisions. Health decisions may be broader than medical treatment decisions, for example, decisions made to promote a person's health by altering their exercise regime. These decisions should continue to be made under the Powers of Attorney Act 2014. This division recognises the differences between medical treatment decisions and financial and lifestyle decisions.

> The bill makes a range of consequential amendments to these and other relevant acts.
>
> This bill will help to ensure that people receive medical treatment that is consistent with their preferences and values. This is achieved by giving statutory recognition to advance care directives and clarifying existing laws in relation to medical treatment decision-making.
>
> Medical treatment decision-making laws have developed over the last 30 years in response to particular issues. This bill addresses medical treatment decision-making in a holistic way. In light of the confusion arising out of the existing array of laws, this bill is long overdue. The rights of those receiving medical treatment should be clear and so should the obligations of health practitioners. This bill creates a clear and contemporary framework that puts people's preferences and values at the centre of medical treatment decision-making.
>
> I commend the bill to the house.

Debate adjourned for Ms WOOLDRIDGE (Eastern Metropolitan) on motion of Ms Lovell.

Debate adjourned until Wednesday, 16 November.

ADJOURNMENT

Ms MIKAKOS (Minister for Families and Children) — I move:

> That the house do now adjourn.

Gisborne Cemetery Trust

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Health, and it is regarding the Gisborne Cemetery Trust's request to secure the state government-owned land adjoining the Gisborne cemetery. My request of the minister is that the Andrews Labor government support the Gisborne Cemetery Trust's request for the land to be gifted to the trust so it can be used to meet an identified community need of more cemetery land for the Gisborne and wider Macedon Ranges shire community.

The Gisborne Cemetery Trust has identified that in the very near future the Gisborne cemetery will require more land to enable it to continue to service the need for Gisborne and the surrounding community going forwards. With the expected population growth in the Macedon Ranges shire, particularly in Gisborne, and as outlined in the current Gisborne cemetery master plan, it is expected that the existing cemetery site will be at capacity within the next 20 years. However, if adjoining land is able to be used for the cemetery, the expanded site would be able to continue to service the community for at least a further 75 years.

The land identified as most suitable is located at 120 Aitken Street in Gisborne and is on the list of land that is surplus to the state government's requirements. The trust enjoys the support of the Macedon Ranges Shire Council. It believes it would be ideal for the Victorian government to transfer this land to the trust to enable the expansion of the Gisborne cemetery. In a letter of support from council CEO Peter Johnston to the Victorian government, Mr Johnston states:

> As there is a strong need to secure the adjoining land for future burials and to preserve in perpetuity the unmarked and unrecorded graves in line with legislative requirements, council requests that the state government assist in this well-researched and well-intentioned request to service the growing needs of the Gisborne and surrounding communities.

The trust is not in a position to fiscally purchase the land identified. As the land has been identified as surplus to the Victorian government's requirements and was itself originally gifted to the government in the early 1900s, the trust is instead requesting that the land be transferred into the ownership of the Gisborne Cemetery Trust by way of gift.

My request of the minister is that the Andrews Labor government support the Gisborne Cemetery Trust's request for the land to be gifted to the trust so it can be used to meet an identified community need of more cemetery land for the Gisborne and wider Macedon Ranges shire community.

Melbourne Airport

Mr EIDEH (Western Metropolitan) — My adjournment matter today is for the Acting Minister for Tourism and Major Events. Melbourne Airport, whilst being situated in my electorate of Western Metropolitan Region, is the gateway for the world to visit all of Victoria. On 20 October last week Melbourne Airport reported that growth in international passenger numbers had helped the airport achieve 40 years of consecutive quarters of growth. This has yielded a total passenger increase of 4 per cent, to 8.8 million passengers for the first quarter of 2016–17. This growth has come from visitors all around the world, including South-East Asia with 21 per cent growth, North-East Asia with 19.9 per cent growth and Europe with 4.4 per cent growth. Melbourne Airport reported that total passenger numbers in September increased to over 2.9 million, a 6.2 per cent increase on September 2015.

I ask the acting minister to please advise and inform my Western Metropolitan Region community on how this growth in passenger numbers will help increase employment opportunities not only at Melbourne Airport itself but also across the tourism and services sectors. How is the Andrews Labor government's

visitor economy strategy and its creation of Visit Victoria helping to drive tourism growth for Victoria?

