PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 1 May 2018

(Extract from book 5)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

(from 16 October 2017)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer and Minister for Resources	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
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Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Local Government	The Hon. M. Kairouz, MP
Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, 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 Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

Legislative Council committees

Privileges Committee — Mr Dalidakis, Mr Mulino, Mr O'Sullivan, Mr Purcell, Mr Rich-Phillips, Ms Springle, Ms Symes 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, #Mr Davis, Ms Dunn, Mr Eideh, Mr Finn, Mr Gepp, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O'Sullivan and #Mr Rich-Phillips.

Standing Committee on the Environment and Planning — Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, #Ms Dunn, Mr Elasmar, Mr Melhem, #Mr Purcell, #Mr Ramsay, #Dr Ratnam, Ms Shing, #Ms Symes, Ms Truong and Mr Young.

Standing Committee on Legal and Social Issues — #Ms Crozier, #Mr Elasmar, Ms Fitzherbert, Mr Morris, Mr Mulino, Ms Patten, Mrs Peulich, #Dr Ratnam, #Mr Rich-Phillips, Mr Somyurek, Ms Springle and Ms Symes.

participating members

Legislative Council select committees

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

Fire Services Bill Select Committee — Ms Lovell, Mr Melhem, Mr Mulino, Mr O'Sullivan, Mr Rich Phillips, Ms Shing and Mr Young.

Joint committees

Accountability and Oversight Committee — (*Council*): Mr O'Sullivan, Mr Purcell and Ms Symes. (*Assembly*): Mr Angus, Mr Gidley, Mr Noonan and Ms Thomson.

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

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

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

Environment, Natural Resources and Regional Development Committee — (*Council*): Mr O'Sullivan, Mr Ramsay and Mr Young. (*Assembly*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan.

Family and Community Development Committee — (*Council*): Dr Carling-Jenkins and Mr Finn. (*Assembly*): Ms Britnell, Ms Couzens, Mr Edbrooke, Ms Edwards and Ms McLeish.

House Committee — (*Council*): The President (*ex officio*), Mr Eideh, 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 Gepp and Ms Patten. (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley.

Public Accounts and Estimates Committee — (*Council*): Ms Patten, 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 — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

Council — Acting Clerk of the Parliaments and 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

Acting Presidents:
Ms Dunn, Mr Elasmar, Mr Melhem, Mr Morris, Ms Patten, Mr Purcell, Mr Ramsay

Leader of the Government:
The Hon. G. JENNINGS

Deputy Leader of the Government:
The Hon. J. L. PULFORD

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:
The Hon. G. K. RICH-PHILLIPS

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

Leader of the Greens:
Dr S. RATNAM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John[1]	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[8]	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel[3]	Western Metropolitan	AC	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[9]	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona[10]	Northern Metropolitan	RV
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin[4]	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	Ratnam, Dr Samantha Shantini[11]	Northern Metropolitan	Greens
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Gepp, Mr Mark[5]	Northern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred[7]	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph[6]	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	Truong, Ms Huong[12]	Western Metropolitan	Greens
Melhem, Mr Cesar	Western Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
			Young, Mr Daniel	Northern Victoria	SFFP

[1] Resigned 28 September 2017
[2] Appointed 15 April 2015
[3] DLP until 26 June 2017
[4] Resigned 27 May 2016
[5] Appointed 7 June 2017
[6] Resigned 6 April 2017
[7] Resigned 9 February 2018
[8] Resigned 25 February 2015
[9] Appointed 12 October 2016
[10] ASP until 16 January 2018
[11] Appointed 18 October 2017
[12] Appointed 21 February 2018

PARTY ABBREVIATIONS

AC — Australian Conservatives; ALP — Labor Party; ASP — Australian Sex Party;
DLP — Democratic Labour Party; Greens — Australian Greens;
LP — Liberal Party; Nats — The Nationals; RV — Reason Victoria
SFFP — Shooters, Fishers and Farmers Party; V1LJ — Vote 1 Local Jobs

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TUESDAY, 1 MAY 2018

Tuesday, 1 May 2018

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 12.05 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (12:05) — On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the first people of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past and present and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament this week.

ROYAL ASSENT

Message read advising royal assent on 10 April to:

Children Legislation Amendment (Information Sharing) Act 2018.

ENGINEERS REGISTRATION BILL 2018

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr JENNINGS (Special Minister of State); by leave, ordered to be read second time forthwith.

Statement of compatibility

Mr JENNINGS (Special Minister of State) 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 Engineers Registration Bill 2018.

In my opinion, the Engineers Registration Bill 2018 (the bill), as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

This bill establishes a single registration scheme for engineers to promote professional development within the engineering profession; reduce the risk of loss and harm to the public; and give consumers more confidence in procuring professional engineering services.

The bill will require individuals to be registered in one or more areas of engineering in order to be able to lawfully provide professional engineering services in Victoria. It is intended that over time, other areas of engineering will be included in the scheme. A register of engineers will be established under the act.

The bill ensures consistent eligibility criteria across Victoria for engineers, establishes minimum continuous professional development requirements and provides a three-year registration for professional engineers.

The registration scheme will be jointly administered by the Business Licensing Authority (BLA), Consumer Affairs Victoria (CAV) and, in relation to engineers engaged in the building industry, the Victorian Building Authority (VBA), with assessment undertaken by approved assessment entities. Among other things, the bill will confer on CAV a range of entry and inspection powers to enable CAV the ability to effectively enforce the provisions of the bill.

The bill contains provisions to transition engineers currently registered under the Building Act 1993 into the Engineers Registration Scheme when their current registration renewals fall due. The bill also makes consequential amendments to a range of other acts.

Human rights issues

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

In my opinion, the human rights under the charter that are relevant to the bill are:

a. the right to equality as protected by section 8 of the charter;

b. the right to privacy and reputation as protected by section 13 of the charter;

c. the right to freedom of expression as protected by section 15 of the charter;

d. property rights as protected by section 20 of the charter;

e. rights in criminal proceedings as protected by section 25 of the charter; and

f. the right not to be punished more than once as protected by section 26 of the charter.

For the reasons outlined below, I am of the view that the bill is compatible with each of these human rights.

Equality

Section 8(3) of the charter provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

Clause 12(2)(c) of the bill disqualifies a person from obtaining or renewing a registration on the grounds that they are a represented person within the meaning of the Guardianship and Administration Act 1986 (guardianship act). A represented person is a person subject to a guardianship or administration order under the guardianship act. Persons subject to such orders are persons with

disabilities who are unable to make reasonable judgements about certain matters.

In my view, this disqualification criterion is a reasonable limitation on the right to equality. A represented person is disqualified under clause 12(2)(c) of the bill because of his or her inability to make reasonable judgements about certain matters, rather than because of his or her disability. The provisions recognise the fact that a represented person cannot carry out the functions of a professional engineer providing professional engineering services.

Accordingly, clause 12(2)(c) does not discriminate against represented persons.

Right to privacy and reputation

Section 13 of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

Several clauses of the bill provide the BLA and VBA with broad powers to access the private information of individuals in order to determine applications for registration, registration renewal, endorsement and endorsement renewal; determine applications for approvals of assessment schemes; and regulate registrations and assessment schemes. Additionally, the bill provides CAV inspectors with powers of entry, search and seizure that may interfere with the privacy of individuals.

Obtaining, using and sharing the personal information of applicants and registered engineers

Division 1 of part 2 of the bill sets out the application processes for obtaining registration as an engineer, as well as for the renewal of a registration. An application for a registration or renewal must be accompanied by prescribed information.

It also sets out the process by which the BLA and VBA may conduct inquiries concerning an application to enable it to be satisfied that the applicant is suitable to be granted a registration or have a registration renewed, including in the case of an applicant who wishes to be engaged in the building industry, whether they are a 'fit and proper person' within the meaning of the Building Act 1993 to hold an endorsement.

Division 1 of part 3 sets out the process by which assessment entities may seek to have their assessment schemes approved. As assessment entities can be natural persons, the information sought may also engage the right to privacy.

Although the right to privacy is relevant to the provisions governing registration, endorsement, approval schemes and renewal applications, applicants who are seeking to participate in a regulated industry have a diminished expectation of privacy. The information that will be initially sought by the BLA and VBA is only information that is necessary for or relevant to the determination of the applications, and any subsequent exercise of the information-gathering powers are a direct consequence of their application.

Given that there is a reduced expectation of privacy in this context, and the applicants and relevant persons will have given their consent for their information to be checked or verified, in my opinion there will be no limitation on the right to privacy or reputation where the relevant information is obtained, reviewed and shared within the confines of the relevant provisions.

The register

Clause 28 requires the licensing registrar to establish and keep a register of professional engineers that contains certain prescribed particulars. Clause 29 requires that certain information from the register must also be published on the BLA's website. The information to be listed on both the register and the website will include not only information relating to current registered engineers but also matters relating to discipline of those engineers.

The purposes of the register include recording necessary information to monitor compliance with the registration scheme and to allow the BLA, CAV and VBA to fulfil their obligations. The register will also make information about registered engineers, or engineers who were previously registered, available to the public. This serves the important purpose of promoting transparency, which will in turn assist consumers to make informed decisions about whether to engage a particular engineer.

Clause 28 sets out when the BLA is able to record the information on the register, and provides that the information about a disciplinary or criminal sanction is to remain on the register until the expiry of five years after the sanction ceases to have effect.

Not all of the information disclosed in the register will be of a private nature. Nevertheless, to the extent that the right to privacy is relevant to the information required to be listed on the register, I believe that any interference with that right is lawful and not arbitrary. The particulars which are to be listed on the register and the website are clearly set out in clauses 28 and 29, and their listing is therefore a known condition of any person seeking to be registered as an engineer. The collection and publication of information on the register is necessary for and tailored to ensuring compliance with the registration scheme and promoting transparency, and accordingly does not constitute an arbitrary interference with privacy.

Compliance and enforcement powers of inspectors

Part 6 of the bill provides for the powers of CAV inspectors to monitor compliance and investigate potential contraventions of the bill.

Clause 71 requires a registered engineer or their employer to keep all documents relating to their practice as a professional engineer and make them available for inspection at all reasonable times. Former registered engineers or their employers must also make documents available for inspection in a form and at a place where they can be readily inspected.

Under clauses 71 to 76, registered engineers, their employers and certain third parties who have possession, custody or control of documents relating to an engineer's practice as a professional engineer, can be required to produce documents and answer questions relating to the engineer's practice as a professional engineer. The bill also provides for specified public bodies, certain other specified persons or bodies, and authorised deposit-taking institutions to produce information upon request of an inspector for the purpose of monitoring compliance with the bill or regulations.

Clause 77 permits an inspector, with the written approval of the director of CAV, to apply to the Magistrates Court for an order requiring a person to answer questions or supply information relating to a registered engineer's practice as a professional engineer. Following consideration of evidence, if a magistrate is satisfied that such an order is necessary for the purpose of monitoring compliance with the regime, the magistrate may grant an order requiring supply of information and answers.

The bill also provides for the entry, search and seizure powers of CAV inspectors. Inspectors may exercise powers of entry to any premises with the consent of the occupier, or where entry to the premises is open to the public. In the case of premises at which a registered engineer or their employer is conducting a business of providing professional engineering services, inspectors may, for the purpose of monitoring compliance and only during ordinary business hours, enter and search those premises without consent and seize items and inspect or make copies of documents. For premises that are not those at which a registered engineer or their employer is conducting the business, where an inspector believes on reasonable grounds that there is evidence on those premises of a contravention of the bill or regulations, CAV inspectors may apply to the Magistrates Court for a search warrant.

In my view, while the exercise of these compliance and enforcement powers may interfere with the privacy of an individual in some cases, any such interference will be lawful and not arbitrary. As noted above, the purpose of the inspection powers is to enforce compliance with the bill and relevant registration conditions, to ensure professional engineering services are provided in a competent manner. Engineers and others engaged in providing professional engineering services have a diminished expectation of privacy in the regulatory context, and it is reasonable that they can be required to produce information and permit entry to business premises for compliance purposes. In the case of persons who are not involved in providing professional engineering services, inspectors' powers to require third parties to answer questions or provide information are limited to those individuals who have control over relevant documents and information, or bodies that are likely to hold relevant information, and only for the purpose of monitoring compliance. If it becomes necessary for enforcement purposes to require any other third party to answer questions or produce information, the bill only provides inspectors with these powers where a magistrate has first made an order.

Right to freedom of expression

Section 15(2) of the charter provides that every person has the right to freedom of expression. Section 15(3) of the charter provides that special duties and responsibilities are attached to the right to freedom of expression and that the right may be subject to lawful restrictions reasonably necessary to respect the rights of other persons or for the protection of national security, public order, public health or public morality.

Offence to make certain representations

Clause 68 of the bill provides that it is a criminal offence for a person who is not registered as an engineer in a particular area of engineering to represent that they are registered to provide professional engineering services in that area of engineering. Further, the clause also restricts representations that they are an endorsed building engineer or that they are registered.

It may be that the right to freedom of expression extends to certain kinds of commercial expression. However, commercial expression is generally afforded a lesser degree of protection under the right compared with political or artistic expression. Restrictions on commercial expression are likely to be subject to less scrutiny generally on the basis that commercial expression serves a private, rather than a public, interest. Also, as with other forms of expression, commercial expression is subject to section 15(3) of the charter. In these cases, the provision aims to protect consumers from being misled and so is necessary for the protection of the public interest.

In light of the fact that these new sections serve to protect consumers from being misled by persons who are providing professional engineering services but who are not appropriately registered or qualified, these provisions do not in my view limit the right to freedom of expression. They do not fall within the protected scope of section 15(2) of the charter, or in the alternative, they fall within the exceptions to the right in section 15(3) of the charter, as reasonably necessary to respect the rights of other persons and for the protection of public order and public health.

Provision of assistance when search warrant executed

Clause 84 will enable an inspector to be authorised by warrant to require a person to provide reasonable and necessary assistance or information to enable information in electronic or digital format to be accessed from the premises the subject of the warrant.

These provisions enable appropriate oversight and monitoring of compliance with the bill. They only allow an inspector or the director to require information, documents or assistance to the extent that it is reasonably necessary to determine compliance or non-compliance with the bill. A warrant issued under clause 84 compelling the provision of information or assistance can only be issued if a magistrate is satisfied that an inspector has reasonable grounds to believe a contravention has occurred and after consideration of the rights and interests of the parties to be affected by the warrant.

The assistance of the persons to whom these provisions relate is necessary to conduct investigations into whether or not the regulatory obligations of the bill are being complied with.

Although an engineer or other person at premises from which professional engineering services are being provided may not wish to offer information in respect of the provision of those services, their cooperation is essential to ensuring the effectiveness of the regulatory scheme. The assistance of those responsible for, and familiar with, the processes and operations of the engineer's practice is necessary to enable investigations into regulatory compliance.

Right to property

A number of provisions in the bill provide for the seizure of documents and things and may therefore interfere with the right to property. Section 20 of the charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

Search and seizure powers of inspectors

The bill provides that CAV inspectors may, for the purpose of monitoring compliance, enter any premises with consent and examine and seize anything found on the premises believed to be connected with a contravention of the bill or regulations, provided the occupier consents to the seizure. The bill also provides, in the case of premises at which a registered engineer or their employer is conducting a business of providing professional engineering services, that an inspector may enter and seize or secure against interference anything believed to be connected with a contravention of the bill or regulations. In addition, seizure of items may occur in accordance with a search warrant issued by a magistrate where there are reasonable grounds to believe that there is a thing connected with the contravention of the bill or regulations on any premises.

In each provision that permits inspectors to seize or take items or documents, the powers of inspectors are strictly confined. For instance, before items are seized with consent, inspectors must first inform the occupier that they may refuse to give consent and that anything that is seized may be used in evidence. Where a magistrate issues a search warrant, only things named or described in the warrant, or things that are of a kind which could have been included in the search warrant, are permitted to be seized, and the rules in the Magistrates' Court Act 1989 that govern the use of search warrants will apply. Entry and seizure without consent or warrant is only permitted in the case of premises at which an engineer or their employer is conducting a business providing professional engineering services, and the powers of inspectors are appropriately circumscribed to only permit seizure of, or secure against interference, material necessary to investigate breaches of the bill.

Embargo notices

Where a search warrant authorises the seizure of a thing that cannot, or cannot readily, be physically removed, clause 87 of the bill provides for an inspector to issue an embargo notice prohibiting a person from selling, leasing, transferring, moving, disposing of or otherwise dealing with the thing or any part of the thing. Performing a prohibited act in relation to a thing, where a person knows that an embargo notice relates to the thing, is an offence. Further, the bill renders any sale, lease, transfer or other dealing with a thing in contravention of clause 87 void.

The bill enables an inspector, for the purpose of monitoring compliance with an embargo notice, to apply to the Magistrates Court for an order requiring the owner of the thing, or the owner of the premises where it is kept, to answer questions or produce documents, or any other order incidental to or necessary for monitoring compliance with the embargo notice or clause 87. An inspector may also, with the written approval of the director of CAV, apply to a magistrate for the issuing of a search warrant permitting entry to where the embargoed thing is kept, for the purposes of monitoring compliance with an embargo notice.

To the extent that the restriction on selling, leasing, transferring, moving, disposing of or otherwise dealing with the thing that is subject to an embargo notice constitutes a deprivation of property, any such deprivation is for the purposes of ensuring that enforcement action under the bill is not frustrated due to disposal of evidence. These restrictions can only occur in clearly circumscribed circumstances, and monitoring of compliance with embargo notices is subject to the supervision of the Magistrates Court. Any such deprivation will therefore be lawful and will not limit section 20 of the charter.

Requirements for retention and return of seized documents or things

Clause 90 of the bill imposes a number of requirements that inspectors must comply with where they have retained possession of a document or item in accordance with any of the seizure or retention powers conferred by the bill. These requirements will ensure that a person is provided with a certified copy of any documents seized or taken from them, and that inspectors take reasonable steps to return documents or things to the person from whom it was seized either if the reason for their seizure no longer exists, or in any event return them within three months unless an extension is granted by a magistrate.

In my opinion, for the reasons outlined above, any interference with property occasioned by the bill is in accordance with law and is therefore compatible with the charter.

Rights in criminal proceedings

Presumption of innocence — reverse onus

The right in section 25(1) of the charter is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that he or she is not guilty of an offence.

Clause 92 of the bill makes it an offence for the occupier of a premises where an inspector is exercising a right of entry for compliance enforcement purposes, or an agent or employee of the occupier, to, without reasonable excuse, refuse to comply with a requirement of the inspector. These requirements include giving oral or written information to the inspector, producing documents to the inspector, and giving reasonable assistance to the inspector.

By creating a 'reasonable excuse' exception, the offence in clause 92 may be viewed as placing an evidential burden on the accused, in that it requires the accused to raise evidence as to a reasonable excuse. However, in doing so, this offence does not transfer the legal burden of proof. Once the accused has pointed to evidence of a reasonable excuse, which will ordinarily be peculiarly within their knowledge, the burden shifts back to the prosecution who must prove the essential elements of the offence. I do not consider that an evidential onus such as this provision limits the right to be presumed innocent, and courts in other jurisdictions have taken this approach.

For these reasons, in my opinion, clause 92 does not limit the right to be presumed innocent.

Right to protection against self-incrimination

Section 25(2)(k) of the charter provides that a person charged with a criminal offence is entitled not to be compelled to testify against himself or herself or to confess guilt. This right is at least as broad as the common-law privilege against self-incrimination. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion, regardless

of whether the information was obtained prior to or subsequent to the charge being laid.

The right in section 25(2)(k) of the charter is relevant to clause 93, which applies to the enforcement powers of CAV inspectors provided by part 6 of the bill.

Clause 93 provides that it is a reasonable excuse for a person to refuse or fail to give information or do any other thing that the person is required to do under part 6, if the giving of the information or the doing of the thing would tend to incriminate the person. However, this protection does not apply to the production of a document that the person is required to produce under part 6, and is therefore a limited abrogation of the privilege against self-incrimination.

The privilege against self-incrimination generally covers the compulsion of documents or things which might incriminate a person. However, the application of the privilege to pre-existing documents is considerably weaker than that accorded to oral testimony or documents that are required to be brought into existence to comply with a request for information. I note that some jurisdictions have regarded an order to hand over existing documents as not constituting self-incrimination.

The primary purpose of the abrogation of the privilege in relation to documents is to facilitate compliance with the scheme by assisting inspectors to access information and evidence that is difficult or impossible to ascertain by alternative evidentiary means. Taking into account the protective purpose of the bill, there is significant public interest in ensuring that professional engineering services are being provided in compliance with the provisions of the bill and the regulations.

There is no accompanying 'use immunity' that restricts the use of the produced documents to particular proceedings. However, any limitation on the right in section 25(2)(k) that is occasioned by the limited abrogation of the privilege in respect of produced documents is directly related to its purpose. The documents that an inspector can require to be produced are those connected with an engineer's practice as a professional engineer, and for the purpose of monitoring compliance with the bill or regulations. Importantly, the requirement to produce a document to an inspector does not extend to having to explain or account for the information contained in that document. If such an explanation would tend to incriminate, the privilege would still be available.

Further, clause 71 of the bill creates an obligation for registered engineers and their employers to keep all documents relating to the practice as an engineer available for inspection, and for former registered engineers to make documents relating to the engineer's practice as an engineer available for inspection. The duty to provide those documents is consistent with the reasonable expectations of persons who operate a business within a regulated scheme. Moreover, it is necessary for the regulator to have access to documents to ensure the effective administration of the regulatory scheme.

There are no less restrictive means available to achieve the purpose of enabling inspectors to have access to relevant documents. To excuse the production of such documents where a contravention is suspected would allow persons to circumvent the record-keeping obligations in the bill and significantly impede inspectors' ability to investigate and enforce compliance with the scheme. Any limitation on the right against self-incrimination is therefore appropriately tailored and the least restrictive means to achieve the regulatory purpose.

Clause 84 of the bill will enable a warrant issued under clause 77 of the bill to authorise an inspector to require a person to provide reasonable and necessary information or assistance. Clause 84 of the bill provides that it is not a reasonable excuse for a natural person to refuse or fail to provide information or assistance that a person is required to provide under clause 84 if the provision of the information or assistance would tend to incriminate the person.

This clause of the bill is directed to addressing the increasing prevalence of storage of business documents and information in digital or electronic format, including 'off-site' storage in cloud networks. Commonly, access to such information is subject to security requirements such as passwords or encryption technology. If a trader were able to refuse to provide a necessary password or de-encryption key to access business documents the regulatory scheme would increasingly become unable to be effectively administered.

The information or assistance contemplated under clause 84 is for the purpose of enabling access to information concerning an alleged contravention of the bill. A duty to provide such information or assistance is consistent with the reasonable expectations of persons who participate in a regulated activity with associated duties and obligations. Moreover, it is necessary for regulators to have access to such information to ensure the effective administration of the scheme.

The bill does not limit section 25(2)(k) in this respect, because the person required to assist an inspector is not a person who has been charged with a criminal offence. The execution of the warrant occurs before any action for a contravention of the bill or regulations is taken. In addition, the person is not being required to testify against himself or herself because they are not giving evidence in court. Finally, the person is not being required to confess guilt. While the information the person provides may enable an inspector to obtain evidence that incriminates the person, the giving of that information, such as a computer password or similar, is not in itself a confession of guilt.

Even if the bill could be said to limit section 25(2)(k), the limitations are reasonable and justified because of the fact that the investigation could be blocked by non-disclosure of the relevant information (such as a password to access a computer). If a person has locked hard copy business documents in a cupboard, an inspector would not need the person's assistance in breaking into the cupboard, under warrant, to seize that evidence and the person has no right to try to block the inspector from breaking into that cupboard. If the person has also 'locked' business records inside a computer through encryption, the person should not, simply because of their use of more sophisticated technology, now be empowered to stymie investigations by refusing to divulge the electronic key to that evidence.

There is also the safeguard that the magistrate issuing the search warrant will have discretion not to include such a power in the warrant where the inspector applying for the warrant has not made out an adequate case for the need for such a power.

The bill does not provide a use immunity in relation to material seized as a result of the disclosure of a password. To do so would undermine the central point of the new power, to enable inspectors to access material that has been intentionally hidden or encrypted. As I have noted, a person who locked records in a cupboard cannot prevent an inspector from accessing those records under a search warrant. Where the person has simply used a more technologically sophisticated form of locking device (computer encryptions), they should not have any greater power to stymie an investigation.

There are no less restrictive means available to achieve the purpose of enabling regulators to have access to relevant digital or electronic information. To excuse the provision of information and assistance to enable access to digital or electronic records would significantly impede the regulator's ability to investigate and enforce compliance of the scheme in the contemporary business environment.

To the extent that clause 84 of the bill could enable a person's right to protection against self-incrimination and a right to a fair trial to be limited in compliance with a warrant authorising an inspector to require information, which is likely to be minimal, I consider this to be reasonable and justifiable.

For the above reasons, I consider that to the extent that clauses 84 and 93 may impose a limitation on the right against self-incrimination, that limitation is reasonable and justified under section 7(2) of the charter.

Right not to be punished more than once

Section 26 of the charter provides that a person has the right not to be tried or punished more than once for an offence in respect of which he or she has already been finally convicted or acquitted in accordance with law.

Clause 12 of the bill sets out the eligibility criteria for applications to be registered as an engineer and renewal applications. According to these criteria, an applicant may be refused registration in circumstances including where that person has previously been convicted or found guilty of certain indictable offences. Similarly, consideration of an application for an endorsement under clause 14 may give rise to similar considerations.

The right in section 26 of the charter has been interpreted as applying only to punishments of a criminal nature and does not preclude the imposition of civil consequences for the same conduct.

I do not consider that the consequences under these clauses are punitive so as to engage section 26. Their purpose is not to punish the convicted person, but to protect the integrity of the registration regime by ensuring that only appropriate persons are able to be registered. Disqualification is based solely upon the fact of a conviction or finding of guilt for particular kinds of offences, rather than a consideration of the individual offending of the relevant person. However, the kind of offending which is caught is either the standard criteria employed across a number of occupational licensing schemes regulated by the BLA and other laws that impose specific obligations on persons providing professional engineering services. These provisions are therefore targeted at, and consistent with, one of the purposes of establishing the registration scheme, namely to effectively regulate the engineering profession by ensuring that no unfit persons are granted registration.

Accordingly, I am of the opinion that the eligibility criteria are compatible with the right in section 26 of the charter.

Clause 60 enables VCAT to take disciplinary action against a registered engineer. Such action can be taken where VCAT is satisfied that a registered engineer has contravened the bill or regulations, including where a person has been convicted or found guilty of an offence. Where an action under clause 60 follows a conviction for an offence under another provision, a question arises as to whether a disciplinary action constitutes double punishment for the purposes of the right in section 26 of the charter.

The actions that may be taken by VCAT under clause 60 are of a regulatory nature and are for the purpose of protecting the integrity of the registration scheme by ensuring there is appropriate accountability, rather than being aimed at punishing the engineer. VCAT's powers under the bill are supervisory and protective in nature and any such disciplinary action under the bill does not amount to a finding of criminal guilt. Further, even if some of the actions that may be taken against a registration scheme under clause 60 amount to a sanction, those sanctions are not of a criminal nature and the right in section 26 of the charter does not preclude imposition of civil consequences for the same conduct.

I therefore consider that clause 60 does not engage section 26 of the charter.

Conclusion

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

Gavin Jennings, MLC
Special Minister of State

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).

Mr JENNINGS (Special Minister of State) (12:08) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Prior to the 2014 election, the Victorian Labor government committed to: 'work with relevant stakeholders on the introduction of a mandatory, statutory registration scheme and work with other jurisdictions to develop a nationally consistent registration scheme for engineers'.

A registration scheme for engineers is an integral part of the government's plan for infrastructure. We have already established Infrastructure Victoria and the office of Projects Victoria, and appointed the chief engineer, to ensure Victoria's infrastructure is world class. We also have many new major projects underway including the Melbourne Metro

Rail Tunnel, the West Gate tunnel and the level crossing removal project.

However, the Andrews Labor government's investment in infrastructure is bringing with it an important challenge: a need for suitably qualified and experienced engineers to develop and oversee these projects.

However, it is not just in infrastructure where engineers are critical to the state's future economic development. Engineers are central to driving greater innovation and productivity growth across the whole economy, from manufacturing to new energy technologies.

Despite the fundamental role in the economy that engineers have, the often complex nature of their work and the importance of their work in ensuring public safety, most engineers are not required to hold any kind of formal registration or licence. This stands in contrast to almost all other professionals in Victoria, including lawyers, doctors, nurses, architects and teachers.

At the moment in Victoria, only engineers engaged in the building industry need to be registered, and even then, coverage is limited to civil, electrical, mechanical and fire safety engineering. Such limited coverage means that only a small proportion of engineers in Victoria have had to have their qualifications and experience scrutinised.

Further, the engineering profession is increasingly globalised. Many of Australia's trading partners have recognised this and have begun to establish engineering registration schemes as an important tool to help promote exports of their engineers' services. A government-backed registration scheme will help give Victorian engineers the edge they need to compete in this global marketplace by giving prospective purchasers of their services the assurance that the engineer they engage is suitably qualified and experienced, and will comply with well-recognised and internationally understood professional benchmarks.

The government has undertaken extensive consultation with stakeholders, and I would like to thank those stakeholders for their input into the bill. The professional associations representing engineers have expressed strong support for the introduction of a registration scheme, and many of those same associations have also expressed an interest in becoming assessment entities as the registration scheme rolls out to their areas of engineering.

This brings me to the key features of the bill.

The bill in detail

The engineers registration scheme that the bill proposes will at its onset regulate five areas of engineering including civil engineer, structural engineer, mechanical engineer, electrical engineer and fire-safety engineer. A separate endorsement will apply for engineers who are 'engaged in the building industry'. Feedback from stakeholders indicates that these areas of engineering cover most of the engineers operating in Victoria. Further, these areas cover about 80 per cent of engineers registered under the Queensland Professional Engineers Act 2002. Registration in these specified areas will be rolled out progressively, with the regulations able to specify when engineers in an area of engineering require registration through the use of the exemption power. However, the bill enables other areas of engineering to be prescribed by regulation. Over time, it is expected that the scheme will expand to cover other areas of engineering.

Once rolled out to a particular area of engineering, the registration scheme established by the bill will prohibit any person from providing professional engineering services in that particular area of engineering unless they are either registered in the area, working under the direct supervision of an engineer registered in the area, or working in accordance with a prescriptive standard such as an Australian standard.

The bill will also prohibit unregistered people from representing that they are a registered engineer, can provide professional engineering services or are an endorsed building engineer.

The registration scheme is based on a co-regulatory registration model which will be managed by the Business Licensing Authority (BLA), with support from Consumer Affairs Victoria (CAV), approved assessment entities, and the Victorian Building Authority (VBA). Reflecting its important new role, membership of the BLA will be expanded to include a person who has qualifications and experience in the field of engineering.

The Victorian scheme is modelled closely on the Queensland scheme. However, some differences exist due to differences in legislative requirements in the two jurisdictions. For example, engineers engaged in the building industry in Victoria must hold professional indemnity insurance to underpin certification requirements under section 238 of the Building Act 1993.

Under the co-regulatory model, the BLA will approve assessment entities. Before doing so, the BLA will be able to seek the advice of the chief engineer. Assessment entities will have to satisfy the BLA that they will be capable of undertaking a range of different matters related to the assessment of an applicant for registration, including assessing qualifications and competencies, ensuring audits of continuing professional development and providing independent and authoritative assessments in a timely fashion. The bill also sets out the process for revoking an assessment entity's approval if they fail to meet these requirements.

After an engineer is approved by the assessment entity, they may then apply to the BLA to be registered. The BLA will also take over registration functions for engineers engaged in the building industry from the VBA once the scheme comes into effect.

Before deciding to register an applicant, as well as considering the report of the assessment entity, the BLA will assess whether the engineer meets a number of other eligibility criteria. In addition, the BLA will be able to check a range of probity matters. Where an engineer wishes to be engaged in the building industry, the bill establishes a process where the VBA can check a range of building-related probity matters in relation to applicants for building industry endorsements, including whether the engineer has the required insurance under the Building Act 1993. The VBA will then report their assessment to the BLA.

If satisfied that a person is eligible for registration, the BLA will add the person to the register of professional engineers. This register will enable consumers to check details of the registered engineer, including conditions on the registration, as well details of disciplinary matters up to five years old.

This will further assist consumers to choose high-quality engineering services.

Registration will be valid for a period of three years, and the BLA may impose conditions on the registration. After three years, an engineer may renew their registration by applying to the BLA and paying a registration fee. It is expected that a condition for renewal is completion of continuous professional development of 150 hours over the last three years. In addition, it is expected that assessment entities will also have to conduct regular audits of CPD.

If an application for a registration or registration renewal is refused by the BLA, or a condition is imposed, the applicant will be able to seek review of the decision by the Victorian Civil and Administrative Tribunal (VCAT).

Engineers who are already registered under the Building Act will have those registrations recognised under the new scheme. Further, because engineers who have been registered under the Building Act in the past may not have the necessary qualifications to meet assessment scheme standards, they will be given up to five years to complete any necessary training.

The bill also sets up a disciplinary system that will see CAV or the VBA taking the lead, depending on whether an engineer has an endorsement. Where an engineer has been engaged in both building-related and non-building-related engineering, if the engineer is an endorsed building engineer, the VBA will take the lead on investigating and disciplining the engineer in relation to the endorsement.

This dual regulator approach has been proposed to ensure that the VBA can continue to carry out 'end to end' investigations of non-compliant building work. Engineers will be subject to the disciplinary grounds of the Building Act in relation to their endorsement. They will be subject to the grounds in the Engineers Registration Act in relation to their registration. Disciplinary sanctions for engineers under the bill will be similar to those available under the Building Act to ensure that engineers face consistent outcomes regardless of whether their misconduct was building-related or not.

Disciplinary procedures will be slightly different. It is expected that CAV will generally apply directly to VCAT for disciplinary action in relation to a registration, while the VBA will use the show cause process in the Building Act 1993 in relation to an endorsement. In practice, outcomes from these processes are likely to be consistent, because engineers who are dissatisfied with a proposed sanction imposed by the VBA may apply to VCAT for a review of that sanction.

The bill also sets out a range of entry powers available to the director of Consumer Affairs Victoria. It also applies a range of powers under the Australian Consumer Law and Fair Trading Act 2012 to ensure courts can order redress or make a range of other orders consistent with other consumer acts administered by CAV. The VBA will rely on entry powers under the Building Act 1993 in relation to engineers who have a building industry endorsement.

The engineers registration scheme proposed by the bill will: help to promote professional development within the engineering profession; reduce the risk of loss and harm to the public; and give consumers more confidence in procuring engineering services. It will also improve opportunities for the export of engineering services by Victorian engineers.

I commend the bill to the house.

Debate adjourned for Mr RICH-PHILLIPS (South Eastern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Tuesday, 8 May.

GUARDIANSHIP AND ADMINISTRATION BILL 2018

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr JENNINGS (Special Minister of State); by leave, ordered to be read second time forthwith.

Statement of compatibility

Mr JENNINGS (Special Minister of State) 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 Guardianship and Administration Bill 2018.

In my opinion, the Guardianship and Administration Bill 2018, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The Guardianship and Administration Bill 2018 repeals the Guardianship and Administration Act 1986 (GA act), re-enacts with amendments the law relating to guardianship and administration, and amends various other acts.

The bill provides a legislative scheme in relation to guardianship and administration by: continuing the Office of the Public Advocate and providing for the appointment of a public advocate; enabling certain persons with disability to have a supportive guardian, supportive administrator, guardian or administrator appointed in specified circumstances; enabling an administrator to be appointed for certain missing persons; improving processes at the Victorian Civil and Administrative Tribunal (VCAT) in relation to guardianship and administration applications; and providing a process for VCAT to consent to special medical procedures on behalf of persons incapable of giving consent to those procedures.

The bill aims to provide a solution to the challenges posed when a person with disability lacks decision-making capacity in relation to certain matters. In such circumstances, the bill enables a guardian or an administrator to be appointed by VCAT, in order to promote the person's personal and social wellbeing. The bill contains many safeguards, which protect the rights of persons affected by the bill. Importantly, the bill expressly provides that provisions of the bill and powers, functions and duties conferred or imposed by the bill are to be interpreted to adopt the way which is the least restrictive of a person's ability to decide and act, and so that a person is given all the possible support to enable that person to exercise their decision-making capacity (clause 8). In addition, the bill

provides that a person making a decision for a represented person must have regard to the following key principles: the decision-maker should give all practicable and appropriate effect to the person's will and preferences, if known; if the person's will and preferences are unknown, the person should give effect to what the represented person would likely want, based on all the information available; the person should act in a way which promotes the represented person's personal and social wellbeing; and the represented person's will and preferences should only be overridden if it is necessary to do so to prevent serious harm to the represented person (clause 9). The principles in clauses 8 and 9 broadly reflect the paradigm shift signalled in the United Nations Convention on the Rights of Persons with Disabilities, ratified by Australia in July 2008. That convention views persons with disabilities not as 'objects' of charity, medical treatment and social protection; but rather as 'subjects' with human rights to recognise people with disabilities as persons before the law and their right to make decisions for themselves.

The bill also enables VCAT to appoint a supportive guardian or supportive administrator as an alternative to, or in addition to, a guardian or administrator where VCAT determines that a person would be able to exercise decision-making capacity in relation to certain matters with appropriate support (clause 87). A person for whom a supportive guardian or supportive administrator is appointed is called a 'supported person'. While it may be the case that a legislative framework based entirely on supported decision-making would be a less restrictive alternative to permitting any form of substitute decision-making, in my view, such a regime would not achieve the purpose of this bill in relation to persons that have extremely limited decision-making capacity. I consider that the framework in the bill is preferable, as it maintains the decision-making capacity of supported persons and represented persons where possible, but also addresses the situation where a substituted decision-maker is required.

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

Guardianship and administration orders

Part 3 of the bill allows for a person to apply to VCAT for a guardianship or an administration order in relation to a person with disability who is of or over 18 years old (clauses 22, 23). Clause 3 of the bill defines 'disability' as a neurological impairment, intellectual impairment, mental disorder, brain injury, physical disability or dementia. VCAT may make a guardianship or administration order where satisfied of various factors (set out below).

A guardianship order may confer on a guardian a range of powers in relation to a 'personal matter' of a represented person, including powers to determine: where the represented person lives; with whom the represented person associates; and whether the represented person works (clauses 3, 38(1)(a)). A guardianship order may also confer on a guardian the power to undertake legal proceedings on behalf of the represented person in relation to a specified personal matter (clause 40). An administration order may confer on an administrator power to make decisions in relation to particular 'financial matters' specified in the order (clauses 3, 46(1)(a)). There are many financial powers that may be conferred on an administrator, including: selling any property (clause 52(g)); paying debts (clause 52(i)); and paying for the maintenance of the represented person and represented person's dependents (clause 52(n). An administrator may also continue the represented person's investments (clause 48), undertake legal proceedings on behalf of the represented person in relation to a specified financial matter (clause 51) and make a gift of the represented person's property in certain circumstances (clause 47).

The authority of a guardian or an administrator is such that their acts have effect as if taken by the represented person with the relevant decision-making capacity (clauses 38(3), 46(4)). A represented person is taken to be incapable of dealing with, transferring, alienating or charging their money or property without the order of VCAT or the written consent of the administrator, and any such dealing by any represented person is void and of no effect (clause 75).

Clause 30 of the bill sets out the circumstances in which VCAT may make a guardianship order or an administration order. Clause 30 (and other related provisions in part 3 of the bill) engages various rights under the charter as set out below.

Right to equality (section 8)

Section 8(1) of the charter provides that every person has the right to recognition as a person before the law. Section 8(3) of the charter relevantly provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination. Discrimination in relation to a person means discrimination within the meaning of the Equal Opportunity Act 2010 on the basis of an attribute set out in section 6 of that act. This includes discrimination on the basis of a disability. Section 8 of that act provides that direct discrimination occurs if a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute.

The bill is directed towards people with disability. Clause 30 of the bill will have the effect of empowering another person to exercise decision-making powers in relation to a person with disability (referred to as the 'represented persons'). The provisions in part 3 may consequently affect the capacity of represented persons to make legally effective decisions for themselves in important areas of their life. To the extent that the bill treats persons with disability unfavourably because of their disability by potentially restricting their personal autonomy, the bill will be discriminatory in its effect, and its operation as a whole will limit the right to equality.

However, a guardianship or administration order may only be made in limited circumstances. VCAT must be satisfied that: because of the person's disability, the person does not have decision-making capacity with respect to the personal or financial matters in relation to which the guardianship or administration order is sought; the person needs a guardian or administrator; and the appointment would promote the person's social and personal wellbeing (clause 30). For the purposes of determining whether a person 'needs' a guardian or administrator, VCAT must consider: the will and preferences of the person; whether the decisions in relation to the personal or financial matters for which the order is sought may be made more suitably by informal means or through negotiation or mediation; the wishes of any primary carer or relative of the proposed represented person, or other person with a direct interest in the application; and the desirability of preserving existing family relationships or other relationships that are important to the person (clause 31). Such requirements may promote other human rights under the charter, such as the right to privacy in section 13, the right to freedom of association in section 16 and the right to protection of families and children in section 17.

A person will only be subject to a guardianship or administration order if VCAT makes such an order following a hearing. The proposed represented person must be present at the hearing unless VCAT is satisfied that the person does not wish to attend or their presence is impracticable or unreasonable despite any arrangements VCAT may make (clause 29). Additionally, the process for the making of guardianship and administration orders is designed to promote the participation of the proposed represented person and ensure that VCAT has regard to their will and preferences. In making a guardianship or administration order, it was held in *PJB v. Melbourne Health, state Trustees Limited* [2011] VSC 327 that VCAT will be subject to section 38 of the charter and, accordingly, must give proper consideration to, and act compatibly with, human rights.

Once an order is made, the bill also places restrictions on the powers of guardians and administrators. The power to make decisions in relation to a number of highly personal matters may not be conferred on a guardian or an administrator, such as decisions in relation to making a will, voting, marriage, and the care and wellbeing of any child (clauses 39, 53). A guardian and an administrator are subject to the decision-making principles (clause 9 referred to above) as well as obligations to: act as an advocate for the represented person; encourage and assist the represented person to develop the person's decision-making capacity; act in such a way so to protect the represented person from neglect, abuse or exploitation; act honestly, diligently and in good faith; exercise reasonable skill and care; not use the position for profit; avoid acting if there are conflicts of interest; and not disclose confidential information (clauses 41, 55). An administrator must also keep accurate records and accounts of all dealings and transactions (clause 59) and ensure that their personal property is kept separate from the property of the represented person (clause 60). Importantly, an administrator must not enter into a transaction in which there is, or may be, a conflict between the duty of the administrator to the represented person and the interests of the administrator unless the transaction has been authorised by VCAT (clauses 57, 58). Clause 61 provides VCAT may appoint a person to examine or audit accounts of all dealings and transactions relating to financial matters specified in the order.

A party to an application may apply to VCAT for a rehearing of an application (part 7, division 1) and VCAT must conduct a reassessment of guardianship orders and administrations orders within 12 months after making the order and then at least once within each three-year period after making the order unless VCAT orders otherwise (clause 159(1) and (2)). VCAT may also conduct a reassessment at any time on its own initiative or on the application of any person (159(3)). As part of the reassessment, VCAT must consider whether the guardian or administrator has complied with their duties set out in clauses 41 and 55. In addition, VCAT must adhere to the general principles and be satisfied that the order is the least restrictive alternative possible in relation to the person's ability to decide and act (clause 8).

In my view, to the extent that the making of a guardianship or administration order limits the right to equality, any such limitation is demonstrably justifiable and constitutes the minimum interference necessary to enable persons with limited decision-making capacity to participate in society and enjoy personal and social wellbeing.

As mentioned, any appointment or order under the bill, including orders for guardianship and administration, can only take effect when a person is aged 18 years or over. Such differentiation on the basis of age also engages the right to equality. However, in my view, this age limitation does not limit the right to equality. The age threshold in the bill recognises that if substitute decision-making is required for a person under 18, the young person's parents generally have this power and responsibility. The Family Law Act 1975 provides that, usually, each of the parents of a child who is not 18 has parental responsibility for the child. 'Parental responsibility' is defined as 'all of the duties, powers, responsibilities and authority which, by law, parents have in relation to children'.

Right to freedom of movement (section 12), the right to freedom of expression (section 15) and the right to freedom of association (section 16)

Section 12 of the charter provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and to leave it and has the freedom to choose where to live, which includes a right not to be forced to move from or to a particular location.

Section 15 of the charter provides that every person has the right to hold an opinion without interference and the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, pursuant to section 15(2). However, section 15(3) provides that the right to freedom of expression may be lawfully restricted in a range of circumstances, including where it is reasonably necessary to do so to respect the rights and reputation of other persons.

Section 16(2) of the charter provides that every person has the right to freedom of association with others.

A power conferred on a guardian in relation to a personal matter (as defined in the bill), such as the power to determine a represented person's residence and place of employment, education or training, is relevant to the freedom of movement under section 12 of the charter. Other human rights, such as the right to freedom of expression under section 15 of the charter and the right to freedom of association under section 16(2) of the charter, may also be relevant and/or limited depending on the nature of the order made by VCAT appointing the guardian as well as the manner in which the guardian exercises the power. For example, the right to freedom of association may be relevant to a guardianship order that allows a guardian to make decisions regarding access to the represented person by certain people.

However, in my opinion, the obligations on a guardian in relation to the exercise of their powers (outlined above) prevent any powers conferred by a guardianship order from operating in a manner that unreasonably or unjustifiably limits human rights. Importantly, VCAT may only confer decision-making power on a guardian in relation to certain personal matters specified in the order if it is satisfied that it will promote the represented person's personal and social wellbeing (clause 30(2)(c)). For these reasons, I consider that any limitation of section 12 of the charter and other charter rights discussed above imposed by the bill is reasonable and justifiable.

Right to privacy, family or home (section 13)

Section 13 of the charter relevantly provides that all persons have the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference with privacy will be lawful if it is permitted by law, is certain, and is appropriately circumscribed. An

interference will not be arbitrary if it is not capricious, unpredictable or unjust.

The right not have one's privacy, family or home unlawfully or arbitrarily interfered with is relevant to the power conferred on a guardian in relation to personal matters and the power conferred on an administrator in relation to financial matters. For example, a decision that a person must reside in a particular place or a decision to sell a represented person's family home or a decision as to whether a represented person works or undertakes education or training may interfere with a person's right to family and home. In addition, a guardian or an administrator may be empowered to receive and disclose certain personal information about the represented person in order to make and implement decisions.

The safeguards outlined above in relation to the duties imposed on guardians and administrators ensure that the powers of a guardian and an administrator, if exercised in accordance with the bill, will not unlawfully or arbitrarily interfere with a person's right to privacy, family life or home. In addition, the disclosure and use of personal information by a guardian or administrator is for a defined purpose and there is a specific duty not to disclose confidential information unless authorised to do so under the guardianship or administration order or by law (clauses 41(1)(i), 55(i)). Furthermore, where the public advocate has been appointed to act as guardian, clause 20 provides that it is an offence for the public advocate (and public advocate employees) to disclose information relating to the affairs of an individual acquired in the performance of a function or duty or the exercise of a power under the act other than in limited, prescribed circumstances. For this reason, the right in section 13 of the charter is not limited as any interference will not be arbitrary or unlawful.

Protection of families (section 17)

Section 17(1) of the charter provides that families are the fundamental group unit of society and are entitled to be protected by society and the state.

The power conferred on a guardian in relation to personal matters and the power conferred on an administrator in relation to financial matters may limit the right to protection of families. For example, a guardian's decision about where a represented person resides or an administrator's decision to sell a represented person's family home may result in a person not being able to live with their family. The right to protection of children will also be relevant where the guardianship and administration orders affect a child's relationship with a represented person, particularly where that person is the parent.

However, I consider that any limitation on the right of families to protection which may arise due to a represented person being separated from their family will be reasonable, proportionate and demonstrably justifiable within the meaning of section 7(2) of the charter, given the decision-making principles (clause 9) and other duties and limitations imposed on guardians and administrators that are outlined above. In particular, under the decision-making principles, a guardian or administrator could only make a decision that would have the effect of separating a person from their family after considering the represented person's will and preferences. A represented person's will and preferences can only be overridden if necessary to prevent serious harm to the represented person or to another person. If a guardian or administrator is unable to determine the represented person's will and preferences, they must consult the represented person's close family and carers and act in a manner which promotes the represented person's personal and social wellbeing.

Right to property (section 20)

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. This right is not limited where there is a law which authorises a deprivation of property, and that law is adequately accessible, clear and certain, and sufficiently precise to enable a person to regulate their conduct.

International jurisprudence supports a view that a 'deprivation of property' may not be confined to situations of forced transfer of title or ownership, but could include any substantial restriction on a person's control, use or enjoyment of their property.

The power conferred on an administrator to make decisions in relation to specified financial matters is relevant to the right contained in section 20 of the charter. The exercise of complete and exclusive management and control of a person's property by an administrator may constitute the de facto deprivation of a person's property. As described above, clause 75 of the bill restricts the ability of the represented person to deal with their own property to the extent that it is under the control of an administrator. However, the safeguards outlined above ensure that, if the powers of an administrator are exercised in accordance with the bill, any de facto deprivation of a person's property (if occurs at all) will only in accordance with law that is clear and certain and does not operate arbitrarily. For this reason, the right in section 20 of the charter is not limited.

Clause 74 provides that an administrator may sell all personal effects of a person who is no longer a represented person that are in the possession of the administrator and unclaimed for two years after the date on which the person ceased to be a represented person. There is a similar provision in relation to the personal effects of a person who is no longer a missing person (clause 135). The sale must occur after public notice and is provided for by law that is clear and precise in its application. Accordingly, the right in section 20 of the charter is not limited.

Administration (missing person) orders

Right to equality (section 8)

Part 5 of the bill provides for an additional category of administration orders in relation to missing persons. A person may apply to VCAT for an administration (missing person) order for a missing person who is of or over the age of 18 (clause 99). VCAT may make an order in relation to the financial affairs of a missing person if it is satisfied that: the person is a missing person who usually resides in Victoria; while the person is missing there is, or is likely to be, a need for a decision to be made in relation to the person's financial matters; and the order would promote the missing person's personal and social wellbeing while the person is missing (clause 105). An administrator appointed by VCAT under part 5 has one or more of the powers conferred by division 3 of part 5 as specified by VCAT (clause 110). These powers generally mirror those in part 3 in relation to administration orders, such as a general power to make decisions about those financial matters specified in the order and a power to continue investments (clauses 110, 111). An administrator for a missing person must also abide by the duties referred to in division 4 of part 5. The duties are based on part 3, division 7

of the bill and include the obligations to: act as an advocate for the represented person; act honestly, diligently and in good faith, exercise reasonable skill and care; not use the position for profit; avoid conflicts of interest; and not disclose confidential information. Clause 122 also provides VCAT may appoint a person to examine or audit accounts of all dealings and transactions relating to financial matters specified in the order.

Division 5 of part 5 provides other protections, such as a requirement that an administrator must notify VCAT in writing without delay when the administrator becomes aware that the missing person is alive, or that the missing person has died (clause 124). Additionally, an administration (missing person) order continues in effect for the period not exceeding two years as specified in the order (unless the order is revoked earlier).

For the reasons discussed above in relation to administration orders and the conferral of powers on administrators, any limitation of human rights caused by the above clauses will be reasonable and justifiable within the meaning of section 7(2) of the charter. Also, as discussed above in relation to guardianship and administration orders, in my view, the age limitation of 18 or above does not limit the right to equality.

Special medical procedures

Part 6 of the bill concerns the carrying out of 'special medical procedures', which is defined in clause 3 as 'any procedure that will have the effect of rendering a person permanently infertile; terminating pregnancy; removal of tissue for purposes of transplantation to another person; or any medical or dental treatment that is prescribed by the regulations to be a special medical procedure for the purposes of part 6'.

Part 6 applies to 'patients'. Clause 3 defines a 'patient' as 'a person with disability who is of or over the age of 18 years and does not have decision-making capacity in relation to giving consent to the carrying out of a special medical procedure, regardless of whether the person is a 'represented person' as defined in the bill.

The right to equality (section 8)

Part 6 may also limit the right to equality to the extent that it treats persons with disability differently on the basis that they do not have decision-making capacity to consent to a special medical procedure (refer to ZEH (Guardianship) [2015] VCAT 2051).

Part 6 contains many safeguards. In particular, any such procedure must be authorised by VCAT (unless the patient has given an instructional directive regarding the carrying out of the procedure under the Medical Treatment Planning and Decisions Act 2016 (MTPD act)). It is an offence for a registered practitioner to carry out a special medical procedure without the consent of VCAT (or the medical treatment decision-maker if VCAT has provided this person with authority to consent to the continuation of the procedure or a further special medical procedure of a similar nature to the procedure that was originally authorised) (clause 147).

VCAT may only consent to the carrying out of a special medical procedure if satisfied that: the patient has not given an instructional directive under the MTPD act regarding the carrying out of the procedure; the patient does not have decision-making capacity in relation to giving consent; the patient is not likely to have decision-making capacity in relation to giving consent within a reasonable time; and the patient would consent to the carrying out of the special medical procedure if the patient had decision-making capacity (clause 145(1)). In order to be satisfied that the patient would consent to the carrying out of the procedure if the patient had decision-making capacity, VCAT must consider: any relevant values directive under the MTPD act and any other relevant preferences that the patient has expressed and the circumstances in which those preferences were expressed (clause 145(2)(a) and (b)). If VCAT cannot identify any relevant values directive or other preferences, VCAT must give consideration to the patient's values, whether expressed other than by way of a values directive or inferred from the patient's life (clause 145(2)(c)). VCAT must also consider the effects and consequences of the procedure and whether there are any alternatives and consult the patient's nearest relative (clause 145(2)(d)). If it is not possible to ascertain or apply the patient's preferences or values, VCAT may only consent to the procedure if: VCAT is satisfied that the procedure would promote the personal and social wellbeing of the patient, having regard to the need to respect the patient's individuality; and VCAT has considered the likely effects and consequences of the procedure; and whether there are any alternatives that would better promote the patient's personal and social wellbeing (clause 145(3)).

I consider that the limitation on the right to equality under part 6 constitutes the minimum interference necessary to enable persons without capacity to consent to a special medical procedure in order to receive appropriate and necessary medical care that would promote their personal and social wellbeing, and as such, any limitation of the right to equality will be reasonable and justifiable within the meaning of section 7(2) of the charter.

As with other orders under the bill, part 6 only applies to a person who is 18 years or above. Such differentiation on the basis of age also engages the right to equality. In my view, the age limitation of 18 or above in relation to special medical procedure applications does not limit the right to equality. In accordance with the High Court decision in Marion's case (*Department of Health and Community Services v. JWB and SMB* [1992] HCA 15), court authorisation is required before a special medical procedure can be undertaken on a child.

Right not to be subject to medical treatment without consent (section 10)

Section 10(c) of the charter provides that a person must not be subjected to medical experimentation or treatment without his or her full, free and informed consent. Part 6 of the bill enables VCAT to authorise a special medical procedure to be carried out in certain circumstances without the consent of a patient. To that extent, some clauses in part 6 of the bill limit the right in section 10(c) of the charter.