Melbourne–Sunbury road

Mr FINN (Western Metropolitan) — I begin this evening by offering my congratulations to the new President-elect of the United States, Donald J. Trump — a great victory indeed.

I wish to raise a matter for the Minister for Roads and Road Safety. It concerns a road about which I have raised concerns with the minister on a number of occasions, and it follows on from his announcement earlier in the week that a government would be spending some $1.8 billion, I understand, on roads in the western suburbs over the next 20 years or so, if indeed that is ever going to happen. Unfortunately one of those roads was not the Melbourne–Sunbury road — that is the subject of my adjournment this evening — because the Melbourne–Sunbury road is a disgrace. It has more holes in it in certain parts than the lunar surface, and it is getting worse by the day. The constant rain that we have had over recent months, despite Sandbags Flannery's view, has created this particular problem for us.

There are huge numbers of trucks that are constantly rumbling up and down the road. We have no problem putting up with the smashed windscreens and all of those sorts of things that those trucks create, but what we do draw the line at is the damage to vehicles as a result of them hitting potholes. I have spoken to a number of people who have had damaged vehicles as a result of hitting potholes, not necessarily at speed but just hitting potholes awkwardly. For example, there is a fairly decent one on Bulla hill, which I think is particularly dangerous, because if you hit a pothole on Bulla hill, you could find yourself down the bottom of Bulla hill, and you might not necessarily be on the road when you do it.

I ask the minister to instruct VicRoads to get out there to do a repair job on the Melbourne–Sunbury road because it is somewhat of a disgrace. In fact it is more than somewhat of a disgrace; it is a total disgrace. I think that the people of Sunbury, Bulla and surrounds who have missed out on this government's largesse need to have that Melbourne–Sunbury road fixed. I ask the minister to speak to VicRoads and to ensure that the Melbourne–Sunbury road is in a fit and reasonable condition for use.

School retention programs

Mr PURCELL (Western Victoria) — My adjournment matter is for the Minister for Education. Education in south-western Victoria and western Victoria is certainly a challenge. Western Victoria has the lowest year 12 attainment rate in the state. Compared to Melbourne, for instance, which has a 77 per cent year 12 attainment rate, western Victoria drops to somewhere around 51 per cent.

There are many innovative projects that the schools run to try to keep the students in schools through secondary education. A lot of these are well and truly developed. While I find it extremely encouraging that the outcomes of these are to get the students to stay longer at school and attain a year 12 qualification, it does come with one concern.

We get contacted by and have met with a number of different groups who run different programs, including Hands On Learning, the Clontarf Foundation program, Standing Tall and Beyond The Bell, just to name a few — and there are many others. Hands On Learning, for instance, is an innovative program that caters for the different ways young people learn and involves two artisan teachers who work collaboratively with small groups of cross-aged students on authentic building projects. This provides them with a platform to learn some of the skills that they will be able to use later in the workforce. Standing Tall is an early intervention school-based mentoring program that works with students displaying signs of disengagement to improve their school life. Ultimately these are at-risk students. The Clontarf Foundation exists to improve the prospects of young Aboriginal students. It equips them to become part of their communities.

Each of these programs is worth funding, fulfils a need and provides excellence in its own field. But my main concern is that they are all competing against each other for the small bucket of funding. No one program should miss out at the expense of another, but this is ultimately what will happen when there are so many different needs to be met. I therefore ask the minister to review the current education funding structure to ensure these and other non-conventional programs have the funding stream they need to support the students they cater for.

Southern Metropolitan Region level crossings

Ms CROZIER (Southern Metropolitan) — My adjournment matter this evening is for the minister responsible for the removal of level crossings in her capacity as Minister for Public Transport, Minister Allan. It relates to the issues around the level

crossing removals at Bentleigh. There has been considerable discussion in this place and elsewhere about the impacts.

The North Road level crossing in Ormond, which was funded under the previous coalition government, and others are almost complete, and those communities will benefit from them. But during the time that these level crossing removals have been undertaken there have been significant impacts on local businesses, and the traders groups that have been trying to work with the Level Crossing Removal Authority (LXRA) and also the Minister for Small Business, Innovation and Trade for well over a year now in relation to their concerns want to have raised the conversations that occurred a few months ago with the Minister for Small Business, Innovation and Trade, who wrote to them in his capacity as a member saying that he was advocating on their behalf and that he acknowledged the experience of the negative impact the situation was having on traders across the three areas. He wanted to look to how he could give marketing and festival support that would be driven by the needs of the traders, and he said 'As per our discussion the authority will rely on your advice'.