The right to be free from being subject to medical treatment without consent is an important right in the charter, given the way in which any such treatment without consent significantly undermines the personal autonomy of individuals and the freedom of such individuals to choose whether or not they are subjected to a particular medical procedure. However, the right can be subject to reasonable limitations in accordance with section 7(2) of the charter.

In this case, the necessity to enable VCAT to authorise a special medical procedure arises from the inability of the persons concerned to consent to such a procedure. In my view, the inability of persons to provide consent should not preclude persons from undergoing a necessary special medical procedure that may improve the patient's quality of

life. Given the numerous safeguards in part 6 (outlined above), including the many factors VCAT must consider in forming the reasonable opinion that the patient would consent if they had decision-making capacity, and the fact that a special medical procedure must promote the personal and social wellbeing of the relevant patient, I consider that any limitation of the right not to be subject to medical treatment without consent will be reasonable and justifiable within the meaning of section 7(2) of the charter.

Special powers in relation to proposed represented persons

Clause 43 confers special powers on the public advocate or another specified person in relation to a person in respect of whom an application for guardianship order under the bill has been made (proposed represented person). If VCAT has received information on oath that the proposed represented person is being unlawfully detained against their will or is likely to suffer serious damage to their health or wellbeing unless immediate action is taken, VCAT may by order empower the public advocate or some other specified person to visit the person in the company of a police officer for the purpose of preparing a report to VCAT. A police officer may use such force as is reasonably necessary to enter the premises (clause 43(4)).

Clause 43(3) provides that if, after receiving a report from the public advocate, VCAT is satisfied that the person is being unlawfully detained or is likely to suffer serious damage, VCAT may make an order enabling the person to be taken to a specified place for assessment and placement until the application for the guardianship order is heard.

Right to freedom of movement (section 12), right to liberty (section 21)

Clause 43 of the bill may limit a person's right to freedom of movement and freedom to choose where to live under section 12 of the charter where the person has been removed from their place of residence and held in an alternative residence against their will until the hearing of the application for the guardianship or administration order. If the person is restrained from leaving the alternative residence, clause 43 is relevant to a person's right to liberty and security under section 21 of the charter. However, any such deprivation will not be arbitrary given the process for VCAT authorisation described above, and, in my view, this power will not limit section 21 of the charter. Furthermore, given the limited circumstances in which a person may be removed from their residence and the safeguards outlined above, I do not consider that clause 43 of the bill unreasonably or unjustifiably limits the right to freedom of movement in section 12 of the charter. Finally, the public advocate must adhere to the general principles in the bill (clause 8) and will also be subject to section 38 of the charter and, accordingly, must give proper consideration to, and act compatibly with, human rights.

Right to privacy, family or home (section 13)

Clause 43 provides for the entry to residential premises and the removal of a person from their place of residence, which may interfere with the right to privacy, family and home of that person and any other person residing in the premises. The right to privacy is broad in scope and is said to encompass a person's personal and social sphere. This includes their personal security/bodily integrity, which would be engaged by the forcible removal of a person to be taken to a specified place. The right to property may also be engaged as the use of force interferes with a person's enjoyment of real property, and may involve property damage (e.g. breaking down doors). However, the bill provides that entry to premises and any subsequent transfer may only occur in limited circumstances, namely by order of VCAT and based on evidence on oath regarding the unlawful detention of a person or serious imminent damage to the person. In the absence of a power to visit a proposed represented person, the public advocate and VCAT would be unable to ascertain the conditions of the person's detention and accommodation which may be relevant to determining whether to make the relevant guardianship or administration order under the bill. The power to remove a person may be authorised by VCAT in very limited circumstances, namely where VCAT is satisfied that a person is being unlawfully detained against their will or is likely to suffer serious damage to their health or wellbeing unless immediate action is taken. Accordingly, for these reasons, I consider that any interference with the right to privacy would be neither unlawful nor arbitrary and therefore not limit section 13 of the charter.

Order for represented person to comply with a guardian's decision

Clause 45 of the bill provides that VCAT may make an order authorising a guardian or other specified person to take specified measures or actions to ensure that the represented person complies with the guardian's decisions in the exercise of the guardian's powers and duties under the guardianship order.

Right to freedom of movement (section 12), right to privacy, family or home (section 13), the right to freedom of expression (clause 15), right to freedom of association (section 16)

Clause 45 may limit a represented person's right to freedom of movement under section 12 of the charter to the extent that it may authorise a guardian or other specified person to use physical or non-physical measures to force a represented person to comply with a guardian's decision, such as a change in accommodation. A guardian may also be authorised to take measures such as enforcing a curfew, preventing certain persons from visiting the represented person, or imposing rules regarding the person's diet or dress. Other human rights, such as the right to freedom of association under section 16 of the charter and the right to liberty under section 21 of the charter, may also be relevant and/or limited depending on the nature of the order made by VCAT under clause 45.

The measures outlined in clause 45 may also engage the right to home and privacy, which is said to encompass the right to individual identity and personal development, to establish and develop meaningful social relations. The right to freedom of expression may also be engaged by regulating the person's dress.

However, in addition to the safeguards outlined above in respect of the duties imposed on a guardian, the bill provides for oversight of the exercise of the power to enforce compliance by providing that VCAT must authorise a person to take 'specified measures' and must hold a hearing to reassess an order made under clause 45 as soon as practicable after the making of that order, but within 42 days (clause 45(2)). In my view, any limitation of section 12 of the charter and other charter rights discussed above imposed by clause 45 is reasonable and justifiable.

Supportive guardianship orders and supportive administration orders

Part 4 of the bill provides that VCAT may make a supportive guardianship order or supportive administration order in

relation to a person with disability, subject to a number of requirements (clause 87). A person in relation to whom a supportive guardianship order or supportive administration order is made is referred to as 'the supported person'. The role of the supportive guardian is to support a supported person in making and giving effect to decisions in relation to any personal matters specified in the order. The role of the supportive administrator is to support a supported person in making and giving effect to decisions in relation to any financial matters specified in the order. The bill provides that VCAT may only confer a power on a supportive guardian or supportive administrator if it is satisfied that the power will ensure that the supportive guardian or supportive administrator can give practicable and appropriate support to the supported person to enable that person to have decision-making capacity in relation to the relevant personal matter or financial matters (clause 90(2)).

Right to privacy, family or home (section 13)

A supportive guardian and a supportive administrator have certain powers under clauses 91 and 92 of the bill to collect and disclose personal information of a supported person, which are relevant to the right to privacy in section 13 of the charter. However, in my view, clause 91 does not limit the right to privacy as the collection of personal information by the supportive guardian or supportive administrator is permitted for a defined, limited purpose, namely information that is relevant to a supported decision and may be lawfully collected by the supported person. Similarly, a supportive guardian or a supportive administrator may only disclose personal information under clause 91 for the purpose of enabling the supportive guardian or supportive administrator to carry out their role, for any legal proceedings under the bill or for any other lawful reason. Under clause 92 a supportive guardian or supportive administrator may only communicate information about the supported person for the purpose of supporting the person to make or communicate a decision. These limitations on the collection and disclosure of personal information ensure that any interference with the supported person's right to privacy will be neither unlawful nor arbitrary. Furthermore, the purpose of clauses 91 and 92 is to enable a supportive guardian or a supportive administrator to effectively support a supported person to make a relevant decision. For these reasons, in my view, the clauses do not limit the right to privacy.

Powers of the public advocate

The public advocate has a range of powers under the bill to obtain information from persons and, in some circumstances, to enter premises. These powers are contained in clause 16(1)(i) and 17.

Right to privacy, family or home (section 13)

Clauses 16 and 17 are relevant to the right to privacy to the extent that a person is required to provide personal information to the public advocate and where the public advocate may enter residential premises.

The purpose of these clauses is to ensure that the public advocate can carry out its functions under the bill of investigating complaints or allegations relating to persons under guardianship or in need of guardianship, and its function of making representations on behalf of, or acting for, persons with disability. As noted above, the public advocate will be subject to section 38 of the charter and, accordingly, must give proper consideration to, and act compatibly with, human rights. The clauses are precise in their application and are appropriately confined to ensure that any interference with privacy is limited. The powers to obtain information under clause 16 are limited to an investigation or a report prepared by the public advocate. The power of entry to premises in clause 17 is limited to the premises of an institution, which is defined in clause 17(7) to include a disability service provider, a residential service, residential institution or residential treatment facility within the meaning of the Disability Act 2006, a designated public hospital within the meaning of the Health Services Act 1988, a mental health service provider within the meaning of the Mental Health Act 2014 or a supported residential service within the meaning of the Supported Residential Services (Private Proprietors) Act 2010. Under clause 17, the public advocate is not authorised to inspect a person's medical records or personnel records, which may contain more sensitive personal information, without the person's consent. For these reasons, in my view, the clauses do not limit the right to privacy.

Withholding of information held by an administrator

Clause 73 allows an administrator to apply to VCAT for an order that a book, account, notice or document in the custody of the administrator relating to a person who is no longer a represented person may be withheld. There is a similar provision in relation to an administrator for a person who is no longer a missing person (clause 134).

Right to privacy, family or home (section 13), right to freedom of expression (section 15)

Clauses 73 and 134 are relevant to the right to privacy and the right to freedom of expression (which includes the freedom to seek and receive information) to the extent that a former represented person or former missing person may not be able to access information relating to themselves. However, VCAT may only make such an order where it would be in the interests of the person who is no longer a represented person or a missing person for part of their financial affairs to remain confidential or where the book, account, notice or other document contains confidential information about a third party. Accordingly, I consider that any interference with the right to privacy would be neither unlawful nor arbitrary and therefore not limit section 13 of the charter. Given that section 15(3) of the charter provides for lawful restrictions necessary to respect the right and reputation of other persons, in my view, clauses 73 and 134 do not limit the right to freedom of expression.

Clauses 73 and 134 may also promote the right to privacy to the extent that confidential or sensitive information about a third party is withheld or where a third party is denied access to confidential or sensitive information about the former represented person or former missing person.

Access to documents

Clause 214 of the bill will insert a new clause 37A into schedule 1 of the Victorian Civil and Administrative Tribunal Act 1998 (VCAT act) that provides that a person may make an application to the principal register that any documents lodged in relation to a proceeding under the bill not be disclosed to a specified person or class of person. New section 37A(2) provides that the application must be determined fairly and according to the merits of the application.

Right to freedom of expression (section 15)

New clause 37A of schedule 1 to the VCAT act will potentially operate to limit the right to receive information

under section 15(2) of the charter. However, in my view, the restriction falls within the internal limitation in section 15(3) of the charter, as it is necessary to protect the rights of others, including the right to privacy and reputation.

Hearings for guardianship and administration proceedings

The bill sets out the procedural requirements for applications and hearings to determine whether an order should be made for guardianship, administration, administration (missing person), supportive guardianship, supportive administration, and in relation to rehearings and reassessments. These provisions can be found in part 3, part 4, part 5 and part 7. Clauses 24, 81, 100 and 160 set out the matters to be included in an application and includes the names of anyone who has a direct interest in an application. Clauses 25, 82, 101 and 161 sets out who are the parties to a proceeding and allows VCAT to add additional parties. Clause 26, 83, 102 and 162 sets out who is entitled to notice of an application, which includes the parties, the spouse or domestic partner, the primary carer, and any other person VCAT determines to have a direct interest in the application. As discussed above, clause 29 provides that the proposed represented person must attend a hearing in relation to an application for guardianship or administration unless VCAT is satisfied that the person does not wish to attend or attendance would be impracticable or unreasonable, despite any arrangement VCAT may make. There are similar provisions in relation to part 4 (supportive guardianship orders and supportive administration orders) and part 7 (rehearings and reassessments).

Clause 37(1) of schedule 1 of the VCAT act provides that, unless VCAT orders otherwise, a person must not publish or broadcast any report of a proceeding under the GA act that identifies or could lead to the identification of a party to the proceeding. Clause 213 of the bill applies this provision to proceedings under the bill.

Right to a fair hearing (section 24)

Section 24(1) of the charter provides, relevantly, that a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The right to a fair hearing also encompasses the established common-law right that each individual has unimpeded access to the courts and tribunals of a state. The right is limited if a person is precluded from having effective access to a court or tribunal, in that they are barred from properly presenting their case.

The bill enhances the fair hearing right by including provisions ensuring participation of represented persons and other people who are relevantly involved in hearings. However, under clause 37 of schedule 1 of the VCAT act, guardianship and administration hearings are confidential. In my view, the confidentiality requirement for proceedings under the bill does not impose any limits on the right to a fair and public hearing under section 24(1) of the charter as it recognises the particular, sensitive nature of the proceedings. It is generally in the interests of the people involved for such hearings to be closed, in order to respect their right to privacy. In addition, VCAT has the discretion to order that the proceedings not be confidential if it is in the public interest to do so. Finally, section 24(2) of the charter provides that a court or tribunal may exclude the media, persons, and the general public if permitted to do so by a law other than the charter and section 8 of the Open courts Act 2013 provides that other laws restricting or prohibiting publication are not affected by that act.

Reassessments on the papers

As discussed above, the bill requires VCAT to conduct a reassessment of all appointments under the bill within 12 months after making the order and then at least once within each three-year period after making the order unless VCAT orders otherwise (clause 159(1) and (2)). VCAT may also conduct a reassessment at any time on its own initiative or on the application of any person (159(3)). Clause 164 allows VCAT to conduct a reassessment on the papers where the reassessment is on its own initiative and it does not propose to amend, vary or replace the relevant order. Before conducting a reassessment on the papers, VCAT must take reasonable steps to contact the represented person or supported person and ascertain whether they would like VCAT to conduct a hearing (clause 164(2)). VCAT is also required to provide a notice to the parties informing them that they have 14 days after the date of the notice to request a hearing (clause 164(4). If any of the parties request a hearing in the prescribed timeframe, VCAT must give the parties seven days' notice of the hearing (164(5)).

Right to a fair hearing (section 24)

Clause 164 is relevant to the right to a fair hearing as a reassessment without a hearing may not allow the represented person to properly present their case to VCAT regarding the operation of the order. However, given that a reassessment may only be conducted on the papers in limited circumstances (i.e. where VCAT does not propose any changes to the existing order) and the fact that the represented person or other party to the proceeding must be notified and can request a hearing, in my view, the right to a fair hearing is not limited.

Liability of guardians and administrators and the state

Clause 45(3) provides that the guardian or person specified in the order is not liable for any liability relating to action taken pursuant to the order of VCAT under clause 45(1) in certain circumstances. The person must have taken the action in the belief that it would promote the personal and social wellbeing of the represented person, and that it was reasonable to take the action in the circumstances.

Clause 181 provides that the Supreme Court or VCAT may order a guardian or administrator to compensate the represented person for a loss caused by the guardian or administrator when acting as guardian or administrator. However, clause 182 provides that if the Supreme Court or VCAT considers that a guardian or administrator is or may be personally liable for a contravention of the provisions of the bill, acted honestly and reasonably and ought fairly to be excused for the contravention, the Supreme Court or VCAT may relieve the guardian or administrator from all or part of that personal liability.

Clause 186 provides that no compensation is payable by the state in relation to any damage, loss or injury sustained by a person by reason of an act or omission of a guardian or an administrator under this act.

Right to a fair hearing (section 24)

In my view, to the extent that the right to a fair hearing is limited by the above clauses, such limits are reasonable and justifiable under section 7(2) of the charter. The immunity from liability in clause 45(3) is important as it allows a guardian to take specified measures to enforce their authority

in accordance with a VCAT order to ensure the personal and social wellbeing of the represented person.

In addition, while certain recourse to a court may be limited or removed by the above clauses, other recourse remains available in each case. Anyone can apply to VCAT for a reassessment of the order appointing the guardian or administrator at any time and the Supreme Court and VCAT may only relieve a guardian or administrator from liability to pay compensation for losses caused by their decisions where they have acted honestly and reasonably. In addition, general law remedies remain available to aggrieved parties through the courts.

I also consider that it is appropriate that no compensation is payable by the state in relation to the actions of guardians or administrators, as any such liability should instead rest with the guardian or administrator if they did not perform their duty in accordance with the order and the requirements of the bill.

The Hon. Gayle Tierney, MP
Minister for Corrections

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).

Mr JENNINGS (Special Minister of State) (12:10) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Background

When it was passed in 1986, the then named Guardianship and Administration Board Act was a visionary piece of legislation, which took Victoria from a 19th century approach to guardianship and administration to modern guardianship in a single step. The new act was part of a suite of acts that overhauled Victoria's laws for dealing with mental health and disability services.

The new act implemented the recommendations of the Cocks Committee on Rights and Protective Legislation for Intellectually Handicapped Persons by establishing a system of limited guardianship and administration appointments for people with disability, made and monitored by a tribunal, the Guardianship and Administration Board. The new act also created an independent advocate for people with disability, the public advocate, who could also be a guardian of last resort.

Times and attitudes change and now it is necessary to replace the 1986 act with a law that reflects a contemporary understanding of decision-making capacity and disability, and recognises the rights of people with a decision-making impairment and the responsibilities of those who interact with such people — carers, health and accommodation providers, and the courts and tribunals. The challenges have shifted from de-institutionalising the many people whose disability was treated as a condition best managed behind secure walls, to managing the increasing numbers of people living in the community who lose their capacity through the onset of dementia or an acquired brain injury.

Australian legislation increasingly seeks to fully recognise the dignity, equality and autonomy of people with disabilities, whose fundamental rights have been enshrined in the United Nations Convention on the Rights of Persons with Disabilities. Australia was an original signatory to the convention in 2008. This bill draws on the convention and also on the 2012 report of the Victorian Law Reform Commission on guardianship, the 2015 report of the Australian law reform commission on equality, capacity and disability in commonwealth laws, and recent Victorian legislation such as the Powers of Attorney Act 2014 (POA act), the Mental Health Act 2014 and the Medical Treatment Planning and Decisions Act 2016 (MTPD act). The government has sought to align the concepts and terminology in this bill as much as possible with these other acts to promote consistent approaches and understanding of the rights, responsibilities and functions in relation to substitute decision-making that are articulated in these pieces of legislation.

Recognising rights

There is an ongoing discussion about how the balance should be struck between recognising the rights of people with disability to make their own decisions, and ensuring that there are effective mechanisms for protection when protection is needed. Some advocates and organisations emphasise that a person's will and preferences should be given priority in all but very limited circumstances. Others are concerned that the barriers to protective action by VCAT or a guardian or administrator should not be so high as to render such action unavailable when it is needed, despite a represented person's will and preferences.

The bill strikes this balance by recognising the need to support people with disability to make, participate in and implement decisions that affect their lives, and otherwise providing that a person's will and preferences should direct decisions affecting the person as far as possible. Before making any guardianship or administration appointment, VCAT must consider whether a person can make their own decisions if provided with support, or whether decisions could be made by informal means. VCAT can still appoint a guardian or administrator where needed and where this will promote a person's personal and social wellbeing, however such appointments must be tailored to the person's individual circumstances and regularly reviewed. Once appointed, guardians and administrators must give effect to a represented person's will and preferences where possible, but can override the will and preferences where the person would otherwise be at risk of serious harm.

The government believes that this is the best approach to promoting the rights of people with disabilities, while ensuring their safety and welfare. It is a significant departure from the notion of decision-making in the 'best interests' of people with disability, which will enhance their autonomy, dignity and equality.

Key provisions

The bill will replace the 1986 act with a new act that provides for a more modern framework for the appointment of a guardian or administrator and further statutory recognition of supported decision-making.

Decision-making capacity

The concept of decision-making capacity is central to the new legislation.

The bill defines decision-making capacity and recognises that a person has decision-making capacity if the person can make decisions with support. The definition includes provisions to assist with the assessment of a person's decision-making capacity. A person is presumed to have decision-making capacity unless there is evidence to the contrary.

The definition of decision-making capacity is intended to promote each person's right to recognition and equality before the law, and prevent arbitrary and unnecessary intrusions on the right to make decisions that affect their life. The definition is intended to prevent unnecessary appointments of guardians and administrators. VCAT will not be able to appoint a guardian or administrator simply because a person has a disability, or because someone else thinks that the person is making unwise decisions.

The definition of decision-making capacity is the same definition that has been enacted in both the POA act and MTPD act.

Supported decision-making

Supported decision-making is an emerging concept that underpins the United Nations Convention on the Rights of Persons with Disabilities and has been recently used in Victorian laws such as the POA act, the Mental Health Act and the MTPD act. Supported decision-making signifies a shift from the traditionally held view that decision-making capacity is an absolute concept. It recognises the reality that a person can experience partial or fluctuating capacity and that capacity can depend on the nature of the particular decisions and the context in which they are made.

The bill recognises supported decision-making by allowing VCAT to appoint a supportive guardian or administrator. Like supportive attorneys under the POA act, and support persons under the MTPD act, a supportive guardian or administrator will not make decisions for a person but will be empowered to support the person to make and give effect to their own decisions. Often support in decision-making comes from family members and trusted carers, and the ability to appoint a supportive guardian or administrator acknowledges these relationships of support, while ensuring that the person with disability retains their right to make decisions.

While a person who has capacity to make their own decision with support would be able to appoint a supportive attorney under the POA act, it will nevertheless be useful for VCAT to be able to appoint a supportive guardian or administrator in some circumstances. These include, for example, where VCAT decides in a proceeding that while a guardianship order is unnecessary, appointing a supportive guardian would assist the person in making and communicating their decisions. Alternatively, a person may seek a supportive appointment in circumstances where their capacity to make decisions with support is questioned.

VCAT appointments of guardians and administrators

The bill retains the important role of VCAT in making guardianship and administration orders in relation to adults but ensures that an order is proportional and tailored to the person's individual circumstances. The basis for an order must be that:

the person, because of a disability, does not have decision-making capacity in relation to a personal matter, in the case of a guardianship order, or in relation to a financial matter, in the case of an administration order. As already noted, a person will have decision-making capacity if they can make decisions with support. While a guardianship or administration order will not be needed in such a case, a supportive appointment might be appropriate;

the person is in need of a guardian or administrator. As part of this consideration, VCAT must consider whether decisions could be made by informal means or through negotiation, mediation or similar means; and

the order will promote the person's personal and social wellbeing.

The bill makes improvements to VCAT processes when dealing with guardianship and administration applications, including by:

clarifying provisions regarding who should be notified about an application. This includes providing notice to those with a direct interest in the application, such as a person's primary carer, relatives or close friend;

ensuring greater participation of the proposed represented person wherever possible in the application and hearing process. VCAT must consider the person's support needs as part of its processes, and should not hold a hearing without the person's participation unless satisfied that the person does not wish to participate, or any support needs cannot be reasonably accommodated. VCAT is able to conduct a hearing in a variety of ways, including by using telephones, video links or any other system of telecommunication; and

requiring VCAT to consider the desirability of appointing as a guardian or administrator a person who is a relative of the proposed represented person, or who has a personal relationship with the person, rather than appointing a person with no such relationship;

enabling a current guardian or administrator, or relative of a represented person, to formally file a document with VCAT that states their wishes for future decision-making appointments.

As is currently the case, the bill requires VCAT to conduct a reassessment of a guardianship or administration order within 12 months after making the order, unless VCAT orders otherwise, and in any case, at least once within each three-year period. As part of the reassessment process, VCAT must consider whether the guardian or administrator has acted in accordance with the principles and duties under the act.

The bill also retains the power for VCAT to appoint an administrator to make decisions in relation to a financial matter or matters of a person who is missing.

For the first time, the bill allows for the enforcement through VCAT of decisions of guardians and administrators against third parties.

The public advocate

Under the bill, the public advocate will continue as an independent statutory office that promotes the rights and interests of people with disability. VCAT will continue to have the power to appoint the public advocate as a person's guardian where there is no-one else available or suitable for appointment.

I take this opportunity to commend the public advocate and her staff, and the volunteers who participate in the different programs coordinated by the public advocate, for their dedication to the work that they undertake for people with disabilities in Victoria. Their care and commitment to their clients is outstanding. They greatly enhance the lives of Victorians with disability, especially those who lack decision-making capacity.

The bill includes provisions to improve the operations of the Office of the Public Advocate (OPA), including by:

clarifying the confidentiality requirements of OPA staff when performing statutory functions;

requiring the public advocate to prepare an annual report of OPA's functions, which will be tabled in Parliament by the Attorney-General. This change will clarify and formalise the currently opaque arrangements under which the public advocate's annual report is tabled; and

allowing the public advocate to delegate powers and duties as a guardian, or as an enduring attorney, to a member of staff at OPA.

Other matters

The bill includes a dispute resolution process for guardians and administrators who are appointed for the same represented person. The bill requires a guardian and administrator for the same represented person to consult each other where their decisions overlap, but, unless otherwise agreed or determined by VCAT, the decisions of the guardian prevail over those of an administrator.

Consistent with the POA act, the bill allows the Supreme Court or VCAT to order a guardian or administrator to compensate a person for a loss caused by the guardian or administrator contravening the act. It also creates new offences that will penalise a guardian or administrator who dishonestly uses their appointment to gain a financial advantage for themselves or another person or to cause loss to the represented person or another person.

The bill retains the provisions that allow VCAT to consent to a special medical procedure where a patient does not have decision-making capacity to consent to that procedure. A special medical procedure includes: any procedure that will, or is likely to, result in rendering the patient permanently infertile; a termination of a pregnancy; or any removal of tissue for transplantation to another person. The bill ensures that the approach taken by VCAT in these matters is consistent with the making of medical treatment decisions under the MTPD act. In particular, the bill requires VCAT to be satisfied that the patient would consent to the procedure if the patient had decision-making capacity, taking into account any valid and relevant values directive of the patient and any other relevant preferences or values of the patient. If VCAT is unable to ascertain the patient's preferences or values, VCAT may consent to the procedure if satisfied that it will promote the personal and social wellbeing of the patient.

Future issues

There are a small number of Victorian Law Reform Commission recommendations where further work and consideration is required. These include: the feasibility of an online register of appointments of guardians, administrators and enduring attorneys; the public advocate's investigation functions; merits review of guardians' and administrators' decisions; and the support framework for 17-year-olds with disability that affects decision-making capacity.

The full implementation of the national disability insurance scheme might also affect the operation of Victoria's guardianship and administration laws. Its impacts will be closely monitored by the departments of justice and regulation, and health and human services.

I note that the broader issue of elder abuse was recently the subject of a report by the Australian law reform commission and that its recommendations are currently being considered by the ministerial Council of Attorneys-General. It is likely that those discussions will lead to further reforms in respect of elder abuse, which will of course be relevant to the position of senior Victorians who have guardians, administrators or enduring attorneys looking after their personal or financial affairs.

In conclusion, I would like to thank all those individuals and organisations who contributed so thoughtfully to the Victorian Law Reform Commission's guardianship report, and to the development of this legislation. This is a sensitive and complex area of the law where a range of positions are reasonably held by many people of all types of ability and interest, including people who dedicate themselves to supporting people with disabilities and improving the policy and service frameworks with which they engage.

This bill represents a milestone in the way that Victoria upholds the rights and meets the needs of people with disability whose decision-making capacity is impaired. It moves away from the old 'best interests' principle that underpinned a paternalistic approach to disability, to a position of promoting the dignity, equality and autonomy of people living with disability, while retaining the safeguards necessary for them to most fully realise their potential.

I commend the bill to the house.

Debate adjourned for Mr RICH-PHILLIPS (South Eastern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Tuesday, 8 May.

LEGAL IDENTITY OF DEFENDANTS (ORGANISATIONAL CHILD ABUSE) BILL 2018

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr JENNINGS (Special Minister of State); by leave, ordered to be read second time forthwith.

Statement of compatibility

Mr JENNINGS (Special Minister of State) 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 Legal Identity of Defendants (Organisational Child Abuse) Bill 2018.

In my opinion, the Legal Identity of Defendants (Organisational Child Abuse) Bill 2018, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The Victorian Parliament's inquiry into the handling of child abuse by religious and other non-government organisations delivered its final report, *Betrayal of Trust*, on 13 November 2013. *Betrayal of Trust* noted that victims of institutional child abuse have a fundamental right to sue an organisation to recover damages for that abuse. However, the report noted that the legal structures of some organisations are such that victims of abuse often struggle to identify an appropriate legal entity to sue.

Many non-government organisations (NGOs) in Victoria are 'unincorporated associations', which do not exist as legal entities and cannot be sued in their own right. The current common-law position in Australia is that an unincorporated association that conducts its affairs by way of trusts cannot be held organisationally accountable in civil litigation for institutional child abuse. In recent times, arrangements like these have created problems for child abuse plaintiffs.

The September 2015 *Redress and Civil Litigation Report* of the Royal Commission into Institutional Responses to Child Sexual Abuse (royal commission) also recognised the problems faced by child abuse plaintiffs and recommended that the government should introduce legislation to remove procedural barriers which make it difficult for child abuse plaintiffs to identify an organisational defendant to sue (recommendation 94).

The bill provides that where an institutional child abuse plaintiff wishes to pursue damages against an unincorporated NGO that controls one or more associated trusts, that NGO may nominate an entity that is capable of being sued to act as a proper defendant in the proceedings, and incur any liability arising from the proceedings, within 120 days.

If the unincorporated NGO does not do so, or if the nominated proper defendant does not have sufficient assets to meet the claim, the bill provides that:

the plaintiff may apply to the court for an order to proceed against the trustee(s) of one or more associated trusts of the NGO;

the NGO must identify any associated trust;

the court may make an order that one or more trustees of one or more associated trusts is a proper defendant in the proceedings; and

any liability that arises from the proceedings will be incurred by the trust(s).

Human rights issues

Protection of children (s 17(2))

Section 17(2) of the charter provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

The bill promotes the right of a child to protection by ensuring victims of institutional child abuse can pursue compensation. The bill recognises the difficulties child abuse plaintiffs often face when pursuing compensation against NGOs for child abuse perpetrated by organisational personnel, and will remove a significant procedural barrier currently faced by institutional child abuse plaintiffs.

The definition of 'child abuse' in clause 3 of the bill aligns with previous reforms in response to *Betrayal of Trust*, specifically the Limitation of Actions Amendment (Child Abuse) Act 2015, which defined 'child abuse' as child sexual abuse or child physical abuse, and any child psychological abuse that arises out of that sexual or physical abuse. By defining 'child abuse' broadly to include both physical and sexual child abuse, regardless of the setting in which the abuse occurred, the bill acknowledges the harmful effects that both forms of abuse have on a child's physical and psychological wellbeing, and promotes their 'best interests' by assisting them to pursue compensation. Clause 4(3) provides that the bill applies whether the child abuse occurred or occurs before the commencement of the bill. This ensures that victims of institutional child abuse can pursue compensation for both past and future harm.

The right to property (s 20)

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public and are formulated precisely. Like all rights conferred under the charter, section 20 only applies to individuals.

If an unincorporated NGO is capable of being sued, or incorporates to be so capable, plaintiffs will already be able to bring proceedings against it, and it will not be subject to the provisions of the bill. If an NGO is not capable of being sued, clause 7 of the bill provides that the NGO may nominate an appropriate entity to be sued within 120 days after the

commencement of the proceeding, and plaintiffs may proceed against that entity.

Clause 8 applies if an NGO does not nominate an entity within 120 days, or if the nominee is not an entity capable of being sued or does not have sufficient trust property to meet a judgement. In that case, the plaintiff can apply to the court for an order to proceed against the trustees of an associated trust of the NGO and any judgement given in the proceeding may be satisfied out of the assets of the trust. The bill establishes a 'control test' in clause 6 for determining if a trust is an associated trust which an NGO controls. A control test is a well-known concept in corporations and taxation law, used to associate one entity to another.

The right to property only applies to human beings, and not entities such as corporate trustees. To the extent that the property of an individual is affected by clause 8, the deprivation would be authorised by an accessible and precisely formulated law and would not be arbitrary:

> the bill clearly and unambiguously makes the assets of associated trusts available for satisfaction of institutional child abuse judgements and will allow the trustees of those associated trusts to be sued as proper defendants to an institutional child abuse action, where the institution in question is an unincorporated association;
>
> any deprivation of property would only be triggered by an order of a court of competent jurisdiction made in a proceeding relating to the associated trust;
>
> the liability of a trustee of an associated trust is a proper expense for which a trustee may be indemnified out of the trust property. A trustee's liability is limited to the value of the trust assets (clause 9);
>
> the bill provides protection from liability for breach of trust for a trustee of an associated trust by overriding anything in trust law or the terms of individual trusts that prevent trust assets being used for the bill's intended purposes (clause 11); and
>
> the bill also provides that any defence or immunity that would have been available to the NGO had the NGO been incorporated, will be available to the proper defendant (clause 10).

The bill will only apply to proceedings that are commenced after the commencement date of the bill. However, clause 4(3) provides that the abuse that is the subject of proceedings can have occurred at any time, including before the commencement date of the bill. It is appropriate that unincorporated NGOs that arrange their assets via trusts should be able to be treated like any other organisation and be sued for claims of institutional child abuse, even if that abuse occurred in the past.

The bill does not retrospectively alter the legal principles that a court will apply in determining liability. For these reasons, the bill does not constitute an arbitrary deprivation of property. As in any other case, plaintiffs will still have to prove that an organisation is somehow liable for abuse. The bill will simply assist plaintiffs in identifying proper defendants to pursue claims against, and assets against which any judgements can be met.

The right to privacy (s 13)

Section 13 of the charter provides that every person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with, or reputation unlawfully attacked.

Nothing in the bill will limit the right to privacy and reputation. A person must consent to being nominated as a proper defendant under clause 7. Claims can only proceed against trustees as the proper defendant, if the trust is an 'associated trust' for the purposes of clauses 6 and 8. There is no mechanism in the bill to compel disclosure of personal information for the purpose of the proceedings. The bill will not enable unlawful attacks on a person's reputation. Any allegations of child abuse made against a person in the context of proceedings brought in reliance on the provisions of the bill will still need to satisfy the ordinary legal requirements of any claim founded on or arising from child abuse, for example, negligence.

The right to a fair hearing (s 24)

Section 24 of the charter provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent, impartial court or tribunal after a fair and public hearing.

The bill is consistent with the right to a fair hearing. Firstly, it provides a mechanism by which a child abuse plaintiff may bring a proceeding against an NGO. Secondly, it ensures that appropriate procedural safeguards are in place for defendants, including:

> the NGO may only nominate an entity (including an individual) to act as a proper defendant on its behalf with the consent of the nominee;
>
> the NGO has a reasonable timeframe of 120 days to nominate a proper defendant; and
>
> where a proper defendant is not nominated, the NGO is required to identify any associated trust(s) for the purposes of the test set out in clause 6 of the bill.

A claim may only proceed against the trustees of an associated trust by order of the court (clause 8). The bill ensures that the court will substantively determine a claim as if the NGO was capable of being sued and found liable, and that obligations in the proceedings continue. Relevant members of the NGO would accordingly be heard on those matters.

The right to recognition and equality before the law (s 8(3)) and freedom of religion (s 14)

Section 8(3) of the charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

Section 14 of the charter provides that every person has the right to freedom of thought, conscience, religion and belief.

The bill is consistent with both rights in section 8(3) and section 14. Nothing in the bill could be characterised as distinguishing between people or groups based on an attribute set out in section 6 of the Equal Opportunity Act 1995, including religious belief or activity. The problem faced by child abuse plaintiffs in bringing proceedings identified by the

royal commission and *Betrayal of Trust* is confined to unincorporated NGOs that conduct their affairs via trusts. The royal commission noted examples of the problem occurring with respect to both religious and non-religious organisations. The bill does not target any particular organisation, nor does it target religious organisations. The bill therefore does not discriminate — instead it focuses on unincorporated organisations that conduct their affairs via trusts.

Furthermore, there is no clause in the bill which would interfere with or restrain the right of people to have or adopt a religion or belief in worship, observance, practice or teaching. The bill does not affect the legal structure of organisations, nor does it force organisations to adopt a particular legal form. The bill will simply allow plaintiffs to identify an appropriate entity to bring a case against, in respect of organisations whose legal structures may otherwise prevent this.

The Hon. Gayle Tierney, MP
Minister for Corrections

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).

Mr JENNINGS (Special Minister of State) (12:12) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Family and Community Development Committee delivered its final report, *Betrayal of Trust*, on 13 November 2013. *Betrayal of Trust* reported that survivors of organisational child abuse face significant barriers in recovering compensation for the abuse they suffered. In particular, *Betrayal of Trust* found that identifying a correct organisational entity to sue is a major obstacle to civil litigation where child abuse plaintiffs wish to commence proceedings against an institution that is unincorporated.

A survivor will always have a cause of action against the perpetrator of the abuse. However, in some cases the perpetrator may have limited, or no, assets. Alternatively, the survivor may not be able to identify the perpetrator, or the perpetrator may have died. Survivors may therefore seek to sue the institution in which they were abused. However, survivors of institutional child abuse face considerable difficulty in bringing civil claims against certain non-government institutions, because of the way some institutions structure their affairs.

In Victoria, some institutions which provide services to children are unincorporated, and the assets used by these institutions to conduct their affairs may be held in one or more trusts. An unincorporated association is not a separate legal entity like a company, but rather an association of individual members bound by an agreement with each other, which cannot be sued in its own right. By holding assets in trust, unincorporated associations are able to do most of what an incorporated organisation is able to do, while remaining unincorporated. However, this can leave survivors of child abuse that occurred in these organisations with no entity to sue.

The Ellis case highlighted the problem survivors can face in seeking justice. In that case, the claimant sought to sue the Catholic Archdiocese of Sydney and the trustees of the Roman Catholic Church, for abuse perpetrated by a Catholic assistant priest in the 1970s. The NSW Court of Appeal held that the archdiocese could not be liable, as it was unincorporated and could not be sued. The court also held that the trustees could not be sued. The fact that the trustees held and managed property for and on behalf of the Catholic Church did not make them liable for legal claims associated with church activities. The court was unable to identify a proper defendant and the case was dismissed.

The current common-law position in Australia, based on the Ellis case, is that an unincorporated association that conducts its affairs by way of trusts cannot be held organisationally accountable in civil litigation for institutional child abuse.

This problem appears to be unique to Australia. For example, in the United States, most churches are either incorporated entities, or are structured as a 'corporation sole' which can be sued in abuse claims. In England, case law has overcome the issues raised in Ellis. Therefore, institutional child abuse plaintiffs in Victoria, and Australia, are uniquely disadvantaged.

The Betrayal of Trust inquiry heard from a number of survivors that unincorporated associations have used all defences available to them, including the Ellis defence, to defeat claims. For example, Mrs Chrissie and Mr Anthony Foster explained that the Catholic Church's lawyers had strenuously defended litigation brought by them, despite having earlier accepted that the abuse had occurred. Betrayal of Trust found that the strictly legalistic approach adopted by the church failed to address the issue of genuine accountability.

Betrayal of Trust stated that survivors of institutional child abuse have a fundamental right to sue unincorporated associations for damage they have suffered at the hands of representatives of that organisation. Further, *Betrayal of Trust* concluded that the Victorian government has an important role to play in reforming the law to reduce the barriers to litigation faced by survivors of child abuse.

The government has committed to implementing all outstanding recommendations from *Betrayal of Trust*, and has noted that its implementation of *Betrayal of Trust* will be informed by the work of the Royal Commission into Institutional Responses to Child Sexual Abuse (royal commission).

The royal commission also examined the problems for survivors in identifying a proper defendant to sue. In its final report into redress and civil litigation, released in September 2015, the royal commission stated that survivors should have more certainty when seeking to commence litigation against religious or other institutions associated with statutory property trusts or other property trusts. The royal commission recommended that the government introduce legislation to provide that, where a survivor wishes to sue an institution with an associated property trust, unless the institution nominates a proper defendant with sufficient assets to meet liability arising from the proceedings, the property trust is a proper defendant to the litigation, and any associated liability of the institution can be met from the trust assets.

The bill forms part of the government's response to these problems for survivors outlined by *Betrayal of Trust* and the royal commission. It will ensure that survivors of institutional child abuse can pursue compensation, and solve the problem in the existing common law that child abuse plaintiffs are, in many instances, unable to identify an organisational defendant to sue in respect of unincorporated non-government organisations (NGOs) that control trusts to conduct their activities.

In addition to law reform to overcome the Ellis defence, both *Betrayal of Trust* and the royal commission recommended that the government should consider requiring NGOs that provide services to children and receive government funding to be incorporated and appropriately insured. This proposed reform is administrative and not legislative in nature, and is therefore not the subject of this bill. Consistent with our commitment to implement all outstanding recommendations from *Betrayal of Trust*, the government is undertaking the detailed policy work and consultation to implement this reform.

The bill provides that, where an institutional child abuse plaintiff wishes to pursue damages against an unincorporated NGO that controls one or more associated trusts used to conduct the NGO's activities, that association may nominate an entity that is capable of being sued to act as a proper defendant in the proceedings, and incur any liability arising from the proceedings, within 120 days.

If the unincorporated association does not do so, or if the nominated proper defendant is not capable of being sued or does not hold sufficient assets to satisfy a claim, the bill provides that:

> the plaintiff may apply to the court for an order that the claim is to proceed against the trustees of an associated trust or trusts on behalf of the unincorporated NGO;
>
> the NGO must identify any associated trust;
>
> the court may make an order that one or more trustees of the trust or trusts associated to the unincorporated association is a proper defendant in the proceedings; and
>
> any liability that arises from the proceedings will be incurred by the trustees of the trust or trusts.

The bill also allows the court to make a further order that a claim may proceed, or a judgement may be enforced against, one or more other associated trusts of an unincorporated NGO. This ensures that the court has powers to deal with situations where the plaintiff is unable to recover damages from the proper defendant following judgement, because of insufficient assets in the associated trust. The bill also ensures that the court can make rules in relation to the conduct of a proceeding where a proper defendant has been nominated or appointed.

The bill establishes a 'control test' for determining if a trust is an associated trust which an unincorporated NGO controls. A control test is a well-known concept in corporations and taxation law, used to associate one entity to another.

The bill provides protection for trustees of associated trusts for breach of trust, as well as enabling a trustee to be indemnified out of the trust property and limiting a trustee's liability to the value of the trust property.

The bill extends to the proper defendant the right of an unincorporated NGO to be indemnified under any insurance policy in respect of damages awarded in a child abuse proceeding. The bill also allows the proper defendant to rely on any defence or immunity that would have been available to the unincorporated NGO had the NGO been incorporated.

The bill provides that a proceeding may be commenced or continue against an unincorporated NGO pending the appointment of a proper defendant. In other words, the unincorporated NGO is presumed capable of being sued, and any nominated or appointed trustee defendant will incur any resulting liability on their behalf.

The bill defines child abuse as including sexual abuse and physical abuse. To align with other provisions in the Wrongs Act 1958, 'sexual abuse' has been further defined as 'sexual assault or other sexual misconduct', a definition that is intended to encompass all scenarios that might reasonably be considered 'sexual abuse'.

The term 'physical abuse' largely remains undefined for courts to determine by reference to its ordinary meaning, with some additional guidance to avoid doubt about what is not physical abuse, such as a lawful exercise of force. The bill allows courts to determine whether or not 'physical abuse' of a child has occurred in accordance with the ordinary meaning and common understanding of the term.

Beyond the above, the bill does not seek to define the exact boundaries of what constitutes sexual or physical abuse, in order to avoid the inadvertent exclusion of valid claims. The bill allows courts to consider appropriate definitions for those terms as the common law develops over time in response to particular cases.

Any claim founded on or arising from child abuse can be brought in reliance on the provisions of the bill, including negligence, vicarious liability, or direct liability, regardless of when the abuse occurred.

The bill will only apply to proceedings that are commenced after the commencement date of the bill. However, the abuse that is the subject of proceedings can have occurred at any time, including before the commencement date of the bill.

It is appropriate that unincorporated NGOs that conduct their activities and arrange their assets via trusts should be able to be treated like any other organisation and be sued for claims of institutional child abuse, even if that abuse occurred in the past. This is consistent with previous reforms in 2015 to remove the limitations period for child abuse plaintiffs, regardless of when the alleged abuse occurred. The bill does not retrospectively alter the legal principles that a court will apply in determining liability. As in any other case, plaintiffs will still have to prove that an unincorporated NGO is liable for the abuse. The bill will simply assist plaintiffs in identifying proper defendants to pursue claims against, and assets against which any judgements can be met.

Many churches and religious organisations choose to structure themselves as incorporated entities. Those organisations are not subject to the bill. Unincorporated NGOs may proactively incorporate to entirely avoid the effect of the bill, or may nominate an appropriate defendant to avoid proceedings against associated trusts. The nominated entity may take any form, provided that it is capable of being sued.

The bill does not target any particular organisation, nor does it target religious organisations. Instead, the bill targets unincorporated NGOs that conduct their affairs via trusts, because that legal structure causes problems when it comes to identifying a correct legal entity to sue for institutional child abuse. The royal commission noted examples of this problem occurring with respect to both religious and non-religious organisations. It is only fair that institutional child abuse plaintiffs who wish to bring a claim against that type of organisation should be on the same playing field as plaintiffs who claim against incorporated organisations, where this problem does not arise.

In introducing this reform, I acknowledge the important work of the Family and Community Development Committee in preparing their *Betrayal of Trust* report, and the immense courage of survivors who have spoken, and continue to speak, about past organisational child abuse. I particularly acknowledge the work of the late Anthony Foster and his wife, Chrissie Foster, and the strong support they received from their local member, the former MP for Oakleigh, Ann Barker. Their advocacy over many years, especially at a time when few were listening, is a significant part of why we have this bill before us today.

The Victorian government was the first to act in Australia to remove civil limitation periods for survivors of child abuse, and to introduce an organisational duty of care to prevent the commission of organisational child abuse by their personnel, providing clarity for both organisations and survivors of abuse. This bill continues the Victorian government's commitment to implement *Betrayal of Trust*, and maintains Victoria's position at the forefront of state and territory responses to the civil law recommendations of the royal commission.

I commend the bill to the house.

Debate adjourned for Mr RICH-PHILLIPS (South Eastern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Tuesday, 8 May.

PARKS VICTORIA BILL 2018

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr JENNINGS (Special Minister of State); by leave, ordered to be read second time forthwith.

Statement of compatibility

Mr JENNINGS (Special Minister of State) 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 Parks Victoria Bill 2018.

In my opinion, the Parks Victoria Bill 2018, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill will repeal and re-enact with amendments the Parks Victoria Act 1998 to establish Parks Victoria as a more independent park management agency with specific objects, expanded functions and direct land management powers and responsibilities.

The bill will also make consequential and related amendments to the Conservation, Forests and Lands Act 1987, the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Land Act 1958, the National Parks Act 1975, the Water Industry Act 1994, the Wildlife Act 1975 and several other acts.

Human rights issues

Section 12 — Freedom of movement

Section 12 of the charter provides for the right for every person to move freely within Victoria and to enter and leave it and to have the freedom to choose where to live.

Clause 84 of the bill will insert section 101 into the Conservation, Forests and Lands Act to enable regulations to be made for the protection and management of some of the land that Parks Victoria manages, including in relation to regulating or prohibiting the entry of persons into that land, and to restrict or prohibit access to areas through setting aside areas or otherwise.

The power to prohibit access can enable land managers to reduce risks to public safety and protect sensitive conservation areas. This type of power already exists in other Crown land legislation, including the Crown Land (Reserves) Act and the National Parks Act.

The new regulation making power may be perceived as limiting a person's freedom of movement. In itself, the power does not limit any person's freedom of movement. However, when developing regulations or administering the regulations to prohibit access, the human rights set out in the charter will need to be considered in accordance with the obligations under that act. Any limits on a person's right to freedom of movement would only be imposed to the extent necessary to fulfil the purpose of prohibiting access.

The bill does not limit the right protected under section 12 of the charter.

Section 18 — Taking part in public life

Section 18 of the charter provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives. It further provides that every eligible person has the right, and is to have the opportunity, without discrimination, to have access, on general terms of equality, to public office.

Clause 155 of the bill will repeal section 14 of the National Parks Act, which provides for the appointment of park advisory committees. Clause 197 of the bill will repeal section 32AE of that act, which provides for the Alpine

Advisory Committee, whose role is to assist in the development of a management plan for the Alpine National Park.

The repeal of those provisions may be perceived as limiting a person's right to participate in public life. However, clause 24 of the bill will provide a broader power for Parks Victoria to appoint one or more advisory committees to give advice and information to Parks Victoria with respect to any land managed by Parks Victoria or any of its functions. Such committees could include park advisory committees or committees to advise on the development of management plans for particular parks. This broader power will expand the potential for the public to be appointed to committees and to participate in public life.

Therefore, the bill, as it relates to committees, does not limit the right protected under section 18 of the charter.

Clause 19 of the bill specifies the circumstances in which the office a member of Parks Victoria becomes vacant. These circumstances include where a member is convicted of an indictable offence. Clause 21 specifies the circumstances when the Governor in Council may remove a member from office. For example, the Governor in Council may remove a member from office if that member is negligent in the performance of the member's duties. They are similar provisions to those applying to various other public entities.

These clauses may engage and limit the right under section 18. However, they are justified in the interests of facilitating good corporate governance and, in the case of clause 21, also helping to safeguard against the misuse of public funds. The circumstances are clearly stated and not arbitrary and are clearly linked to the objective of good governance. There are no less restrictive means available to achieve the objective.

Section 19(2) — Cultural rights

Section 19(2) of the charter provides for the rights of Aboriginal persons to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

This right is particularly relevant to several clauses of the bill which aim to promote the right:

> Clause 7 provides that one of the objects of Parks Victoria will be to recognise and support traditional owner knowledge of and interests in land managed by Parks Victoria.
>
> Clause 8 provides that a function of Parks Victoria will be to support the involvement of a specified Aboriginal party for such an area of land in the management of that land.
>
> Clauses 40 and 48 require consultation with any relevant specified Aboriginal party in the preparation or amendment of a land management strategy or a land management plan for areas managed by Parks Victoria.

The bill thus promotes the rights protected under section 19(2).

The Hon. Gavin Jennings, MLC
Special Minister of State

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).

Mr JENNINGS (Special Minister of State) (12:13) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Parks Victoria Bill 2018 will repeal and re-enact with amendments the Parks Victoria Act 1998 to establish Parks Victoria as a strengthened and more independent park management agency with specific objects, expanded functions and direct land management powers and responsibilities. The reforms are consistent with the Victorian Labor 2014 platform.

An outstanding parks and reserves system

Victoria is fortunate to have a magnificent system of parks and reserves covering approximately 4.1 million hectares — about half of the state's Crown land. These areas mainly comprise the national and other parks under the National Parks Act 1975 but also include several thousand other areas managed for conservation or other purposes under several different acts.

These parks and reserves contribute a wide range of tangible and intangible benefits, including protecting significant parts of the state's diverse natural and cultural heritage. Many of these areas are of particular significance to traditional owners and they provide a wide range of ecosystem services and recreational benefits for the broader community, and contribute significantly to the visitor economy.

The management of these special places requires a strong park management agency with clear accountabilities and responsibilities, equipped to tackle the challenges of park management in the 21st century for the long-term benefit of the environment and the community.

Strengthening Parks Victoria as a park management agency

Parks Victoria was established in 1996 to manage various parks and reserves on behalf of the state. Formed from an amalgamation of the former Melbourne Parks and Waterways and most of the former National Parks Service, it initially operated as Melbourne Parks and Waterways trading as Parks Victoria and became a statutory authority in its own right in 1998 under the Parks Victoria Act.

The creation of Parks Victoria occurred within the context of the then government's broader public sector management reforms, sometimes referred to as the purchaser-provider model, and aimed to establish a clear separation between the purchaser of park management services — mainly the Secretary to the Department of Environment, Land, Water and Planning — and the provider of those services — Parks Victoria.

Parks Victoria's main function has been to provide services for the management of parks, reserves and other land under the

control of the state. It also provides services for the management of certain waterways land in Melbourne, acts as a committee of management of some Crown land reserves, and leases reservoir parks from Melbourne Water Corporation. Parks Victoria also acts as a manager of several local ports under the Port Management Act 1995 and as a waterway manager for certain areas under the Marine Safety Act 2010, arrangements which will remain unaffected by the bill.

While Parks Victoria is responsible to the secretary for the provision of services, it is also responsible to the minister administering the Parks Victoria Act. The current arrangement and accountabilities are complex. Twenty years on from its creation, it is appropriate to review the model under which Parks Victoria operates.

The bill will strengthen Parks Victoria as a park management agency by moving it from being a provider of services operating in a purchaser-provider arrangement to a statutory authority having direct control and management of Victoria's national parks and other reserves. With clear objects and a comprehensive set of functions, the bill will enable Parks Victoria to operate with greater strategic and operational autonomy but within a reporting framework that includes a clearer line of accountability to the responsible minister.

The bill is essentially a governance bill; it will not change any existing land uses. The existing land management acts, particularly the National Parks Act and the Crown Land (Reserves) Act 1978, with their checks and balances applying to a wide range of different circumstances relating to parks and reserves, will remain the principal source of powers and responsibilities for the land that Parks Victoria manages.

Overview of changes to be made by the bill

The bill will establish clear objects and functions for Parks Victoria. These cover the broad range of activities for which Parks Victoria is to be responsible and emphasise the need to protect, conserve and enhance the areas for which Parks Victoria will have direct responsibility. They also acknowledge the importance of traditional owner involvement in Victoria's national parks and other reserves, and that these areas are part of the broader landscape and that it is important for Parks Victoria to confer with and cooperate with the secretary and other land and water managers.

The bill will give Parks Victoria direct control and management of Victoria's national parks and other reserves, rather than relying on service agreements with the secretary or a relevant minister. Consequently, the bill will give Parks Victoria direct land management powers under the relevant land acts in relation to the land for which it is responsible. Several overarching responsibilities will remain with the secretary, the most notable being the responsibility for the prevention and control of fire, and recovery from fire. Parks Victoria will continue to support the secretary by providing staff and resources.

The bill will also introduce several improvements and efficiencies to assist Parks Victoria in its management of our parks and reserves:

- it will enable the minister to issue a statement of obligations to Parks Victoria that will set out the broad expectations of the minister in relation to Parks Victoria performing its functions and exercising its powers;
- it will require Parks Victoria to prepare a statewide land management strategy that will set out the general long-term directions, strategies and priorities for the protection, management and use of the land it manages;
- it will give Parks Victoria an overarching power to prepare land management plans for the land it manages which may cover more than one park or reserve;
- it will enable Parks Victoria to formally establish advisory committees to give it advice and information in relation to any of the land it manages or any of its functions;
- it will enable the Governor in Council to make regulations for the management of land for which the existing regulation-making head of power is inadequate — for example, where an area managed by Parks Victoria has not been formally reserved for its intended purpose and which might comprise land with different land status; and
- it will simplify the requirements for preparing corporate planning documents, including corporate and business plans, in line with amendments made in 2017 to the Royal Botanic Gardens Act 1991 and the Zoological Parks and Gardens Act 1995.

Conclusion

In summary, the legislative reforms will mean that:

- Parks Victoria will have comprehensive objects and functions, and land management powers and responsibilities in its own right;
- there will be clearer governance arrangements and more efficient tools to achieve better management outcomes for Victoria's national parks and other reserves; and
- there will be appropriate checks and balances to enable the minister to be clear about the performance expected of Parks Victoria by enabling the minister to issue statements of obligations and directions, and through the corporate planning process.