It was the understanding through those discussions with the various traders groups and the minister that there would be a significant amount of money, in the vicinity of something around — —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Finn**) — Order! The conversation levels down at the back of the chamber are a little too high.

Ms CROZIER — As I was saying, there was the understanding that there would be some significant amounts of money to assist the traders in dealing with marketing. There was around $70 000 for the LXRA for advertising costs or thereabouts for marketing purposes for the reopening and looking to get traders back into the areas, $70 000 or thereabouts to go to council to then be distributed across the three trading strips and $20 000 to each of those shopping strips, meaning Centre Road, Bentleigh; McKinnon Road, McKinnon; and North Road, Ormond.

Those traders groups were of the understanding that that was the amount of money that would be forthcoming. They have heard nothing from either the minister or the LXRA, so my question to the minister is: could she follow up and find out where the allocated money is, how it will be applied and when the traders groups will be informed of when it is coming?

Eastern Health

Mr LEANE (Eastern Metropolitan) — I, too, join in in acknowledging our new world overlord — for personal reasons.

My adjournment matter is for the Minister for Health, Jill Hennessy. Recently I met with the new CEO of Eastern Health, David Plunkett, and he explained to me the vast ambition that Eastern Health has for the future to improve the health network, which I think all health networks should have. The action I seek from the minister is: could she please sometime early in the new year accompany me to meet with Eastern Health at one of their facilities out in the east so she can hear firsthand their future ambitions and talk about a way forward for how they may come to fruition?

Nicholson Street, Coburg

Ms PATTEN (Northern Metropolitan) — My adjournment matter tonight is directed to the Minister for Roads and Road Safety, the Honourable Luke Donnellan. I am asking the minister to look into measures to improve pedestrian safety on Nicholson Street outside the Coburg IGA. This section of Nicholson Street outside the shopping centre is a really dangerous area for pedestrians. There is a speed limit of 60 kilometres an hour. There are more than 100 apartments in the area, numerous local shops, a mosque and a church.

Tragically, Helene Khouzi, a much-loved grandmother who was helping her son at one of the local cafes, was struck and killed while crossing that section of the road on 22 October this year. My deepest sympathy goes to the family of Ms Khouzi. I have spoken to them, and I know they are still coming to terms with this tragedy. She was actually standing in the middle of the road trying to cross in front of the IGA. Police are still investigating the matter. It appears the driver was not speeding, but the speed limit is 60 kilometres per hour in that area. Nothing can bring Ms Khouzi back to her family, but they are hoping that something can come from this tragedy, and they have been supporting a local campaign to investigate pedestrian safety improvements in the area.

A pedestrian crossing at the corner of Moore and Nicholson streets would be the best option, but I understand this will take a lot of time. In the meantime I am seeking that some action be taken to lower the speed limit to 40 kilometres an hour to install flashing warning lights in this area. The local community has already undertaken a big campaign. There have been information campaigns running with the local

community about slowing down in that area. There are signs up, and they have spoken to VicRoads. Unfortunately VicRoads, I understand, has told them that there need to be two more deaths or two more serious incidents in the area before it will consider taking action, so we really need the minister to step in and act on this issue.

I hope that out of this tragedy there can be some good. I ask that the minister help me to improve pedestrian safety on Nicholson Street by immediately lowering the speed limit around that area.

Responses

Ms MIKAKOS (Minister for Families and Children) — This evening I have received adjournment matters from Ms Lovell directed to the Minister for Health; from Mr Eideh directed to the Acting Minister for Tourism and Major Events, and I suspect that we are going to get a whole lot of Americans coming our way very shortly, so there is going to be a big boom in Victorian tourism; from Mr Finn directed to the Minister for Roads and Road Safety, and I will perhaps not reflect on some of the remarks Mr Finn made in relation to the very recent election of one of our very important allies; from Mr Purcell directed to the Minister for Education; from Ms Crozier directed to the Minister for Public Transport; from Mr Leane directed to the Minister for Health; and from Ms Patten directed to the Minister for Roads and Road Safety. I will direct all those matters to the appropriate ministers for response.

The ACTING PRESIDENT (**Mr Finn**) — Order! The house now stands adjourned.

House adjourned 5.58 p.m.