A strengthened Parks Victoria operating in a more efficient operating environment will help better realise the benefits to the environment and the community of well-managed parks and reserves and will enable it to be a world-class park management agency equipped to tackle the increasing park management challenges of the 21st century.

I commend the bill to the house.

Debate adjourned for Mr DAVIS (Southern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Tuesday, 8 May.

PETITIONS

Following petitions presented to house:

Vermont South cyclist safety

To the Legislative Council of Victoria:

Cyclist safety on Burwood Highway, Vermont South

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the dangers facing cyclists on Burwood Highway when crossing the Dandenong Creek in Vermont South. Burwood Highway is a primary state arterial road running east–west linking the inner and middle suburbs and the outer eastern suburbs. At the crossing over the Dandenong Creek, the bridge has three lanes either side with no bike lane and no space for bike lanes. The speed limit here is 80 kilometres per hour. The only alternative route is a combination of a rough gravel path and elevated boardwalk through the creek's wetlands, which is closed by Parks Victoria in inclement weather. This route is tortuous and inherently dangerous and in fact has led to the death of a cyclist.

The petitioners therefore request that the Legislative Council of Victoria urge the government to construct a shared user cycle-pedestrian path from Morack Road connecting the Dandenong Creek trail to the EastLink trail overpass on Burwood Highway, Vermont, including a new dedicated bridge to the south of the vehicle bridge.

By Mr LEANE (Eastern Metropolitan) (442 signatures).

Laid on table.

Crime prevention

To the Legislative Council of Victoria:

The petition of residents in Victoria calls on the Legislative Council to note that there is a crime tsunami engulfing Victorians. Small businesses are regularly being targeted, residents feel unsafe in their own homes and going to work, and Victorians are losing faith in our justice system.

The petitioners therefore respectfully request that the Legislative Council calls on the Andrews Labor government to match the coalition policy and introduce mandatory sentencing, toughen up the justice system and hold criminals to account.

By Ms CROZIER (Southern Metropolitan) (22 signatures).

Laid on table.

UNIVERSITY OF DIVINITY

Report 2017

Ms TIERNEY (Minister for Training and Skills), by leave, presented report.

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 5

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 5 of 2018, including appendices.

Laid on table.

Ordered to be published.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Financial and performance outcomes 2016–17

Ms PATTEN (Northern Metropolitan) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Ms PATTEN (Northern Metropolitan) (12:16) — I move:

That the Council take note of the report.

In doing so I would briefly like to thank the committee secretariat for what was for me, as a newly appointed Public Accounts and Estimates Committee (PAEC) member, a very interesting process. I thank Dr Caroline Williams, Dr Kathleen Hurley, Alejandro Navarrete, Bill Stent, Jeff Fang, Leah Brohm, Melanie Hondros and Amber Candy very much for presenting not only a very readable report on the work of this committee on the financial and performance outcomes but also one that lays out how that process occurs. It is a very detailed process, and it works pretty much throughout the year — speaking to departments, developing questionnaires, seeing where the budget matches the actual situations and looking for the discrepancies.

With the changes in technology and the improvements in our collection of data this report makes a number of recommendations around greater transparency and

improved reporting that have been made possible through technology. Also, some of our recommendations are around victims of family violence as well as gender equality policies. Considering that the government has made these very important issues for this term, I think it is important that we hold it to account to ensure that those targets are actually being met. PAEC, through the financial and performance outcomes report, is a very effective way of doing this. I think this is a surprisingly readable report, and I commend it to the house.

Ms SHING (Eastern Victoria) (12:18) — I have just a few words on the financial and performance outcomes report tabled by the Public Accounts and Estimates Committee. Again, thanks go to the secretariat, who have worked assiduously to gather the information presented by departments and to coordinate a process which on some readings may otherwise be terribly unwieldy and difficult, not just for the public to understand but for members of the committee to navigate their way through. In this regard the outcomes report is in fact easily digestible and, I would say, a more easily digestible report than previous editions of the financial and performance outcomes. Again, it is about making this information as digestible and user-friendly as possible and hopefully thus broadening the audience to which this sort of report might appeal. So thank you to everyone who has been involved, and, again in the interests of scrutiny and transparency, it is certainly my view that this report acquits the objectives of the committee in that regard.

Ms PENNICUIK (Southern Metropolitan) (12:19) — I would also like to speak briefly on the financial and performance outcomes report tabled today from the Public Accounts and Estimates Committee and to echo my thanks to the committee secretariat, as named by Ms Patten, for their fabulous work on this report. It is worth remembering that this is only the third time a financial and performance outcomes report has been tabled by the Public Accounts and Estimates Committee. In fact hearings with the various departments have been conducted only three times. This is part of the public accounts function of the Public Accounts and Estimates Committee, which hitherto has been more focused on the budget estimates side of its role, which we will be launching into not too far from now.

The budget estimates hearings are followed up six months later by the inquiry into the financial and performance outcomes, and that involves working with the departments and the staff to chase up what sometimes are anomalies between what has been allocated to departments to spend and the actual spending of that allocation from the budget by the departments. I would like to take the opportunity to thank the secretaries, deputy secretaries and staff of the departments who also do a lot of work in answering the surveys and preparing for the hearings. There is a lot of information from the surveys, from the hearings and from the questions that are taken on notice.

As Ms Patten said, it is a very readable report and, as Ms Shing said, it is a very digestible report, but it is a good source of information for members of Parliament and the public as to how budget allocations have been spent by the departments. I would say that while it has improved transparency there is still a long way to go with regard to transparency and accountability with the expenditure of public funds, but this is certainly a good start.

Motion agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Parliamentary Budget Officer appointment

Ms PENNICUIK (Southern Metropolitan) presented report.

Laid on table.

Ordered to be published.

Ms PENNICUIK (Southern Metropolitan) (12:22) — I move:

That the Council take note of the report.

The report outlines the process that the Public Accounts and Estimates Committee, in its role under the Parliamentary Budget Officer Act 2017, plays in the recruitment and recommendation to the minister and the Governor in Council for appointment of the Parliamentary Budget Officer, which of course in this case is the first Parliamentary Budget Officer appointed in Victoria. The report outlines for the Parliament and the people of Victoria the process that was followed by the committee with regard to the recruitment and recommendation for appointment of the Parliamentary Budget Officer. I was quite involved, being on the subcommittee of the Public Accounts and Estimates Committee which made this recommendation. On 8 March this year the committee wrote to the Special Minister of State advising him of the committee's recommendation that Mr Anthony Close be appointed by the Governor in Council as the inaugural Parliamentary Budget Officer (Victoria).

Mr Close was the acting CEO of the Queensland Audit Office between 2016 and 2017 and prior to that he was the Deputy Auditor-General for three years. He has substantial experience across all facets of financial audit, performance audit, strategic audit, planning and investigations. He has led the delivery of more than 500 financial audits, major grants, certifications and 20 reports to Parliament. Mr Close has also worked in the private sector at BHP Billiton, Mitsubishi Alliance and SMS Management and Technology. Mr Close is a fellow certified practising accountant specialising in investment evaluation in the public and private sectors. He holds a bachelor of business management in accounting from the Queensland University of Technology.

This report was adopted by the committee at its meeting held on 16 April 2018, and the Governor in Council accepted the Special Minister of State's advice and made the appointment. I would also like to thank all the other people who applied and put themselves forward for short-listing and interviewing for the position of Parliamentary Budget Officer. There were some good people who applied. I wish Mr Close well in his appointment.

Ms SHING (Eastern Victoria) (12:25) — I rise to make a number of brief remarks in relation to the Parliamentary Budget Officer report and the process of the Public Accounts and Estimates Committee (PAEC) in the selection, recruitment and interview process which was undertaken earlier this year and culminated in the making of a recommendation to appoint Mr Anthony Close, which has been accepted by him. I reiterate the comments made by Ms Pennicuik in relation to the work undertaken by the committee and also by the secretariat in facilitating a process which gives full confidence not just to the Parliament but also to users of this particular office into the future that again the interests of transparency, accountability and efficiency will be met in each and every regard. On this particular point I note that Mr Close comes extraordinarily well equipped with his previous experience, skills and expertise to fulfil the requirements of the role. Thank you again to the secretariat for facilitating this work and to the members of PAEC who were involved in the process the entire way and who also had fulsome input into the way in which it was conducted.

Motion agreed to.

STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

VicForests operations

Ms PULFORD (Minister for Agriculture), pursuant to standing order 23.30, presented government response.

Laid on table.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates 2017–18

The Clerk, pursuant to section 36(2)(c) of the Parliamentary Committees Act 2003, presented government response.

Laid on table.

OMBUDSMAN

Wodonga City Council's overcharging of waste management levy

The Clerk, pursuant to section 25AA(4)(c) of the Ombudsman Act 1973, presented report.

Laid on table.

Maribyrnong City Council's internal review practices for disability parking infringements

The Clerk, pursuant to section 25AA(4)(c) of the Ombudsman Act 1973, presented report.

Laid on table.

PAPERS

Laid on table by Clerk:

Bendigo Kangan Institute — Report, 2017.

Box Hill Institute — Report, 2017.

Centre for Adult Education — Report, 2017.

Chisholm Institute — Report, 2017.

Deakin University — Report, 2017.

Falls Creek Alpine Resort Management Board — Report, 2017.

Federation Training — Report, 2017.

Federation University Australia — Report, 2017.

Gambling Regulation Act 2003 — Amendment to the Category 1 Public Lottery Licence, 20 March 2018.

Gordon Institute of TAFE — Report, 2017.

Goulburn Ovens Institute of TAFE — Report, 2017.

Holmesglen Institute — Report, 2017.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32 in relation to the Climate Change Regulations 2017.

La Trobe University — Report, 2017.

Melbourne Polytechnic — Report, 2017.

Monash University — Report, 2017.

Mount Buller Mount Stirling Alpine Resort Management Board — Report, 2017.

Mount Hotham Alpine Resort Management Board — Report, 2017.

Municipal Association of Victoria — Report, 2016–17.

National Environment Protection Council — Report, 2015–16.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat Planning Scheme — Amendment C209.

Buloke Planning Scheme — Amendment C37.

Colac Otway Planning Scheme — Amendment C95.

East Gippsland Planning Scheme — Amendment C128.

Glen Eira Planning Scheme — Amendments C153 and C180.

Greater Dandenong Planning Scheme — Amendment C198.

Greater Shepparton Planning Scheme — Amendment C190.

Hume Planning Scheme — Amendment C222.

Manningham Planning Scheme — Amendment C123.

Melbourne Planning Scheme — Amendments C313 and C315.

Melbourne and Port Phillip Planning Schemes — Amendment GC89.

Moira Planning Scheme — Amendment C85.

Monash Planning Scheme — Amendments C125 (Part 1) and C136.

Moonee Valley Planning Scheme — Amendments C169.

Mount Alexander Planning Scheme — Amendment C73.

Surf Coast Planning Scheme — Amendment C121.

Victoria Planning Provisions — Amendments VC138, VC140 and VC145.

Wellington Planning Scheme — Amendment C84.

Yarra Ranges Planning Scheme — Amendment C167.

Royal Melbourne Institute of Technology — Report, 2017.

Southern Alpine Resort Management Board — Report, 2017.

South West Institute of TAFE — Report, 2017.

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — No. 38

Constitution Act 1975 — No. 43

County Court Act 1958 — No. 34

Criminal Procedure Act 2009 — No. 46

Domestic Animals Act 1994 — No. 35

Drugs, Poisons and Controlled Substances Act 1981 — No.45

Family Violence Protection Act 2008 — No. 36

Family Violence Protection Act 2008 and Magistrates' Court Act 1989 — No. 42

Greenhouse Gas Geological Sequestration Act 2008 — No. 41

Judicial Proceedings Reports Act 1958 — No. 37

Sheriff Act 2009 — No. 44

Subordinate Legislation Act 1994 — No. 40

Victoria Police Act 2013 — No. 39

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 34 to 38, 40 and 42 to 46.

Legislative instruments and related documents under section 16B in respect of —

Minister's Determination of 19 April 2018 of the cost recovery fee for participants in the first-stage behaviour change program under the Road Safety Act 1986.

Minister's Notice of 27 March 2018 fixing the value of the gaming machine charge for venue operators for 2016–17 under the Gambling Regulation Act 2003.

Minister's Order of 27 March 2018 of the Wildlife (Commercial Fisheries — Interaction with Protected Wildlife) under the Wildlife Act 1975.

Minister's Order of 13 April 2018 declaring offences against the laws of other States and Territories to be corresponding interstate drink-driving offences under the Road Safety Act 1986.

Sunraysia Institute of TAFE — Report, 2017.

Swinburne University of Technology — Report, 2017.

The University of Melbourne — Report, 2017.

Victoria University — Report, 2017.

William Angliss Institute of TAFE — Report, 2017.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) —

Notice Gazetted 29 March 2018.

Amendment Notice Gazetted 11 April 2018.

Wodonga Institute of TAFE — Report, 2017.

Proclamations of the Governor fixing operative dates in respect of the following acts:

Bail Amendment (Stage Two) Act 2018 — Whole Act except Parts 2 and 3 — 5 April 2018 *(Gazette No. S136, 27 March 2018)*.

Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017 — Remaining Provisions of Part 4, Part 6

and Part 8 — 5 April 2018 *(Gazette No. S136, 27 March 2018)*.

Children Legislation Amendment (Information Sharing) Act 2018 — Parts 1, 4, 5 (other than Division 3) and 6 — 11 April 2018 *(Gazette No. S164, 10 April 2018)*.

Crimes Legislation Amendment (Protection of Emergency Workers and Others) Act 2017 — Part 1, Part 2 (except sections 21, 22 and 23), Part 3 (except section 24(2)) and Part 4 — 5 April 2018 *(Gazette No. S136, 27 March 2018)*.

Drugs, Poisons and Controlled Substances Amendment (Real-time Prescription Monitoring) Act 2017 — 1 July 2018 *(Gazette No. S190, 24 April 2018)*.

Family Violence Protection Amendment Act 2017 — Part 2 (except sections 32 and 41), Part 6 and Division 1 of Part 9 — 29 March 2018 *(Gazette No. S136, 27 March 2018)*.

Justice Legislation Amendment (Body-worn Cameras and Other Matters) Act 2017 — Whole Act (except Part 2) — 1 April 2018 *(Gazette No. S136, 27 March 2018)*.

Justice Legislation Amendment (Body-worn Cameras and Other Matters) Act 2017 — Part 2 — 18 April 2018 *(Gazette No. S178, 17 April 2018)*.

Justice Legislation Amendment (Victims) Act 2018 — Remaining Provisions — 5 April 2018 *(Gazette No. S136, 27 March 2018)*.

Justice Legislation Amendment (Protective Services Officers and Other Matters) Act 2017 — Parts 1, 2, 5, 7 and section 59 — 1 April 2018 *(Gazette No. S136, 27 March 2018)*.

Transport Legislation Amendment (Road Safety, Rail and Other Matters) Act 2017 — Part 3.4 — 2 April 2018 — Part 2.2 (other than section 6), sections 42 and 43, Division 1 of Part 2.7 and sections 72, 74 and 75 — 30 April 2018 *(Gazette No. S136, 27 March 2018)*.

Voluntary Assisted Dying Act 2017 — Part 1 (except sections 4, 6, 7 and 8) and Part 9 (except Divisions 4 and 5) — 1 July 2018 *(Gazette No. S190, 24 April 2018)*.

NOTICES OF MOTION

Notices of motion given.

BUSINESS OF THE HOUSE

Adjournment

Mr JENNINGS (Special Minister of State) (12:30) — I move:

That the Council, at its rising, adjourn until 12.00 p.m. on Tuesday, 8 May 2018.

Motion agreed to.

PRIVILEGES COMMITTEE

Membership

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:30) — I desire to move, by leave:

That until otherwise ordered by the Council, for the remainder of the 58th Parliament:

(1) standing order 23.09(3) be suspended;

(2) the Privileges Committee shall elect two of its members to be joint chairs;

(3) meetings of the committee shall be chaired by the joint chairs on an alternating basis;

(4) a joint chair shall take the chair whenever the other joint chair is not present; and

(5) each of the joint chairs shall have a deliberative vote only, regardless of who is chairing the meeting.

Leave refused.

Ms PENNICUIK (Southern Metropolitan) (12:30) — I desire to move, by leave:

That this house appoints Ms Springle to be the chair of the Privileges Committee.

Leave refused.

MEMBERS STATEMENTS

Anzac Day

Mr BOURMAN (Eastern Victoria) (12:31) — Today I would like to talk about a parliamentary delegation I was part of that went to Turkey to commemorate Anzac Day at Anzac Cove, Gallipoli, amongst other things. It was a great day. It was a very long day, but it involved a very moving series of ceremonies by Australians, Turks, the British, New Zealanders and the French — and I was not aware of how much the French had to do with the Gallipoli landings until that ceremony. It was unreal to be at the place where the Anzac legend was born. It is a very beautiful place despite its history. It is one of those things I suggest everyone should do, because you see the cemeteries, you see the reality of what was there. We were very well looked after by the Turkish government. They made sure that we got where we need to be and helped us when we needed it. I will finish off by saying 'Lest we forget' for all the souls that died.

Pill testing

Ms SPRINGLE (South Eastern Metropolitan) (12:32) — Last weekend Australia's first-ever pill-testing trial was conducted in Canberra at the Groovin the Moo music festival. The Greens and public health experts have been advocating for drug testing for years. Evidence from around the world shows that pill testing reduces drug use, prevents overdoses and can save lives. At Groovin the Moo around 130 people

were able to test their drugs and 85 substances were identified, including the lethal substance N-Ethylpentylone. These people had intended to take drugs, and when informed about their ingredients they voluntarily disposed of those drugs. This is how pill testing can save lives. Following the trial, politicians from across the spectrum have joined the call from public health experts to expand the use of drug testing at festivals in Australia.

The Victorian government could have run a trial last festival season, but it did not. The recent drug law reform inquiry in Victoria recommended that the Victorian government trial drug testing at an appropriate music festival so it could be used in the event of an overdose or other serious adverse effects. This is a step forward, but with all due respect, waiting for overdoses to test pills is completely insane. The ACT have stepped up to minimise harm due to drug use, and it is high time Victoria followed suit. Without this, Victorian festival-goers will continue to be at risk of serious harm and death that could be prevented.

Hurstbridge rail line

Ms WOOLDRIDGE (Eastern Metropolitan) (12:34) — My statement today is to raise a point of contrast for Eltham residents over the future of the Hurstbridge rail line. On one side we have an energetic candidate, Nick McGowan, who was proud to recently announce with Matthew Guy, the Leader of the Parliamentary Liberal Party, that a Liberal-Nationals government will duplicate the rail line from Greensborough to Eltham. These duplication works will include a rebuild of Montmorency station and also provide another 150 parking spots for commuters. Duplicating the line to Eltham will mean more trains, more often for passengers on the Hurstbridge line. It will significantly increase capacity and provide a better quality alternative to vehicle transport to the city.

However, on the other side we have the Andrews government, which is struggling to even deliver its current duplication works. The government and the local member in the Assembly have made no commitment on the upgrade of the line to Eltham. We have been hearing absolutely nothing on this except for some planning work, which has already taken a year. There has been no further action. In the meantime Eltham commuters have endured six weeks of rail shutdowns plus an extension for an extra week as Labor has been unable to deliver the duplication works further up the line on time. Eltham residents are absolutely fed up. When it is all finally finished all they have been promised is a couple of extra trains. There is a stark contrast between what we have got from this Labor government and a strong Liberal candidate, Nick McGowan, who will make a genuine difference in Eltham.

Shepparton rail services

Ms LOVELL (Northern Victoria) (12:35) — Monday, 23 April 2018, was a momentous day in the history of the Shepparton electorate, because this was the day that the people of Shepparton finally received a commitment to deliver the rail service they have wanted and needed for so long. I was tremendously proud to stand with the Leader of the Liberal Party, Matthew Guy, on the platform at the Shepparton railway station when he announced that a Liberal government will deliver eight return train services between Shepparton and Melbourne each day. It was wonderful to also be joined by the shadow Minister for Public Transport, David Davis, and the Liberal candidate for the Assembly seat of Shepparton, Cheryl Hammer, for this momentous announcement.

In government the Liberals will finally deliver the rail services that Shepparton has advocated for, but criticism of this commitment from the transport minister and, curiously, the current member for Shepparton in the Assembly was immediate. Their hypocrisy is astounding. The self-praising Ms Sheed was elected on a platform of increasing and improving passenger rail services to Melbourne from Shepparton, but three and a half years later we still have only four trains departing Shepparton for Melbourne each weekday, and these trains are over 40 years old. It is time to call out Ms Sheed for what she is: beholden to the Andrews Labor government and a transport minister whose long-term plan is to give us only one additional rail service between Shepparton and Melbourne.

The Shepparton electorate has a clear choice at this year's state election. It is abundantly clear that a vote for Labor and Suzanna Sheed is a vote for five train services per weekday, whereas a vote for Cheryl Hammer, myself and a Liberal government is a vote for eight return train services per day.

Alfie Evans

Dr CARLING-JENKINS (Western Metropolitan) (12:37) — I rise today to pay tribute to Alfie Evans. Alfie Evans died at 2.30 a.m. on 27 April 2018 at Alder Hey Children's Hospital in Liverpool, England, just days short of his second birthday.

At nine months of age Alfie suffered seizures after contracting a mysterious illness which was never

diagnosed. After Alfie had been on a mechanical ventilator for a year, the hospital sought an order from the High Court of England and Wales to remove the ventilator. Alfie's parents, Kate and Tom, vehemently objected to this course of action. They took the view that their son was still fighting for life so they had to fight for him. After four months of legal action a final court order to withdraw ventilation was acted on by the hospital. Alfie breathed on his own for five days after ventilation was withdrawn. The last days of his life were spent in hospital — the courts would not even allow the parents to take their little boy home to die.

Paediatricians from the Bambino Gesù Hospital in Italy believed that further treatment for Alfie was warranted. The Italian government granted him citizenship to facilitate a transfer from a hospital and a judicial system that had given up on him. However, this was refused by the high court in England. This judicial trampling over parents' rights to seek the best health care for their child is appalling. I am not surprised that hundreds of parents joined Alfie's Army to demonstrate their support for Kate and Tom in their struggle for true justice and a chance at life for their little boy.

Rest in peace, Alfie. May there be no more cases like yours in which parents are tyrannically prevented by a court from exercising genuine parental care.

Anzac Day

Mr ONDARCHIE (Northern Metropolitan) (12:39) — On Anzac Day this year I joined the Epping RSL for their dawn service, with a reported 6000 other locals who turned out with care and compassion to commemorate the spirit of our Anzacs in many conflicts such as the Boer War, World War I, World War II, Malaya, Korea, Borneo, Vietnam, East Timor, Iraq, Afghanistan and other fields of conflict.

Can I pay tribute to the emcee and the chief organiser, Mr Ken Jeffery, for the wonderful work he did in again pulling the dawn service together in Melbourne's wonderful north. I pay tribute to Mill Park Secondary College students Katalina Sibvurian and Marco Ligon for their contribution to the service; to the president of Epping RSL, Mr Kevin Ind, and to Madison Mason for the delightful reading of the ode; to Felicity Doherty, who sang the New Zealand and Australian national anthems with great gusto; and to the Anzac organising committee, Terry Power, Ken Jeffery, Frank Ciechomski, Glen Parker, Tanya Gook, Ross Harvey, Ray Miles, Simon Doherty, Geoff Lance, Bob McLeod and John Brown.

The Anzac Day dawn service at the Epping RSL has become an annual event that is recognised by many, many locals in Melbourne's north. It is a wonderful event, and I encourage many Victorians, if they cannot check out the dawn service at the shrine, to check out the one at the Epping RSL. It was a great service. Lest we forget.

Safe access zones

Ms PATTEN (Northern Metropolitan) (12:40) — Tomorrow we will celebrate the second anniversary of the implementation of the safe access zones in Victoria. This legislation is something that I think we should all be particularly proud of. It prevents the harassment of clients and staff outside reproductive health service clinics. These clients are often visiting the clinics under difficult and distressing circumstances, and I am very pleased that they are able to do so without fear of harassment. It has been a fantastic success, and I am delighted to note that countries like Great Britain are looking to copy this model and that the Canadian province of Ontario has adopted our legislation just recently.

The legislation has not prevented freedom of speech on this issue. Individuals are still able to express their views and opinions on these reproductive health services. They have the right to protest outside this Parliament, in the streets and via news media and social media. They do not have the right to protest within 150 metres of abortion providers. They have a right to a voice but I do not believe they have a right to an audience.

Unfortunately there are still individuals who are refusing to adhere to this legislation. An individual who accosted a couple outside a clinic is having their case reviewed by the High Court on constitutional grounds. The individual was arrested on the spot, found guilty and fined by the Magistrates Court. This law was created to protect people, who are often in a very emotional and vulnerable position, from being harassed. This type of bullying behaviour must not be supported under the guise of free speech.

Harry Crick

Mr O'DONOHUE (Eastern Victoria) (12:42) — I rise to acknowledge Mr Harry Crick, who is 98 years old. He is one of the last remaining Rats of Tobruk, and he did a lap of honour during the Anzac Day AFL match between Essendon and Collingwood. He is a strong member of the Pakenham RSL, and I pay tribute to the president of the Pakenham RSL, Mr Gary Elliott. It is terrific that Harry's story has been told as part of

the Anzac Day commemorations. As we know, for eight long months Harry and his colleagues lived in the desert trenches of the North African campaign, fighting off German and Italian troops along the front lines through multiple air raids, tank attacks and constant shelling. Harry has been a great supporter of the Harold Bould Memorial Award, and I thank him for that. I will also take the opportunity to congratulate Phyllis Bould for her display and sale of knitted poppies, with all the proceeds going to the Harold Bould Memorial Award.

Anzac Day

Mr O'DONOHUE — I would also like to congratulate the Mornington RSL, and particularly Alan Vidler and Colin Fisher, for the moving Anzac Day dawn service, which had thousands of people in attendance in Mornington. It was so fantastic to see so many young people in particular turning out for dawn services and other commemorations of Anzac Day as we gave thanks to those who paid so much and sacrificed so much for our freedoms and liberties.

Warrnambool Grand Annual Steeplechase

Mr PURCELL (Western Victoria) (12:43) — It gives me great pleasure to rise today to acknowledge the great work of the jumps racing industry in Victoria. This week we will see Warrnambool's Grand Annual Steeplechase and the three-day racing event in Warrnambool. It is probably the biggest sporting event in western Victoria if not in all of country Victoria. The improvement in the safety of jumps racing in Victoria over the recent years has been nothing but astounding. The numbers of horses involved in the industry, and in this year's events in particular, are impressive. There are 10 jumping events all with full fields at Warrnambool. The events this year will see tens of thousands of people attend the race meeting at Warrnambool, culminating on Thursday with over 30 000 people — that is more than the total population of Warrnambool — attending the Grand Annual Steeplechase. This event has the most jumps in the world and is over 5 kilometres. I would suggest to anyone who has not been there that they come and have a look at it. It is a special day and one that the local community certainly gets a great benefit from. I hope to see many MPs at the event on Thursday. Come and see this spectacular jumping event.

Sunbury municipality

Mr FINN (Western Metropolitan) (12:45) — In September 1999 Labor did what Labor is renowned for — it lied. Labor lied to the people of Sunbury. It promised Sunbury a vote on its municipal future, then for the 11 long years of the Bracks and then Brumby governments refused to deliver. It was only when the coalition was elected in 2010 that the people of Sunbury were given their place in the sun. They were allowed a vote on whether they wanted to stay in the City of Hume or be part of a new Sunbury council. The result was overwhelming. Over 60 per cent of residents voted to set up the new council, and the then Napthine government gazetted the decision. That is when Labor did it again.

Prior to the 2014 election Labor lied again. It solemnly promised that if elected at that election the Andrews government would respect the wishes of the people and continue with the planned Sunbury city council. As we know, the Andrews government broke its commitment to the people of Sunbury, and to this day they remain imprisoned in the City of Hume, but this time it will be different. In 2018 the people of Sunbury know not to believe Labor. They know Labor means lies, and they will not be falling for it again.

Sunbury is looking forward to November to elect Cassandra Marr as their local member in the certain knowledge she will fight for them in a way no-one has for almost two decades. They know she will deliver the city of Sunbury through the Guy government. They know this time they will elect a government they can trust — a Liberal government.

Eastern Freeway rail reservation

Ms DUNN (Eastern Metropolitan) (12:46) — The Andrews government has let the people of Manningham down by announcing that it intends to occupy the rail reservation in the median of the Eastern Freeway with extra lanes to feed the north-east link mega toll road. The Eastern Freeway rail reservation has been protected for decades in the hope of building the first rail transport to Manningham since the Doncaster electric tramway ceased operating in 1896. It is now clear that Daniel Andrews, the Premier, is determined to ensure the people of Manningham will never get proper public transport despite the strong population growth and infill development in the area. It is needlessly short-sighted to prevent this important heavy rail line from ever being built.

A rail line can carry 30 000 people per hour in each direction, while additional lanes in the median will only carry 2400 cars, most of which will be single occupancy. Furthermore, this is a breach of trust by the Andrews government. The North East Link Authority has previously written in correspondence to me that the selection of option A would not preclude the construction of either a bus rapid transit or future heavy

rail line in the median of the Eastern Freeway. It is clear that this was just a lie to avoid even more pushback against the selection of option A.

The Victorian Greens will continue to push for protection of rail reservations, oppose this wasteful mega toll road and work for the redirection of the $16.5 billion into our public transport system.

Warrnambool Base Hospital

Mr MORRIS (Western Victoria) (12:48) — A member for Western Victoria Region, James Purcell, has again failed the people of the south-west and once again proven he is full of talk and is trying to shift blame for his own failings. Once again he is looking to blame the Liberal Party for Labor's failure to fund the redevelopment of the Warrnambool Base Hospital operating theatres and emergency department in the state budget. He now claims he needs a commitment from the Liberal Party to leverage the government's —

Mr Purcell interjected.

Mr MORRIS — Well, Mr Purcell needs to read a little more. The commitment has been made several times by the member for South-West Coast in the other place, Roma Britnell, who is a very strong advocate and is securing a pledge from the Liberal Party. It is absurd for him to say now this is the reason that this project has not been funded.

Labor has done nothing but delay this vital project. They have had four years to get this done and they have delayed and dragged their feet, and Mr Purcell has been complicit in this. After all, he is the government-appointed chair of the community advisory committee. He has been charged with getting this project shovel-ready for inclusion in this state budget. He, as chair of that committee, has failed to ensure the work was done for inclusion in this budget. He has failed again to gain funding for one of the most vital pieces of infrastructure in the south-west — the region's largest hospital. He has painted himself as a great Independent — a man who can get results — but like other Independents before him, he has sold out, and the people who have lost are the people of the south-west.

Mr Purcell claims to be an almighty influence over the government and will tell anybody who is listening he is a crucial vote in this place; however, he has once again failed to represent western Victoria.

Financial services sector

Mr RAMSAY (Western Victoria) (12:50) — I would like to put on record my anger, frustration and disappointment at the behaviour of our financial institutions, as revealed by the current royal commission into financial services. My disappointment extends to those who initially refused to acknowledge the illegal practices and cultures of many of our financial service companies and their external consultants, the initial reluctance to support a royal commission into the corporate behaviour of our banking system given substantial evidence of illegal activity and the insipid response of our regulator, the Australian Securities and Investments Commission (ASIC), which failed to use its powers to prosecute those engaged in cowboy illegal corporate behaviour that preyed on those Australians who put their trust and their money into the banking services.

As someone who has sat on many boards and is a graduate member of the Australian Institute of Company Directors, I am appalled at the lack of corporate responsibility by the board members of our banking institutions, no more so than those — and I, like many others — who have placed their life savings and trust in them. My family have been generational customers of AMP going back to when it was a life insurance provident society, and I have continued to invest in AMP and place my trust in its financial advice to prepare myself for independence in my retirement years like so many others.

Not only has the AMP board now placed that company at risk, with numerous class actions foreshadowed and potential severe penalties to be applied to the company, but it has also lost the people's trust. I have not even heard a letter of reassurance from them to give some confidence to those who have put confidence in them. And as for that, I partly blame our regulators. One of those regulators, ASIC, has let us down and in my mind should come under the spotlight as much as our financial institutions. Yes, it has more powers to prosecute and apply penalties, but it needs the courage to do so and step up. Talk about a regulator that has been a toothless tiger.

Holocaust commemoration

Ms FITZHERBERT (Southern Metropolitan) (12:51) — I was able to attend the Jewish Community Council of Victoria (JCCV) annual Holocaust commemoration at Robert Blackwood Hall at Monash University on 11 April. I was joined there by Mrs Peulich and also by the Assembly member for

Caulfield. It was an extraordinary and moving evening, as always.

In particular I want to note the personal testimony that was given by Mrs Luba Olenski. She told her own story of her experiences during the war. I guess this is at the heart of what these events are about: to tell stories and to remember what happened in the hope and in the prayer that it will never happen again. She told her story of being separated from her parents at a very young age. She was a young child. She told of having to escape from a train which was on its way to a labour camp. She told a story of being hunted for several years and having to live in a forest with other Jews and living under constant threat to her life. These stories are extremely painful, but it is critical that they are told and never forgotten.

I want to acknowledge the JCCV for staging, as usual, a very fitting and sensitive commemoration where this form of remembrance can happen for, I think it was, nearly 1000 people on that evening.

Anzac Day

Ms FITZHERBERT — I also want to acknowledge the commemorative services on Anzac Day that were held by the Oakleigh-Carnegie RSL. Their dawn service, which is a relatively recent event, has been held on four occasions now and has increasing support from the local community. The Friends of Elwood RSL also hold their own beachside service award. They are both excellent forms of remembrance and ceremonies. Lest we forget.

Ms Mikakos

Ms CROZIER (Southern Metropolitan) (12:53) — President, as you may be aware, there has been a saying within youth justice for a number of years that Minister Mikakos should be referred to as the Minister for Riots, Repairs and Reviews, and with more than 50 riots or serious incidents occurring under her watch — a number which is more than all previous Victorian governments combined, all the while costing the Victorian taxpayer tens of millions of dollars in unnecessary expenses — it is little surprise that she has lost the confidence of this house and some of her parliamentary Labor colleagues.

Well, in 2018 we can add a couple more Rs to Minister Mikakos's title. The rorting minister should be condemned for participating in the $400 000 Labor red shirt scandal after being exposed by the Victorian Ombudsman as being a participating member. The now minister was one of 22 found guilty, complicit in the scheme to deliberately and systematically rip off the Victorian taxpayer. So pathetic were her rorting ways that she even lost a seat for the Labor Party, a prelude to her mismanagement as minister.

And then we have the $3 million bill for the minister's youth justice rodents, and that is a minimum charge. As if the disastrous PR surrounding the first youth justice facility site in Werribee was not enough, we now learn the striped legless lizard has been discovered in large quantities on grassland at the second chosen site, blowing out the budget by a further $3 million.

The Andrews Labor government is so hopeless when it comes to youth justice it cannot even build a new jail without botching it and costing taxpayers millions of dollars. So the Victorian community has one message for the minister for riots, repairs, reviews, rodents and rorts: resign. Because November cannot come soon enough.

SERVICE VICTORIA BILL 2017

Second reading

Debate resumed from 21 November 2017; motion of Ms PULFORD (Minister for Agriculture).

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:55) — I am pleased to rise this afternoon to speak on the second reading of the Service Victoria Bill 2017, which has been a long time coming in this place. I think the bill — like so much of the government's legislative program — was scheduled to be dealt with in December of last year and, through the government's own decisions, has stalled basically until the middle of this year, but we now have an opportunity this afternoon to consider what is being proposed in this bill and for the house to pass its judgement on the direction the government is going with service delivery in this state.

This of course is a very broad area of administration. As we know, state and territory governments are fundamentally about service delivery, so when you have a piece of legislation come into the house focused on service delivery it is something which should be of interest to all members of this house, as I think it is of interest to the Victorian community. The interaction that takes place between government and citizen is something that is incredibly important at a state level because it is a service delivery level of government, and improving that interaction between government and citizen, between customer and provider, should be more of a key focus of what we do as members of Parliament than what is done by the government more generally.

President, there is no doubt that in the last decade the community's expectations around service delivery have changed dramatically. The advent of smart devices — pocket computers that are virtually ubiquitous in the community now — has completely altered the way in which the community undertakes transactions, the way in which the community gathers information and the way in which the community communicates with other members of the community. Within this place you see members using smart devices to communicate with other members across the chamber and you see members communicating from within the chamber to outside the chamber. You see the same devices used to communicate across the world.

It is worth reflecting, President, that the smart devices as we know them typically — and we have seen the proliferation of Apple devices, iPads, iPhones — have only come about in the last decade. Prior to about 2007 what we know currently as a smart device was not in common use. The ability to do what we can now do with a smartphone or with a tablet did not exist a decade ago, so there has been an incredible change in the way in which society, the community, can use technology to communicate, to access services and to access information, and the development of that technology, with the ability for people to communicate with a smart device in their pocket — to communicate, as I said, within the chamber, for example — has changed the community's expectations.

What members of the community now expect from government and from service providers in the private sector has changed inexorably. The fact that app developers and the fact that service providers in the private sector — be they banks, be they health insurance companies, be they retailers — have recognised the potential for smart devices and have responded accordingly with the development of applications, with the development of online platforms which allow citizens to access services 24 hours a day instantly from their smart device, has changed the expectations of the community. It has understandably led to the community expecting to have instant service delivery. To be able to use a smart device to purchase something — and of course even our major bricks-and-mortar retailers now provide online service delivery through smartphone apps and tablet apps to order groceries and the likes which can be delivered, as well of course as the earlier iterations of online retailing through things such as eBay — to do online banking and to have access to news via news site applications has created the expectation of instant service delivery through a pocket device, and one of the big gaps in that availability of online services has been government.

Some of the early efforts to put government services online in an internet sense and then of course online through mobile applications has been at best clunky. Look at some of the developments at the commonwealth level. The myGov platform I think was perhaps one of the clunkier examples we have seen. Certainly its original iteration was one of the clunkier examples of the development of a platform for government online service delivery. Subsequently the commonwealth has modified that platform, but the initial iteration, the initial rollout, really did not meet in any respect the expectations of the community in being able to access, in that case, commonwealth government services online.

It may well have met the expectations of the department that developed it and it may well have met a whole lot of back-of-house needs for the departments that use the platform, but it did not meet in its initial iteration the expectations of the community. It did not provide the flexibility that the community expects in service delivery, and as a consequence it was not broadly embraced by the community. We have seen since that first iteration of myGov some substantial improvements to that platform and it is now more widely accepted in the community as a way to access commonwealth government services.

What we have seen in the last decade is new technology creating new ways to deliver services and with that a rapid change in the expectation of the community as to how services will be delivered to them, and that includes government services. So it is appropriate that we as a Parliament and as a government do look at the way in which services are delivered into the community and look at the opportunities which have been created through technology to improve service delivery.

The bill before the house today implements a legislative framework for what the Victorian government has called Service Victoria. I will come to what Service Victoria actually is in a little while, but the purpose of this bill is to prescribe Service Victoria as a service delivery agency for government and to provide a regulatory framework for identity verification activities by Service Victoria.

The main provisions of the bill are to prescribe Service Victoria as a service delivery agency for government services. It provides that departments and agencies may transfer service delivery functions to Service Victoria and establishes a mechanism by which, with the mutual agreement of the Service Victoria minister and the minister responsible for an individual agency, service functions may be transferred back to line agencies — so a mechanism to transfer them into Service Victoria and

by agreement a mechanism to transfer them back. The bill also establishes a regulatory structure for Service Victoria to undertake an identity verification function to provide a single whole-of-government record for each customer, including standard settings, and it provides a regulatory framework by which service delivery standards may be established.

It is an interesting piece of legislation because often with the development of online platforms service, delivery models and applications there is a need and a desire to be flexible. There is a need and a desire to recognise that what is an effective service delivery model today may not be an effective service delivery model tomorrow, and what we have seen — and I used the commonwealth myGov example earlier — is platforms changing and approaches changing as technology develops and as the expectations of the community change. One of the key things, if we are to have effective online service delivery, is the need for those platforms to be flexible, for the provider of those platforms to be flexible and for governments to have the capacity to change the way in which services are delivered online, be it through changing vendors or be it through changing structures and models, and not to be locked into a rigid framework. In this sense the creation of a legislative framework for Service Victoria is a very unusual way for the government to go in setting up Service Victoria.

I would like to take a step back and look at the way in which ICT projects in Victoria have developed and the way in which Service Victoria has been developed, leading to this stage with the government now seeking a legislative framework for it. In the early period of the previous government the then Ombudsman and the then Auditor-General released a review of ICT projects within government. These two statutory office-holders had undertaken an extensive audit of ICT projects across government. They looked at things such as the Myki ticketing rollout, the HealthSMART system, the education record system — the name of which currently escapes me — which had been implemented in the department of education and a number of other small projects which had been commissioned by the Bracks and Brumby governments, in some cases over a number of years and in some cases in a relatively short period of time, to assess the way in which those projects were designed, the way in which they were scoped and the way in which they were executed.

Looking at that sample of 10 projects, the Ombudsman and the Auditor-General, in a joint report, identified a range of common systemic problems in the execution of those ICT projects. The upshot of that report was that the two statutory agencies identified in essence that budgets had run 100 per cent over and that projects were well behind schedule and were failing to meet the objectives that have been set for them. So there was a consistent pattern across the 10 sample projects of projects being over budget, projects being behind schedule and projects failing to meet the expectations that had been placed on their creation. This is something that on coming to government in 2010 the coalition government — this report came down soon after, in 2011 — recognised in a number of other projects.

I hasten to say that this is not a problem unique to the Bracks and Brumby governments, unique to Labor governments or unique to governments full stop; it is a problem which has been repeated in the private sector. There have been any number of studies which have looked at the execution of ICT projects over recent decades, and invariably those studies identify the same sorts of problems with budget overruns, with projects falling behind schedule and with projects failing to meet expectations whether they are a creation of the private sector or a creation of the public sector. That sends a signal that the way in which ICT projects are undertaken needs to change.

We cannot continue to undertake ICT projects that are scoped in isolation from the marketplace. In the case of government you have a group of bureaucrats sitting down in a room by themselves to design a better mouse trap, taking that out to the market and saying to the market, 'Irrespective of your capability and irrespective of what is in the market, this is what we want you to build, here is a dollar figure, go away and build it'. Halfway through they say, 'Oh, and by the way, we have changed our minds about what we want; we want some variations'. Of course they are now getting to the end of their budget so they need to scale back on what they expect et cetera. That is, and has been seen to be, a recipe for disaster time after time after time.

In government the coalition released a new ICT strategy that set out to take a new approach to how government procured ICT projects and executed ICT projects. There were a number of principles set down in that ICT strategy, and I would just like to refer to four of them that were relevant to most projects.

The first principle that we thought was incredibly important to the procurement of ICT in government was the principle that government should be buying off the shelf. Every unit in every agency thinks it is unique, thinks it needs a special solution, thinks that its business is different and needs its own ICT platform and thinks that it needs a bespoke system to fit the way it does business. The reality is that there is very little within

government that is unique in terms of business processes and activities, and there is very little within government that needs customisation. The scope for government to be buying off-the-shelf platforms and software, and where necessary adapting business processes to the off-the-shelf software and platforms, is far greater and far lower risk than each government agency wanting to design its own software platform to meet its own unique way of operating.

There is very little that is unique about what government is doing that it cannot operate and adapt to off-the-shelf platforms. So one of the key principles of the coalition's ICT strategy was that government agencies should be buying off-the-shelf platforms before they sought customisation. They would need a strong case as to why they were different, why they were unique and why they needed to design and commission a bespoke ICT platform.

The second principle that we sought to roll out across the public sector in the commissioning of ICT projects was the need for projects to be scalable. Projects should be started and piloted on a relatively modest scale with the capacity for them to be scaled up if they are successful. To use an example, the idea of creating a whole-of-government payroll system to cover 250 000 public sector employees was an anathema to the direction that ICT projects should go.

In saying that projects should be scalable we took the view that if you were commissioning a Victorian government payroll system — and given the fact that there are dozens of such systems available off the shelf anyway the argument as to why the government would want to commission its own payroll system is one that would need to be tested first — it should be scalable. It should be something that is developed and tested in a small agency with the capacity then to expand it to other agencies rather than starting from a position of trying to build a system that will cover a quarter of a million people across a thousand different agencies. That is a recipe for disaster, and that is something that we have seen with some of the previous ICT projects in Victoria and of course elsewhere in the private and government sectors.

Another area where we sought to set a direction was in relation to the risk management around ICT — the recognition that you do not want all your eggs in one basket and the need, if dealing with ICT suppliers, to have multiple vendors who can ensure some competitive tension among themselves and also mitigate and spread risk. In relation to CenITex, this is where the coalition has a point of fundamental difference with the current government. I preface these comments by saying they reflect a situation that existed three or four years ago with the model the previous coalition government inherited where the whole of central government and general government sectors' ICT desktop services were provided by one provider, being CenITex, the government-owned entity.

A concern of the coalition at the time, and the reason we pursued the Project Atlas tender in 2014, was that the government's eggs were all in the one basket: all desktop services across the general government sector relied upon service delivery by CenITex through to data centres, and we saw that as a big risk. There is nothing unique about desktop service delivery; a standard desktop operating environment is something that dozens and dozens of companies provide in Australia and around the world. There was the opportunity for government to buy those services on a commodified basis from a number of providers, thereby mitigating the risk of having the government's eggs all in one basket with a single provider operating across the entire central government sector. That was, as I said, the rationale for our pursuit of the Project Atlas model in 2014.

Another key principle we articulated in our ICT strategy was the need to encourage innovation — to recognise that not all good ideas and not all the expertise exists within government in the development of projects and that it is important to have a collaborative exercise leading to the development of a project to allow industry innovation to come into play with better ideas.

One of the challenges for government procurement generally and ICT procurement in particular is that often government will specify what it wants in a box and it will develop that in isolation by itself rather than in collaboration with the marketplace. It will then go to tender and because a formal tender has been triggered it will say, 'Well, no, we can't talk to the industry because we are in the middle of a tender'. Industry looks at what government has said it wants in the tender and scratches its head as to how on earth government could have come up with such a project scope, and industry has to come up with the project because government has failed to consult and interact before it went to tender. But because the tender is on and probity walls are up and no-one can talk about it you have got industry bidding on something which is difficult, if not impossible, to deliver because it has been badly scoped from the start and the opportunity to innovate and work with industry in the development of the specification has been lost.

That was also something we saw as a particular weakness in procurement generally and, as I said, specifically in ICT projects where the state was losing the opportunity for a lot of innovation because of the nature of our general procurement framework. With the ICT strategy it was something that we saw as an opportunity to reform that engagement between the public sector and industry in the development of technology platforms so that before we go to market in a formal tender process we can have a much better understanding of what is available, what can be achieved and the innovative options available to deliver a particular ICT outcome.

It is against those principles that we seek to assess the Service Victoria framework and model that is being implemented by the current government. Our concern is that the model, as it is being presented by the government, in many respects is the reverse of what was articulated in our ICT strategy. It is not a model which is encouraging innovation at an agency level in the development of individual service delivery platforms. It is not a model which is spreading risk and it is not a model which is reflecting the opportunity for innovation and cost saving, which is always developing and changing, in the ICT sector. It is in fact a model which is centrally driven with a top-down focus from Service Victoria. We do not yet know what form the Service Victoria entity is going to take — the bill is open on that, and that is something we will explore in the committee stage. It is a model that is being driven by central government, being driven by the Department of Premier and Cabinet through the Service Victoria agency.

It is interesting to note that the feedback from some individual agencies — some who have been either involved with the pilot or will be involved in the Service Victoria model — is that the development of Service Victoria has led to them stopping their own innovation. They are not developing their platforms and their service delivery models because Service Victoria is coming. They are bound by Service Victoria and would like to wait and see what that model will mean for individual agency delivery.

One of the principles I spoke about before was devolved service delivery. What we have with Service Victoria is in fact the opposite. It is bringing everything together under a single platform with the vendors that have been contracted for the development of that platform. This is at odds with taking an off-the-shelf approach to putting a platform in place and is at odds with sharing risk between vendors and individual service delivery agencies, so rather than mitigating risk we are seeking to centralise risk through this model. With a legislative framework which allows for the transfer of service delivery responsibilities from agencies to the Service Victoria entity we are seeing that further concentrated beyond just the technology platform and to the actual service delivery activities of the individual agencies.

One of the other concerns we have with the model is the cost. The cost, as revealed in the budget to date, is approaching $100 million. We saw that Service Victoria was first announced by the government — by the Special Minister of State — in the 2015–16 budget, which was the first budget of the current government. The initiative was described as:

> Service Victoria will create a new whole-of-government service capability to enhance the delivery of government transactions with citizens, enable the delivery of a more effective customer experience and create new distribution channels for simple, high-volume transactions.

Initial funding for that project was $15 million, which was allocated in the 2015–16 financial year, and there was a further allocation of $81 million in the 2016–17 financial year, so two financial years ago from the budget that is being introduced today. We saw last year through the public accounts process that some $58 million of that funding had been carried forward into the current 2017–18 financial year, which led to a fascinating discussion with the minister as to whether the project was delayed. Minister Jennings, in front of the estimates committee, was at pains to emphasise the project had not been delayed, it just had not progressed at the speed that had been planned — but it was not delayed. Nonetheless we saw that money carried forward into the current 2017–18 financial year, and obviously if the bill proceeds to committee, we will be looking to understand where the financial structure around Service Victoria has progressed to since the last update to the public accounts committee a year ago.

Another element beyond the cost that we are concerned about with the Service Victoria model is its opaque nature. This is a $100 million commitment by the government. It is a substantial financial commitment over two years, and of course we will be interested in the ongoing costs of the platform. But other than some minor references in the public accounts hearings in the last two years, the government has been opaque with respect to the development of the Service Victoria platform. The feedback from the ICT industry has been very interesting with respect to its understanding of what has been occurring with the development of Service Victoria as a whole-of-government entity — a government platform — as opposed to what could have been achieved with the same funding through industry-supported platforms.

Last year we saw an interesting exchange at a Public Accounts and Estimates Committee hearing between Ms Pennicuik, I think it may have been, and Tony Bates, deputy secretary of the Department of Premier and Cabinet, who gave evidence with respect to Service Victoria and the delivery of the project and whether it was tracking to budget and tracking to schedule. As members may be aware, the Department of Treasury and Finance, as part of its reporting to government, to the relevant budget committee of cabinet and ministers more generally, benchmarks each of the projects which are being undertaken by government, and it uses a pretty simple assessment — a traffic light assessment. A project that is assessed as green is operating as planned, is operating to budget, is operating to schedule and is expected to deliver what it was commissioned to deliver. When a project has an amber assessment, or elements of a project which are assessed as amber, it indicates there are some concerns as to how the project is proceeding. When a project is red flagged it indicates there are significant concerns. Either it has already gone over budget, is behind schedule or is not meeting expectations or these are likely to be imminent outcomes.

In the course of the hearing the government was asked about the progress of Service Victoria and specifically whether there were elements of the Service Victoria execution which had been red-flagged in the high-value, high-risk project assessment framework which exists within the Department of Treasury and Finance. Mr Bates essentially indicated that everything was on track — everything was okay — notwithstanding an amber assessment. He subsequently wrote to the Public Accounts and Estimates Committee a week after the hearing to indicate that a number of elements of the Service Victoria delivery were in fact red-flagged under the high-value, high-risk framework that was put in place to keep on top of the projects.

It is of concern that between the appearance at the Public Accounts and Estimates Committee hearing last year and the subsequent letter from Mr Bates there was an indication that the project was not green-lighted under the high-value, high-risk framework and that there are a number of areas where concerns exist within the Department of Treasury and Finance as to the delivery of Service Victoria. That just goes to highlight that it is a complex project, it is an expensive project and it is a high-risk project that the government has embarked on, and it is not at all clear as to why, in seeking to improve service delivery, the government chose to pursue this government-funded and run model when there were so many opportunities for the government to engage with the private sector for a private sector developed and supported model which would allow flexibility as technology changed.

What we have today is a bill which now recognises the existence of all the work that has gone into Service Victoria in some form, though the bill is agnostic as to the structure of Service Victoria and whether it is going to be a standalone entity or part of a department, presumably the Department of Premier and Cabinet. We will seek the minister's clarification around that if the bill gets to committee.

It now seeks to create a legislative framework around the way in which Service Victoria will interact with the agencies for which it is delivering services and around service delivery standards for the delivery of government services, as well as the additional aspect, which has certainly not been canvassed in any depth — I do not think it has been canvassed at all, frankly — in the government's material around the development of Service Victoria. That is the issue of a single record, a single identity, for Victorian citizens, which in summary would allow them to have a single login through the Service Victoria platform on which they have their data stored. That can then be used to access multiple government services on an ongoing basis rather than provide identity information at each individual login. This is something that has not had any public consultation or public disclosure and discussion in respect to the Service Victoria model — it is very much a separate aspect beyond the Service Victoria platform — but it is encompassed in the legislation and it is something that has given rise to concerns.

The coalition received correspondence from Liberty Victoria, which sets out a number of concerns with respect to the Service Victoria Bill 2017, particularly in relation to the way in which that individual ID record would be created under the Service Victoria model and the prospect of that becoming, to use Liberty Victoria's phrase, a honey pot of identity information which could be subsequently hacked by third parties. I will not read through Liberty Victoria's letter at this stage, but I may well put it on the record at the committee stage if we get to that. It runs through in some detail its concerns in particular around that single identity record and the implications of that for citizens who choose to set up that record. Liberty Victoria, as I said, are concerned about the lack of government engagement and consultation and the lack of understanding in the community about what is being proposed by the government in respect of that aspect of the legislation.

In many respects, and this is something the government and the minister will need to address, what is contemplated in the bill and what has not been the

subject of discussion is a model not dissimilar to what was proposed by a previous federal government 30 years ago with the Australia Card, which was a single identity for Australian citizens which would be used and was required for commonwealth government service delivery across a number of channels. That was something which in 1987, 1988 or thereabouts was incredibly contentious in the Australian community. It was subject to enormous debate and enormous dissent, and was subsequently abandoned by the Hawke government, which had proposed it.

With respect to the identity verification function in this bill, we have not had that public debate, we have not had that public discussion and, other than the Liberty Victoria correspondence in relation to that aspect, this is very much flying below the radar. It is something that we believe is not appropriate without far greater public discussion and engagement than has been the case with the development of this legislation to date.

The coalition absolutely recognises that the expectations of the community are changing with respect to service delivery. They have changed with respect to service delivery from the private sector and they have changed with respect to service delivery from the public sector. The development of technology in the last decade has seen to that, and it is inevitable that we will see further technological changes in the next decade which will change the community's expectations for service delivery by government and which will mean that government will need to be flexible in the way in which it provides services to its citizenry. We are concerned that in creating a legislative framework for Service Victoria the government is doing the exact opposite. It is creating a framework which stifles innovation and which locks in one model for service delivery. Rather than leading to improved service delivery on an ongoing basis, it will in fact impede improvements to service delivery on an ongoing basis.

The reality is the services that are being delivered online today by government agencies in various forms and at various levels are being delivered without a legislative framework. VicRoads has not required a legislative framework to put some of its functions online, nor have any of the other Victorian government agencies. The idea that we now need to pass legislation to create a locked-in, black-letter law framework for the way in which those agencies which are participating in SV interact with SV in the delivery of a platform is not one we accept. Our view is that that will simply hinder further innovation and further change as platforms and technologies evolve in the next decade.

Recognising that a legislative framework is not currently in place and has not needed to be in place for existing online service delivery and recognising that the government is proposing a structure around the identity verification function — which we will discuss, no doubt, in some detail later — which has not gone to the Victorian community, is not understood or accepted in the Victorian community and, as I said, other than the limited feedback from Liberty Victoria, has not been the subject of public consultation, we believe this legislation should not go forward. Accordingly the coalition will be voting against this legislation at the second reading and subsequently. We believe that improvements in service delivery in Victoria and the optimisation of digital platforms can be delivered without legislation and should be delivered without legislation to ensure that there is flexibility as technology and platforms change into the future and that in the absence of public debate the case has not been made for the identity verification function. So when the bill gets to the second reading it will be opposed by the coalition. There are other ways to improve service delivery in Victoria, and the case has not been made for this legislative framework to be put in place.

Mr ELASMAR (Northern Metropolitan) (13:44) — I rise to contribute to the Service Victoria Bill 2017. Essentially Service Victoria will revolutionise the delivery of the highest volume government transactions such as car registration, birth certificates, fishing licences and many others as Service Victoria grows. This is a very exciting and innovative concept that will modernise processes for all Victorians. It will provide a new high standard in customer services, with the new agency in the process of building an online platform that will eventually become the new place to go for government services. The bill follows the investment of $81 million in the 2016–17 budget to develop the Service Victoria platform. This investment has enabled the development of new systems, processes and digital platforms to deliver a modern customer experience and address the rising costs of providing such services.

Accessing government services and information can be excessively costly and difficult to navigate, with hundreds of phone hotlines and 538 different websites. This causes delays and frustrations for hardworking Victorians, and it is at an increasing expense to taxpayers. In response to this challenge the Service Victoria Bill will break down departmental silos and create a new whole-of-government agency that will act as a central access point for members of the community to access government services. Service Victoria will create a whole-of-government service capability that

will enhance the delivery of transactional services between the Victorian government and citizens.

This bill also provides minimum standards around the handling and sharing of information, ensuring that community members have the choice and ultimate control over how their personal information is obtained and used. It is critically important that privacy protections are enshrined and strengthened, and with that in mind the bill provides for oversight by the Office of the Victorian Information Commissioner and the health services commissioner, mandatory reporting of data breaches and, importantly, mandatory independent auditing. The bill incorporates new offences for any improper access of and use of information, and the penalties include imprisonment and the right to external review in relation to decisions on identity verification at VCAT. It will minimise personal data held by agencies by removing the need for agencies to prove the identity of individuals. Service Victoria will do this once, and that proof can then be reused.

This bill is founded on the principle of citizen choice and control over their information. The Service Victoria Bill creates the conditions to move away from various access points and paper-based processes in favour of a full spectrum of customer journeys that are highly tailored and maximise the level of integration between physical service outlets and the countless departments and agencies providing transactions.

However, we recognise that not all citizens prefer or have easy access to engage with government online. Ensuring that Victorians who do not have access to or are unable to use technology have other ways to meaningfully engage with government is a matter of equity. The Andrews government will always cater for the diversity of Victorians, and non-digital channels will continue to be provided.

Beta testing for the new Service Victoria platform is underway, and the new process will be available to the public in 2018. We are moving into the 21st century and making life easier for most Victorians. I understand the Leader of the Government will move an amendment regarding time lines in the committee stage. I commend the bill to the house.

Debate adjourned on motion of Ms PENNICUIK (Southern Metropolitan).

Debate adjourned until later this day.

BUDGET PAPERS 2018–19

Mr JENNINGS (Special Minister of State), pursuant to section 27E of the Financial Management Act 1994, presented budget paper 2, 'Strategy and Outlook'; budget paper 3, 'Service Delivery'; and budget paper 5, 'Statement of Finances' (incorporating quarterly financial report no. 3); and, by leave, presented budget paper 1, 'Treasurer's Speech'; budget paper 4, 'State Capital Program'; 'Overview'; budget information paper, 'Suburban'; budget information paper, 'Rural and Regional'; and 'Gender Equality Budget Statement'.

Laid on table.

Ordered to be considered next day on motion of Mr JENNINGS (Special Minister of State).

SERVICE VICTORIA BILL 2017

Second reading

Debate resumed from earlier this day; motion of Ms PULFORD (Minister for Agriculture).

Ms PENNICUIK (Southern Metropolitan) (13:53) — The Service Victoria Bill 2017 that we are debating this afternoon has been on the notice paper for quite some time. It has been the subject of quite a long series of discussions between us, the government and the various parties in the chamber as to its merits and in essence the need for it. Consequently the bill's original commencement date has passed. Hence the need for the government to move in committee for a new commencement date for this bill.

In overview, the bill provides for the delivery of government services to the public by Service Victoria rather than, as is the case now, through various agencies — for example, VicRoads, the agriculture department and for certain functions of Victoria Police. Under this bill there will be an opportunity for Victorians to access the services provided by those agencies at the one place, Service Victoria, which is already being rolled out by the government. The bill also provides for the functions of the CEO of Service Victoria.

As I said, a 'service agency' as defined under the bill as any of the following:

(a) a public service body;

(b) a public entity;

(c) Victoria Police;

(d) a Council;

(e) a person holding an office or position established by or under an Act … or to which the person was appointed by the Governor in Council, or by a Minister …

The government, in its advocacy for Service Victoria, says that 55 million transactions are completed every year through various customer service agencies for things including applying for licences and permits, updating contact details, paying fees and licences et cetera. Under the bill relevant ministers who have responsibility for the agencies whose functions will now be able to be accessed via Service Victoria may agree — and the bill says 'may' agree — in writing to transfer customer service operations to Service Victoria. This is one of the questions that we have raised with the government, because if the word is 'may', then the word is not 'must'. That does allow for a minister, and consequently an agency, to not agree to transfer customer service operations to Service Victoria.

One of the essential issues with regard to this bill and to Service Victoria itself is if it is going to be, as the government has said, a one-stop shop but there is no requirement under the bill for agencies to transfer their functions, then, ipso facto, it is not necessarily going to be a one-stop shop. Whether or not Victorians really want a one-stop shop is a debatable point. I know Mr Rich-Phillips spent a long time outlining the problems with the legislation as the opposition sees it, and certainly I think one of the questions is what else might have been done rather than setting up Service Victoria, which, as I have said, has already been set up and is operating, albeit to a very small degree. The government tells us that 10 000 people have used Service Victoria so far. In a state with 4.5 million people that is not very many. But the essential question could be, and it is one I have raised with the government, why, if there are problems with the way the agencies are delivering their services, they cannot just be brought up to speed, so to speak.

The bill allows for progressive transfer and new types of transactions. Service Victoria will operate on different tiers of interaction, so some tiers will require less verification of identity than others. It creates what has been called an electronic identity credential for each individual. This credential may be used by the individual only once or it can be saved to be used over and again. I think under the bill the electronic identity credential will last up to 10 years or until a person decides they do not want to maintain it any more.

The electronic identity credential, which has a somewhat Orwellian name, has been the subject of much discussion between me and my colleagues and between me and the government. I am not even sure if I could say I am totally certain as to what an electronic identity credential is. I am more sure than I was at first, but it did take quite a lot of discussion to actually come to an understanding of what an electronic identity credential is, how it may have a life of 10 years and how it can be used by Service Victoria to assure other agencies that an individual has established their identity to such a level of certainty that they will not have to repeatedly establish their identity either through Service Victoria or through other agencies that require this.

It is fair to say that this is the crux of the issues with the bill. As I say, I have explored this issue with the government at some length in discussions with departmental advisors and a meeting the government held with staff of Service Victoria et cetera, but I still think that for the public record, if the bill gets into the committee stage, this is an issue that does demand more scrutiny and further explanation from government. I do agree with Mr Rich-Phillips that the public at large is not very aware of Service Victoria at all or of the establishment of what is being called an electronic identity credential.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Small business assets

Mr DAVIS (Southern Metropolitan) (14:02) — My question is for the Minister for Small Business. Minister, family bus companies operated by generations of one family are now subject to negotiation with the Andrews Labor government that will see the government nationalise their depots, buses and intellectual property. I therefore ask: does this set a further unfortunate precedent for small businesses throughout Victoria following the removal of taxi licences whereby the Andrews Labor government is prepared to remove hard-earned assets from family businesses?

Mr DALIDAKIS (Minister for Small Business) (14:02) — I thank the member for their question. I recall a question very, very similar to this on the last sitting day prior to the break, and I believe my response then, as it will be now, was that the portfolio undertaking this work of course falls within the purview of the Minister for Public Transport. I would direct questions or concerns that the member may have about policies to the relevant portfolio minister.

Mr Davis — On a point of order, President, as with that earlier question, the example I used was to flesh out a concern about the safety of the assets of small family businesses, and I have asked the minister a very direct question about whether there is an issue about the removal of assets from small family businesses for which he does have responsibility. He answered the question at the time, on your direction. This is a similarly phrased question and a similar example has been used to flesh out this developing concern, so I would put it to you that he ought to answer the question. It was framed carefully to move to a general principle about the safety of family business assets.

The PRESIDENT — On the point of order, I am not in a position to advise the minister or instruct the minister on how he answers the question. One of the problems about framing a question with a preamble is that you actually do provide an opportunity for a minister to address the preamble and not the substantive question. The minister has given his response on the basis of addressing the preamble. I am not in a position to direct him differently in terms of that answer.

Supplementary question

Mr DAVIS (Southern Metropolitan) (14:05) — President, that is extremely disappointing that the minister is not prepared to answer a question squarely within his portfolio. I therefore ask: Minister, have you received representations from bus owners or bus associations regarding the government's brazen agenda to seize their assets, and have you received those representations in the role that you hold as Minister for Small Business?

Mr DALIDAKIS (Minister for Small Business) (14:05) — I thank the member for their question. I will take that question on notice to endeavour to find out whether my office has received correspondence. I do not recall having received a direct approach to me personally, but of course that does not allow for the fact that we may have received correspondence or requests, so I will seek advice from my office and provide that information to the member.

North Richmond supervised injecting facility

Ms FITZHERBERT (Southern Metropolitan) (14:06) — My question is to the Leader of the Government and is in relation to the impact of drug-affected individuals leaving the supervised injecting facility. Following the January Rainbow Serpent Festival Victoria Police issued a press release stating, and I quote:

> We also saw far too many people making dangerous and illegal choices by getting behind the wheel when they were either drug or alcohol affected.
>
> This kind of behaviour puts the whole community at risk and is completely unacceptable.
>
> We have zero tolerance for these individuals.
>
> Police were testing those leaving the festival to detect drug drivers and get them off the roads.

So I ask: after taking ice at the Andrews government injecting facility in North Richmond, will drug addicts be immediately tested if they get behind the wheel, as occurred at the festival early this year?

Mr JENNINGS (Special Minister of State) (14:06) — I thank Ms Fitzherbert for her question. The matter that was well and truly teased out during the committee stage of the supervised injecting facility bill that took place in December was in fact the attitude that the police would take to people coming to and from the facility.

Ms Wooldridge interjected.

Mr JENNINGS — I think Ms Wooldridge may have selective amnesia in relation to what took place during the course of that committee stage. We actually discussed that it is in fact the choice of the police in terms of providing for the safety of the community and for assessing the impact and the risk that any individual in the community may pose at any particular place at any particular time. It is the responsibility of the police to make that assessment and take the appropriate action as they see fit. That was clarified in the committee stage at great length, and in fact I am reiterating that today.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) (14:07) — Minister, further in relation to drug-affected individuals leaving the supervised injecting facility, given that the Transport Accident Commission's own website states:

> Methamphetamine … can lead to overconfidence, rash decision-making and risk-taking. Insomnia caused from ice and cocaine use can affect a driver's reflex and concentration —

what legal advice has the Andrews government received to indicate that the state would not be liable for any death or serious injury as a result of a car or a pedestrian crash from an ice-affected driver who has just exited the North Richmond ice injecting facility?

Mr JENNINGS (Special Minister of State) (14:08) — President, Ms Fitzherbert is actually desperate to try to make a connection between my answer and the legal status of these matters as it may relate to a facility in Richmond, but in fact the same rule of law, the same standard, applies to any individual in those circumstances that she described, regardless of where they may be, regardless of where their car may be, in the state of Victoria. It is unaffected by being in Richmond. It is unaffected by the law and there is no change in the circumstances of the police, and any sanctions that would apply will still apply before and after the introduction of any facility in Richmond.

Timber industry

Ms BATH (Eastern Victoria) (14:09) — My question is to the Minister for Agriculture. Minister, in its open letter to the Premier the G6 group of sawmillers said:

> In less than six months your government … has created a wave of uncertainty and confusion, which has swept away investment and optimism and replaced it with the threat of destroying hundreds, if not thousands, of jobs.

Will you guarantee supply to these sawmillers and remove the current threat to hundreds of eastern Victorian jobs?

Ms PULFORD (Minister for Agriculture) (14:09) — I thank Ms Bath for her question. The issues around timber supply and the allocation of this resource that this government has been dealing with are issues that we inherited from the previous government. In terms of some of the prescriptions that were put in place that have constrained supply, there are of course, as members in this place are well aware, also significant resources that have been lost through fire on a number of occasions, most dramatically and significantly the fires around Black Saturday. The G6 group of timber mills that Ms Bath refers to are a number of mills that have been undertaking some advocacy as a group.

I recently visited Fenning Bairnsdale and talked to them about these issues, which are well known and understood. There are some things that are being said in their advocacy that are not accurate though, and I will take the opportunity to correct the record. It is being asserted that contracts have been cancelled and supply that was expected is not forthcoming. That is not the case. Contracts have an extension provision which has not been exercised this time on account of a change in the amount of timber available. I certainly correct anyone, including Ms Bath, if they are under the assumption that contracts have been cancelled, because that is just simply not true.

What I can indicate to the house and indeed to these companies is that VicForests has been working with all mills on future timber supply needs over the last week or so and that will continue for the next couple of weeks. The timber allocation plan and the allocation order are close to being finalised and will be released in coming weeks. As I have said, contracts were not torn up — were never torn up — as has been claimed. There are optional extensions in those contracts that were not extended due to the impacts on supply, due to fire and the protected species arrangements that the former government put in place.

Supplementary question

Ms BATH (Eastern Victoria) (14:12) — I thank the minister for her response. The G6 also raised concerns about the conflict of interest the Victorian government has between the state-owned VicForests and Australian Sustainable Hardwoods (ASH), the Heyfield mill, in which it owns a 49 per cent interest. How can you guarantee to Victoria's other sawmillers that ASH has not got and will not get favourable treatment in the allocation of Victoria's native timber resources?

Ms PULFORD (Minister for Agriculture) (14:12) — I am more than happy to make that guarantee. There is a bit of unnecessary scaremongering from the National Party going on in this industry, but certainly I am happy to make clear to the house, to the community and to our timber towns that all mills, including Heyfield, will be treated equally in terms of the opportunity to meet their future timber supply needs. That is why VicForests are currently talking to all mills about what their needs are and what their future plans are. I will also take this opportunity to remind the house of the arrangements that the government put in place to ensure that there was no conflict of interest in making Minister Carroll the responsible minister for the Heyfield mill.

School cleaning contracts

Mr ONDARCHIE (Northern Metropolitan) (14:13) — My question is for the Minister for Small Business. Minister, on 28 March this year in this place you said in relation to the Andrews government's school cleaner cuts, and I quote:

> … let us remember and remind the chamber — took this course of action because there was a vast array of rorting and taking advantage of employees —

I ask: given that you have indicated a vast array of rorting of employees, can you please detail the evidence which identifies that these small family businesses were rorters and taking advantage of employees?

Mr DALIDAKIS (Minister for Small Business) (14:14) — In the Book of Proverbs, chapter 27, verse 6, they say:

> Faithful are the wounds of a friend, but deceitful are the kisses of an enemy.

I do not acknowledge the member's right to ask a question in this place, and I will take it on notice.

Honourable members interjecting.

The PRESIDENT (14:15) — Mrs Peulich, 15 minutes.

Mrs Peulich withdrew from chamber.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) (14:15) — Minister, thank you, and thank you for your biblical reference in this house. Minister, of the 800 small family businesses that were investigated by the department, how many were found to have rorted the Victorian taxpayer?

Mr DALIDAKIS (Minister for Small Business) (14:15) — Let me quote from the Book of Revelations, chapter 20, verse 10 —

The PRESIDENT — Order! Minister, I think you made your point in your response to the first question. I find it unacceptable to continue that line of response if it is not going to lead to a satisfactory answer to the question and an apposite answer to the question. You have made your point on the first one, and I have let that through. On the second one, no, I cannot accept that line of response. Minister, in terms of the supplementary question, thank you.

Mr DALIDAKIS — Thank you, President. I will take that on notice then.

Electorate office budgets

Mr RICH-PHILLIPS (South Eastern Metropolitan) (14:16) — My question is to the Leader of the Government. During the last sitting week the government supported a motion in this house that called on the ALP to pay an additional 25 per cent of the total amount falsely charged to the Department of Parliamentary Services as part of the red shirts rorts. What steps have you taken as minister to ensure that the ALP repays that $97 000 penalty?

Mr JENNINGS (Special Minister of State) (14:16) — A very smart question, Mr Rich-Phillips, but in fact you have ignored the reality that is identified by the Ombudsman herself in the report: the number that has been identified and paid in full is the outer limit of what the true claim and value of the work performed by electorate officers would have been during the course of the work they performed in electorate offices. So at no stage has anybody indicated or validated that a number of $388 000 worth of work was falsely claimed — at no stage has anybody demonstrated that.

The government chose, through the auspices of the Australian Labor Party, to repay that money. The government, rather than split hairs in relation to this matter, chose to repay the entire amount even though the Ombudsman did not say it was a rort. The Ombudsman did not prove categorically that the money should not have been spent in that way. At no stage was it determined what the net quantum of that amount was, and the ALP does not recognise that it was obliged to repay $388 000. It chose to do so, and on that basis the government believes that that was an appropriate course for the Australian Labor Party to take.

Honourable members interjecting.

The PRESIDENT — Thank you.

Honourable members interjecting.

The PRESIDENT (14:18) — Order! Mr O'Donohue, 15 minutes. If I say 'Thank you', it means that I expect it to stop.

Mr O'Donohue withdrew from chamber.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) (14:18) — President, the question did not go to the Ombudsman's report; it went to the motion that was passed in this place on the last sitting Wednesday, supported by the government, which called on the government to pay a 25 per cent penalty. The motion that was supported by the government also called on the government — called on the ALP — to repay the full costs incurred by taxpayers in relation to the court challenges. This is a motion the government supported, so I ask: will the minister assure the house that those legal costs will be repaid by the ALP as you voted on the last sitting Wednesday?

Mr JENNINGS (Special Minister of State) (14:19) — No.

Electorate office staff

Mr RAMSAY (Western Victoria) (14:20) — My question is to the Minister for Corrections. Minister, Mr Feaver was employed by you as an electorate officer (EO) in 2014. His evidence to the Ombudsman was that on the days he worked from your electorate office he would work as an EO in the morning and a field organiser in the afternoon. Did you give him this instruction?

The PRESIDENT — Can I have a look at the question?

Mr Dalidakis — On a point of order, President —

The PRESIDENT — Can I just read the question? Actually, Mr Dalidakis, why I did not hear the question is that I was just checking and you have taken two questions on notice. Does that involve a minister in another place or is that within your responsibility, in which case it would be two days or one day.

Mr Dalidakis — In relation to the first question from Mr Davis, President, I will leave that to your judgement. In relation to Mr Ondarchie's question, I have accepted to take both on notice and respond as the minister.

The PRESIDENT — So it is one day.

Mr Dalidakis — On a point of order, President, in relation to the question from Mr Ramsay to my ministerial colleague, it does not actually pertain to her ministerial duties but rather to other issues, and I do not believe that question is in order for that reason.

Mr Rich-Phillips — On the point of order, President, these matters have been the subject of questions in this house for an extended period of time going back to when the matters were first raised in 2015 and obviously subsequently with the Ombudsman's report earlier this year. The precedent has been well established that questions in relation to these matters have been answered by ministers to the extent that they are referred to in the report and matters relating to them are referred to in the report, and I put to you that on that basis — on the basis of precedent this year and in 2015 — Mr Ramsay's question to Ms Tierney is entirely in order.

Mr Dalidakis — Further on the point of order, President, I would point out to Mr Rich-Phillips that in fact questions have been taken by the Special Minister of State on behalf of the government, as is his duty, but in relation to the question raised, it goes to Ms Tierney in a different Parliament when she was in fact not a minister at that point in time and as a result it has nothing to do with her ministerial duties whatsoever.

Mr Rich-Phillips — Further on the point of order, President, following up on Mr Dalidakis's comments, I would point out that as recently as the last sitting week I asked Ms Tierney a question in relation to this matter, so not all questions have been directed to the Leader of the Government and ministers have been asked questions in relation to their connection with this broader matter. On that basis Ms Ramsey's question is consistent with other questions that have been asked, is based on precedent and is in order.

The PRESIDENT — The question raised by the point of order is an interesting question in terms of where responsibilities start and finish and retrospective matters that might involve a previous Parliament or the conduct of a member who has become a minister but the question put in the house relates to a previous period. I am mindful that in this Parliament Ms Pulford has been asked a similar question about the conduct of an electorate officer in the previous parliamentary period and Ms Pulford ventured an answer for the courtesy of the house, and I believe there are some other precedents and further precedents I can recall from previous parliaments when not all members in this place now were here. On that basis I will allow the question to stand on this occasion.

Ms TIERNEY (Minister for Corrections) (14:25) — I do thank the member for his question. The fact of the matter is that the Ombudsman stated that members of Parliament involved in the staff pooling arrangements acted in good faith and derived little or no benefit from the use of parliamentary funds in any way. The Ombudsman also made no recommendation that action be taken against anyone involved in any arrangement. I participated in the inquiry. I provided documentation and statutory declarations, and I also of course will participate in the Privileges Committee.

Supplementary question

Mr RAMSAY (Western Victoria) (14:26) — I would like to note that Ms Tierney did not answer the question that I posed to her in relation to the instructions that she gave Mr Feaver, but as a supplementary question I note that the Ombudsman finds at paragraph 597 that:

> … it is clear that Mr Feaver was not performing electorate officer duties on all of the days and times recorded in time sheets certified by Ms Tierney from March to October 2014.

The question I pose again to the minister is: why did you sign time sheets for your electorate office staff

doing party political activities instead of electorate officer work?

Mr Dalidakis interjected.

Mr RAMSAY — That is to Ms Tierney, Mr Dalidakis, not to yourself.

Mr Dalidakis — On a point of order, President, it occurs to me that in the original point of order I did not ask for your guidance because this chamber has referred the matter to the Privileges Committee. That has been passed. The committee has indeed met, so I seek your guidance as to whether this question should be put in this chamber while the Privileges Committee has begun but not yet dealt with this matter.

Mr Davis — On the point of order, President, the fact that the Privileges Committee has a reference from this chamber in no way removes from the rights of members of this chamber the capacity to ask questions about any matter of public administration or matters with which the minister is connected.

The PRESIDENT — Ms Tierney has indicated to the house that she will be quite happy to assist a Privileges Committee hearing into the matters related to the motion that was passed by this house in the last sitting week. Personally as President I am not in a position to anticipate whether or not Ms Tierney will actually be asked by the Privileges Committee to appear. I am not in a position to anticipate what questions might be put. Indeed at this point I am not even in a position to anticipate whether the Privileges Committee will be in a position to meet. So from my point of view, whilst I think that the matter you raise, Mr Dalidakis, is an appropriate one in what I would almost consider a potential double jeopardy position — I think it is an appropriate matter that you raise — because I cannot anticipate the proceedings that might be forthcoming I cannot rule out this supplementary question in my view on this basis at this time.

Ms TIERNEY (Minister for Corrections) (14:29) — I thank the member for his question. The fact of the matter is that I stand by the answer I provided in my substantive answer.

Noojee logging

Ms DUNN (Eastern Metropolitan) (14:29) — My question is for the Minister for Agriculture. Minister, on 27 March I asked you whether you would consider stopping the logging adjacent to the township of Noojee given that logging native forests increases the risk of bushfire. In your response in writing you dismissed the risks by citing a single article by Dr Attiwill in the journal *Conservation Letters*. This article was thoroughly debunked without refutation by Bradstock and Price in an article titled 'Logging and fire in Australian forests: errors by Attiwill et al' in the very same issue of *Conservation Letters*. Furthermore, there are dozens of peer-reviewed articles on the topic by leading academics at the University of Melbourne, the Australian National University, the University of Western Australia and a number of overseas institutions, all of which show that logging wet montane forests in the Central Highlands increases the risk of bushfire. Minister, why are you ignoring the weight of evidence that shows logging increases the bushfire risk for communities located near native forest?

Ms PULFORD (Minister for Agriculture) (14:30) — I thank Ms Dunn for her question. The government does not ignore evidence. VicForests and indeed the government recognise the community concern regarding fire and acknowledge that there are scientific papers about whether timber harvesting affects fire risk. After a regeneration burn, fire risk reduces to less than pre-harvest levels, so there are —

Ms Dunn interjected.

Ms PULFORD — Well, you might not like the evidence. You might want to selectively pick your evidence. But what I would indicate to the member is that the government takes very seriously its responsibilities to community safety. VicForests work very closely as part of our fire management team with our forest firefighters in the Department of Environment, Land, Water and Planning, and VicForests staff and contractors do provide vital equipment and valuable knowledge of Victoria's forests and indeed firefighting personnel.

Supplementary question

Ms DUNN (Eastern Metropolitan) (14:32) — Thank you, Minister. Minister, can you advise: has your department or VicForests conducted an analysis of the change in risk caused by logging native forests adjacent to communities, and if so, does this assessment apply a dollar value to loss of life and property and compare it to the revenues from logging?

Ms PULFORD (Minister for Agriculture) (14:32) — That is a particularly offensive question. The government does not do economic analysis that measures the loss of life with economic activity in the forest industry.

Ms Dunn — Maybe you need to.

Ms PULFORD — We do not. It is a filthy question, and you should be ashamed for asking it.

Murray-Darling Basin plan

Ms DUNN (Eastern Metropolitan) (14:32) — My question is for the Special Minister of State. Minister, when the amendment to the basin plan that would have cut 70 billion litres from the water recovery target in the Northern Basin was disallowed by the Senate, your Minister for Water threatened to walk away from the Murray-Darling Basin plan. The amendment to the Southern Basin sustainable diversion limit, which will cut the water recovery target by 605 billion litres, will be considered by the Senate during its next sitting week. A choice lies before you. Will the government side with the Yorta Yorta and other Indigenous clans, anglers and the tourism industry and townsfolk in northern Victoria and stand up for the basin plan to protect the Murray River, or will the government continue to support The Nationals, including the New South Wales water minister, Niall Blair, and their corporate irrigator mates?

Mr JENNINGS (Special Minister of State) (14:33) — I did actually release a laugh because a couple of months ago there was potential for the government to proceed with a water bill that would have been able to protect the rights of Victoria, and in fact at that point in time the reason we did not proceed with the bill was that there was an unholy alliance between the Greens and the National Party, in relation to their completely mutually exclusive intentions for the water distribution outcomes, to unite in this chamber to knock over that bill. So I laughed because it is ironic that you in fact now allege that the government is siding with the National Party when you chose to side with the National Party to stymie the passage of that bill.

Supplementary question

Ms DUNN (Eastern Metropolitan) (14:34) — I suggest we all read *Hansard* and have a look at the debate. I know, I have been away for a week. Thank you, Minister. My supplementary is: the Minister for Water has repeatedly made claims that the purported water savings from the proposed sustainable diversion limit projects in the Southern Basin must be given to irrigators. Considering there are no jobs on a dead river, will the government instead commit to recovering vital water to revive and protect the Gunbower, Lower Goulburn, Warby-Ovens, Murray-Sunset and Terrick national parks?

Mr JENNINGS (Special Minister of State) (14:35) — Ms Dunn knows this is a not a portfolio area of my responsibilities, and in fact I will rely on my colleague the Minister for Water to provide the substantive answer. But she is also aware, because in fact she has some sense of history, that I have spent a lot of my time in public life defending water allocations to those forest locations and that river system in the way in which she is actually saying they should be protected, so I understand the importance of environmental protection of environmental flows and the appropriate allocation of water for that purpose. Indeed the governments that I have been successfully part of — not always successfully but successively part of — have actually always protected environmental flows, so we do recognise the significance of that issue. How, though, the water allocations come through a national series of agreements that provide for the mixed use and benefits of the water within the Murray-Darling Basin is one of the most complex policy areas of this nation. We will try to get through the eye of the needle of our expectations.

Firearm regulation

Mr BOURMAN (Eastern Victoria) (14:36) — My question today is for the Minister for Police, represented by Minister Tierney in this place. The Riverman OAF is a firearm that was legally imported into Australia after being assessed by the Australian Border Force as being a category B firearm, which by its mechanical action is the correct category. Unfortunately according to some it looks nasty. It appears that border force has now changed its stance, not due to the mechanical action but due to how nasty it looks, and is now confiscating those firearms despite having allowed them into the country in the first place. As such, a number have been sold after a permit to acquire had been issued by a state authority. My question is: can the minister confirm whether it is Victoria Police or border force doing the confiscation?

Ms TIERNEY (Minister for Training and Skills) (14:37) — I thank the member for his question. It is a fairly straightforward question that the member has asked, and as a result of that I will refer that matter to the Minister for Police for a written response.

Supplementary question

Mr BOURMAN (Eastern Victoria) (14:37) — I thank the minister for her answer. The hierarchy of getting a legitimately held firearm is it is firstly imported through the correct federal channels and then the subsequent sale of the firearm is dealt with by the appropriate state. I have been informed that border

force is writing to OAF owners demanding the immediate surrender of their firearms to border force. My supplementary question is: given border force, a federal body, is apparently organising the confiscation or collection of the OAF when it is clearly not within their power, what is the state of Victoria doing about the usurping of its responsibility?

Ms TIERNEY (Minister for Training and Skills) (14:38) — Again I thank the member for his question and I will refer this matter to the Minister for Police for a written response.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (14:38) — There are 89 responses to the following questions on notice: 10 549, 11 028, 11 220, 11 229, 11 476, 11 492, 11 498, 11 515, 11 521, 11 537, 11 543, 11 559, 11 565, 11 581, 11 596, 11 821–2, 12 387–8, 12 431, 12 465, 12 467–8, 12 471–2, 12 474, 12 482, 12 519–20, 12 527–8, 12 536–8, 12 547, 12 557–9, 12 561, 12 563, 12 567–71, 12 574, 12 576–82, 12 584–94, 12 596, 12 598–9, 12 601, 12 603–7, 12 612–13, 12 618–19, 12 621–3, 12 629–32, 12 639, 12 641, 12 646–7, 12 654.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (14:38) — In respect of today's questions I require written responses to Mr Davis's first question to Mr Dalidakis, the substantive and the supplementary questions, within one day. I did not have any difficulty in arriving at that conclusion for the supplementary question. The substantive question I was a little bit more concerned about in terms of whether I should seek a written response, because I did understand that the minister indicated that the decisions associated with that matter raised in the preamble were for a minister in another place. However, the question at the same time does go to a broader government policy and it is a policy area where one would expect, if there is a broader government position on these matters, that the minister in this house might well have been involved in a discussion on those matters and had some input. So from that point of view I do seek a written response to both the substantive and supplementary questions.

In regard to Ms Fitzherbert's question to Mr Jennings, just the supplementary question, two days. With Mr Ondarchie's question to Mr Dalidakis, Mr Dalidakis has offered to provide written responses to both the substantive and supplementary questions; that is one day. Mr Rich-Phillips's question to Mr Jennings, just the substantive question, one day. Mr Ramsay's question to Ms Tierney, the substantive and supplementary questions, one day. Mr Bourman's question to Ms Tierney, the substantive and supplementary questions, two days.

Ms Wooldridge — On a point of order, President, can I just raise with you that I received a response from Ms Tierney to a question I asked last sitting week in relation to declarations on the register of interests in relation to the $20 559 payment that was rorted, as identified by the Ombudsman. Unfortunately in Ms Tierney's response she does not even refer to the register of interests and merely gives a very similar response to the one she read out today, and I would ask that you consider reinstating that question.

The PRESIDENT — I have given consideration to this matter, and I thank Ms Wooldridge for raising this issue with me earlier. I have, as I said, considered the matter. I will not ask for a further written explanation from the minister. I take the view that the Australian Labor Party repaid the Parliament and it actually was not directed by anybody else to repay. In other words, the Ombudsman's report and none of the former proceedings actually required the ALP to reimburse that money. It clearly did so out of recognition that there was a considerable amount of public concern about the matter, but it certainly was not on behalf of Ms Tierney, and Ms Tierney did not derive any personal benefit that I would regard she would need to declare in regard to the register of pecuniary interests. So from that point of view I am not going to reinstate that question for a further written response.

Mr Rich-Phillips — On a point of order, President, I just seek your clarification with respect to two answers which have been provided by the minister this afternoon to questions on notice. They are questions 11 498 and 11 543 relating to staffing in ministerial offices, and there have been a number of these questions that you have reinstated through the period. In this set of questions the Premier has provided answers; however, the answers are contradictory. In the first question the Premier has stated:

> As noted in my last response, at 1 July 2017, 120.20 FTE female employees were employed by the Premier's office.

On the other question the Premier has written:

> As noted in my last response, at 1 July 2017, 129.19 FTE female employees were employed by the Premier's office.

So there are two answers for the same time period. One says 129 staff, the other says 120 staff. Both were provided today, both for the same time period. Can we get clarification on which one is actually true?

The PRESIDENT — I would seek the assistance of the Leader of the Government to clarify which of those figures is the one that we should actually rely on.

CONSTITUENCY QUESTIONS

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) (14:44) — My question is for the Minister for Emergency Services, and I refer to an answer he gave to the house on 3 November last year in response to suggestions of serious tensions between the Eltham Country Fire Authority (CFA) career firefighters and volunteers. In a letter, some of the Eltham volunteers described increasing tensions between them and paid staff and said they had created an unsustainable working environment. The minister told the house at that time, and I quote:

> Please be assured that there continues to be an effective working relationship between staff and volunteers of the Eltham CFA, and that the Eltham CFA maintains a unified fire and emergency services. While the site of the former Eltham CFA fire station will not be sold, staff and volunteers will continue to remain operating from the one fire station facility.

In light of the minister's announcement on 15 April that the former Eltham fire station will reopen for volunteers and that Eltham will be protected by two fire stations, I ask: what has changed at Eltham to move the volunteers out of the new $10.5 million cutting-edge station and back to the old Main Road facility, which is decades old and has been vandalised while sitting vacant?

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) (14:45) — I raise a constituency question for the Minister for Education, Minister Merlino, and it relates to making Kallista Primary School and Sassafras Primary School safer. The minister has partially matched a promise from the outstanding candidate for the Assembly electorate of Monbulk, John Schurink, to install flashing lights at Kallista Primary School but only on one of the roads — Monbulk Road. The question I have is: will the minister commit funding to ensure there are flashing 40-kilometre-per-hour lights on Kallista-Emerald Road as well as Monbulk Road near Kallista Primary School, and will he copy John Schurink's policy announcement to provide flashing lights at Sassafras Primary School? These two promises by the Liberal-Nationals opposition and Mr Schurink come from extensive community feedback and consultation. The question I ask is: will Minister Merlino, as the local member and education minister, copy these important announcements?

The PRESIDENT — With the form of the question, it is fair enough to indicate that somebody else has made a promise to do some work, but in the framing of the constituency question I do not think that it is really acceptable to ask a minister to copy someone and provide the action. So yes, the context is fine, but in terms of the action sought in the constituency question, I think that should be pure.

Northern Metropolitan Region

Ms PATTEN (Northern Metropolitan) (14:47) — My constituent is a resident of Epping and is concerned about the welfare of the kangaroo population that has been landlocked by the surrounding developments. On 25 July 2017, using a five-year-old piece of advice, the Secretary of the Department of Environment, Land, Water and Planning issued an authorisation to cull these 400 landlocked kangaroos. My constituent's question is: why has the department opted for a cull when there is an alternative available consisting of the relocation of the Epping kangaroos to private sites where at least six landholders have offered to accept the kangaroos, particularly where those who are prepared to assist in the safe relocation include volunteers, veterinary surgeons, experienced wildlife nurses, the Australian Society for Kangaroos volunteers and private landholders?

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) (14:48) — My constituency question is to the Minister for Public Transport, and it is on behalf of residents of Albert Park who have raised with me concerns regarding the plan currently before council to relocate two tram stops on Mills Street and develop them as ramped tram stops. This issue of course emanates from the public transport portfolio, although there is involvement with the local council through planning. In their opinion a more suitable location to introduce accessible stops on Mills Street would be at Danks Street, which would serve a wider section of the community, including shops, the high-density housing at Mills Street–Beaconsfield Parade and Mills Street–Danks Street, other residents, the Mary Kehoe Community Centre, the Hare Krishna Temple and users of the foreshore. It also would result in no loss of on-street parking. The planned tram stop will

lead to the loss of on-street car parking for 12 to 14 residents, and that will also impact on school drop-offs and so on opposite, as well as there being the potential for flooding. The residents ask: can some other alternatives please be considered and advice given?

Western Victoria Region

Mr MORRIS (Western Victoria) (14:49) — My constituency question is to the Minister for Public Transport. I have had the good fortune to meet with many western Victorian bus operators who are extremely concerned about Daniel Andrews's plan to compulsorily acquire their assets. The bus operators I have met with have worked hard to build up their business, many over several decades, with generations of families involved in these businesses, and they would like to continue to operate these businesses well into the future. They want to continue to do what they do and not have their businesses ripped away from them by a tyrannical government. So my question is: will the minister rule out compulsory acquisition of bus operators' assets in western Victoria?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (14:50) — My constituency question is for the Minister for Energy, Environment and Climate Change, and it is in relation to the smoke haze that has been blanketing the eastern suburbs for days now, which originated from planned burns. Of those 119 planned burns, 77 have been in logging coupes, so this has nothing to do with community safety. Has the Environment Protection Authority Victoria conducted an assessment of the health impacts, including increased morbidity and mortality, caused by the deterioration of air quality in Eastern Metropolitan Region due to the smoke emanating from planned burns, and if yes, will this assessment be made public?

Western Victoria Region

Mr RAMSAY (Western Victoria) (14:50) — My question is to the Minister for Roads and Road Safety, the Honourable Luke Donnellan. It is in relation to a matter that was brought to my attention by Ms Kelli Finlayson from Ocean Grove. It is in respect of a serious accident that nearly took the life of Tyler Peace, who on a motorbike approached the intersection of Presidents Avenue and Orton Street in Ocean Grove and was seriously injured. This is a blind spot known to residents over many years. It has been brought to the attention of the government and VicRoads, but unfortunately no action has been taken up to this point in time. My understanding is that VicRoads are aware of this very dangerous blind spot due to the diligent advocacy of local residents. In fact the *Geelong Advertiser* calls it a death trap and says, 'Fix this death trap', but I understand VicRoads is hesitant to put in traffic lights at this stage until the sale of some land that abuts the intersection. So my question to the minister is: is he giving a very strong directive to VicRoads to proceed with the traffic lights to protect the local communities who use this intersection on a daily basis?

Northern Victoria Region

Ms LOVELL (Northern Victoria) (14:52) — My constituency question is for the Minister for Public Transport. The people of the Shepparton electorate are absolutely fed up with the archaic rail service that travels on the rail line between Shepparton and Melbourne. Passengers endure carriages without air conditioning or heating, with ripped and uncomfortable seating and with waste overflow from the toilets. The rail service endured by the people of Shepparton is simply not good enough. Last month one of my constituents travelled to Shepparton by train with a prebooked first-class ticket, but there was no first-class facility on the train. During the trip my constituent watched as a female passenger went to the toilet and dyed her hair, while other passengers sat on the floor of the carriage drinking alcohol. This is another example of the sad state of Shepparton's rail services under the Andrews Labor government. Will the minister advise me when new rolling stock that will provide faster, safer, more comfortable and more reliable passenger rail services will actually be operational on the rail line between Shepparton and Melbourne?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (14:53) — My constituency question is to the Minister for Roads and Road Safety. The minister's recent announcement of the duplication of some sections of Sunbury Road has much of the local community baffled. The problem is that while I have been advocating for duplication of the road for some time, the minister has decided to duplicate the wrong end of Sunbury Road — most of it is already duplicated. The minister's plan does nothing to ease the traffic pain between Bulla Road and the Tullamarine Freeway, it does not remove the bottleneck at Oaklands Road and it adds a giant bottleneck at the top of Bulla hill. I ask: will the minister review this plan or would it be easier to change the name of Sunbury Road to Bottleneck Boulevard?

The PRESIDENT — Mr Finn, could you rephrase the question to the minister — the action that you

seek — because I do not find that acceptable. To rename it Bottleneck Boulevard I think demeans what is really a very serious issue that you raise. Could you rephrase the constituency question — just the question part?

Mr FINN — Minister, will you review the plan?

The PRESIDENT — Thank you.

Mr FINN — God, that is boring.

The PRESIDENT — Quite possibly, but it is still on the record.

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) (14:54) — My constituency question this afternoon is to the Minister for Roads and Road Safety, and it concerns the corner of Spencer Street and Dalton Road in Thomastown, in my electorate of Northern Metropolitan Region. It is a nightmare intersection that had its second major crash on 10 April. In August last year the same intersection claimed the life of an 18-year-old man. The local residents and the local businesses have been calling out for traffic lights at this nightmare intersection for a long time. It is a nightmare for pedestrians and for motorists. The council has made many approaches over a long period of time to VicRoads to get traffic signals installed at that very important intersection. My question to the minister is: will he commit to the installation of traffic lights at this very dangerous intersection?

SERVICE VICTORIA BILL 2017

Second reading

Debate resumed.

Ms PENNICUIK (Southern Metropolitan) (14:55) — Just before question time I was talking about the electronic identity credential (EIC) and how it has taken some time to get to the bottom of exactly what that is. It has not been well explained in the explanatory memorandum of the bill or in the second-reading speech, so it took quite a lot of questioning of the government to actually find out what it physically is and how it will be experienced by members of the public.

I am going to refer to some questions that I sent to the government and which it responded to. In fact I sent them nine questions about the bill and they furnished me with some comprehensive responses. The answers are: once a customer has created an electronic identity credential the information used to create it is not stored, only the record that the customer has an EIC. If the customer chooses to have an ongoing EIC, then they can choose to link services in their account to create a single view of government transactions for them — that is, the government transactions they have made via Service Victoria. This information is not stored by Service Victoria, rather it is pulled directly from agencies in real time and has a high degree of security protection, the government says. This effectively minimises the amount of information held by the government agencies and with it reduces multiple potential points for fraud.

My understanding is that the electronic identity credential is not a number that is assigned to a person, but it is a record — and I think even the word 'token' has been used — that would show, if a person logs into Service Victoria, that they have on a previous occasion established their identity to a required level. I mentioned before that there are different requirements for establishing identity depending on the service the person is looking for. For example, renewing a fishing licence would require a lesser level of identity establishment than renewing a working with children check. That is my understanding. It is not creating a unique identity number or anything like that.

The government has said both publicly and in its discussions with me that people already have identity papers — for example, copies of their birth certificates and copies of their drivers licence, and VicRoads, which issues drivers licences, is one of the agencies that will be covered by Service Victoria and by the legislation. Once an electronic identity credential is created and the individual or person has agreed to that becoming a permanent EIC, up to the 10 years allowable under the legislation, the government will encourage agencies to destroy the copies of identity information that they currently hold for people.

It is quite a complex notion or idea for people to get their heads around, and despite what I am saying and what the government has said, I think it is incumbent on the minister to speak on that in his summing up at the end of the second-reading debate and during the committee stage. As I said before, I do not believe the people of Victoria really understand what Service Victoria is doing and how it is going to keep a record that a person has established their identity.

One of the other issues I raised with the government was that many people have been interacting with agencies for a long time and have already established their identity. It will be people who are turning 18 or have turned 18 and want to apply for a licence, for

example, or someone who is an adult and wants to apply for a working with children check and has not established their identity previously with a government agency who will definitely be caught up in establishing an electronic identity credential.

Another issue I raised with the government was how Service Victoria was going to ensure that the person applying for an identity was the actual person they said they were. We do have problems in the community with identity theft. How will Service Victoria know that the person who is establishing their identity for the first time is actually the person they say they are? I think that is an issue that the government has to address as well.

As I mentioned, under the bill the relevant minister of existing service agencies can agree to transfer the customer service function to the CEO of Service Victoria, but it can also be transferred back to the agency. As I said, I am not sure why, if the government is aiming for a one-stop shop, that provision is actually there. The role of Service Victoria is to perform transferred customer service functions; develop customer service standards; verify identity — and I have spoken about that — and perform transferred identity verification functions; and use the electronic identity credentials. It will also establish a database to be kept electronically, which may include the following: customer service information, account information, identity information, electronic identity credentials and credential usage history. This is under clause 17 of the bill, and it seems in some way to contradict what the government is saying to me — that Service Victoria is not maintaining information. On the one hand it is saying that the electronic identity credentials are simply information to say that a person has established their identity to the level required by Service Victoria and that maybe a token comes up given by the agency, for example, that this has been the case, yet clause 17 allows for quite a large amount of information to be kept on the database by Service Victoria, which seems contradictory and also opens up issues of the privacy of individuals and security of Service Victoria for the people of Victoria.

Mr Rich-Phillips referred to a letter from Liberty Victoria that was sent to the government, the opposition parties and me. In their letter they make the point that the bill to a certain extent meets the key privacy requirement to minimise record storage and destroy identifiers that are no longer needed. It also says:

> The government is very keen to promote this as a one-size-fits-all access. Yet non-tech savvy individuals —

of which there are a large number —

> will be making all their data available in one place. Without a VPN (virtual private network) attached to their personal device … access via wi-fi will potentially open the whole of that person's private records to third parties. The use of public access wi-fi (coffee shops, airports etc.) allows interception of account names and passwords. Banks and similar institutions … are moving to app-based rolling PINs and other similar security methods for transactions of this level of privacy in an attempt to overcome the problems of insecure access routes.

Liberty Victoria are concerned about what they call the creation of 'a "honey pot" of identifying and tracking information that lies at the heart of any such information system' similar to Service Victoria 'however well-constructed'. They say that this honey pot is made bigger and potentially more attractive to potential hackers because it will constitute the online point of access for the two or three departments which most require casual contact — VicRoads, consumer affairs and agriculture, for example — and ultimately it aims to have all the details of all contact between the state and the individual. They say the question that should be raised is why smaller departments with diverse ranges of interaction need to conform to the Service Victoria template when nearly all savings and efficiency will reside with the high-volume transactions in a few departments. I agree with those concerns that they raise. It is one of the concerns I have raised — why all departments need to be included with the larger departments that most people have contact with, such as VicRoads in order to get a licence to drive a car, for example, and which probably have many more transactions with individuals than a lot of the smaller departments do. So there are still quite a lot of questions with regard to this.

In terms of the customer service functions, under clause 22 Service Victoria must not collect customer service information unless the collection is necessary to perform any functions or if the individual has consented. Any incomplete transaction information must not be kept for more than 90 days.

Division 2 of part 6 of the bill allows Service Victoria to determine the form and manner in which an individual may apply for the use of a temporary electronic identity credential and allows an individual to apply for the renewal of an ongoing identity credential.

The crux of the matter that we are dealing with in this bill is the privacy of individuals and the need for this one-stop shop. As Mr Rich-Phillips pointed out, and as the government freely admits, it is going to spend something like $100 million on the creation and ongoing operation of Service Victoria. That is an awful lot of public money for something that I am not sure the government has totally justified the need for as opposed

to just bringing the service delivery aspects of the major agencies and departments up to scratch. It is a very large amount of money which could be spent on other things, such as, dare I say, public housing, which is an urgent need in Victoria. The government says it does not have enough money for this, but it is going to spend $100 million on Service Victoria.

It is worth noting that the only other state that has introduced something like this is New South Wales. In New South Wales the cost of Service NSW, as reported in October 2017, has blown out to $1 billion —

Mr Morris — A billion dollars?

Ms PENNICUIK — One billion dollars. The New South Wales government has been blasted by the New South Wales Auditor-General for saying that it would recoup these costs. The New South Wales Auditor-General said that the government's claims that it has saved the economy nearly $900 million appear to have been plucked from thin air. She said that she could not find any evidence to verify this and that the assessment claims that benefits will be derived faster because of Service NSW have not been explained, and she rated the likelihood of this as being very weak.

The other thing to note is that certain offices of Service NSW were set up by the New South Wales government, particularly in regional centres. A couple of years later quite a number of them were closed down. Some of the branches stopped operating 24/7 telephone lines. They only operate them now from 7 in the morning until 7 in the evening. It has also been recorded that 15 fair trading offices were closed; births, deaths and marriages branches were halved; and the New South Wales trustee and guardian offices were also slashed. I would not like to see any of those developments in Victoria as a result of the establishment of Service Victoria.

Just going back to the bill, I was speaking about the amount of money, $100 million, that the government has put aside. I mentioned that in New South Wales that figure has blown right out, so it is an issue of concern to me that that could happen here as well.

The bill will not really have much effect on that because Service Victoria has been established, it is operating and the government will proceed with it whether or not the legislation goes ahead. From the government's point of view it is saying that the legislation is required to set up the formal arrangements between the CEO of Service Victoria and the departments, ministers and agencies, and to put in place privacy safeguards et cetera. In terms of whether Service Victoria goes ahead, it can go ahead without the legislation. Even though the opposition says it is going to oppose the legislation, it is only opposing those regulatory functions that the bill provides for but it will not stop Service Victoria from proceeding. I think that does need to be made very clear. The government has said it will continue with the rollout of Service Victoria regardless of whether the legislation passes.

As I mentioned, I think the community is somewhat sceptical about these issues. In fact I asked for an opinion on the bill from some laypeople. Two of the comments I received were, 'It will create a lot of jobs in IT for a long time' and 'It will be an electronic one-stop shop that will "go very smoothly!"'. So there is quite a lot of scepticism out there with regard to this service. I think a lot of it comes from people's experience with the commonwealth's myGov website, which is notorious for locking people out of their accounts and all sorts of problems that have been experienced. May I say I have experienced them myself when trying to use that site. That is why that scepticism is there. At the very basis of the concerns we have are the need for it and the ability of the government to maintain people's privacy. As I said, that is not something that is necessarily provided for by this bill.

Mr Rich-Phillips did talk at some length about the model that will be used by Service Victoria — that is, the platform that will be used, how it is going to operate et cetera — and about how it is being set up this way by the government and not by the private sector. I am not sure whether the Greens would be supportive of outsourcing even more government services to the private sector; that certainly would be a concern. I am not sure I agree with or buy his argument that just because it is being set up by this template it cannot be innovative and it cannot be changed in any way any more than if it was set up in another way — using a private sector provider, for example.

In any case I think one of the problems in the bill is that there is a provision under clause 57 for a review of the act and how it is working after five years. I will circulate an amendment to reduce that from five years to three years, because I think three years is long enough to see how it is working but also short enough to do something about it if things need to be changed either with the act or with the way that Service Victoria is operating. Under a government amendment the commencement date will change from 1 March this year to 30 September this year, so that would mean on 30 September three years hence a report of the review of the act would need to be tabled. Given this is a new area — it is uncharted territory — I think we do need

an earlier rather than a later review. Of course the review itself would have to commence some time before the date when it is due to be finalised and the report released. I have discussed this issue with the government and opposition, but not necessarily with all the crossbenchers, and I understand that there is no opposition to that. I hope that is the case, because I think that will be an improvement to the scheme and it will put in a safeguard if things are not working or going to plan as the government has outlined.

The only other issue I did want to raise — and I will raise it with the minister in the committee stage — is about the standards. The bill is a little bit confusing in that the second-reading speech says it is not making standards mandatory but then in another place it says there will have to be standards maintained. I asked what those standards were, and they were to do with national guidelines which may or may not have to be adhered to by agencies. I think that issue needs a little bit more fleshing out in the committee stage as well — what are going to be the standards that Service Victoria operates to and whether or not it will apply those to the agencies.

I think those are the issues. On balance the Greens have decided not to oppose the bill but to put forward an amendment for an earlier review of the act, but that does not mean we do not share the concerns raised by Liberty Victoria. I think it is incumbent on the government to better explain what Service Victoria is and how it is going to protect the privacy and security of the information of individuals, because I do not think that has been well explained by the government in the very short media releases it has put out saying things like Service Victoria:

> … will simplify how Victorians interact with government when it comes to basic transactions like paying your car registration.

This is from a media release put out by the Special Minister of State in 2016. It continues:

> Accessing government services and information can be excessively difficult to navigate and costly, with hundreds of phone hotlines and 538 … websites. The total … cost of this to the government is $461 million, and unless we act it's expected to rise to $713 million … with no extra benefit to the community.

But it must be said that rolling all of these platforms, which the government has said are complex and excessively difficult to navigate, into the one platform is quite a complex thing to do. Assertions by the government that this will make things better are not really good enough because this is quite a large project and it does have a high risk attached to it.

I will have quite a few questions for the government with regard to this bill in the committee stage, when I will also move my amendment to reduce the review period from five to three years.

Mr MORRIS (Western Victoria) (15:20) — I rise to make my contribution to the Service Victoria Bill 2017. The purposes of this bill are to prescribe Service Victoria as a service delivery agency for government and to provide a regulatory framework for identity verification activities by Service Victoria.

I note that there is a particular connection with Service Victoria and Ballarat, and that is that the government has announced that if Service Victoria proceeds, some of those jobs will be placed in the GovHub in Ballarat — the building that the government is telling us it is going to build in Ballarat. However, I think an important point should be made there about the future of that particular building in Ballarat. The view of the community is quite clear, that rather than having a hodgepodge, a mixed bag, of government departments and agencies residing in the GovHub in Ballarat, in that new building to be built on the Civic Hall site in Ballarat, what should be there is VicRoads.

I was very pleased to join with the then Premier, Denis Napthine, fellow member for Western Victoria Region Simon Ramsay and many others on that site in early 2014 when the commitment was made to relocate VicRoads to Ballarat. It was broadly welcomed by the whole community. That was something that everybody came together on and said what a good thing it was for the community to have those 600 jobs located right in the CBD of Ballarat to help create greater job diversity in Ballarat and to boost the economy of Ballarat. Everybody was on board with it, except Labor.

I do know that Labor have, belatedly and begrudgingly, and in a much smaller way, got on board with this relocation of VicRoads to Ballarat, because just last week when Premier Daniel Andrews was in Ballan making some sort of announcement he committed to bringing 15, maybe 20, VicRoads jobs to Ballarat.

Mr Ondarchie interjected.

Mr MORRIS — Indeed, Mr Ondarchie, it must be an election year. He committed to bringing 15 or maybe 20 VicRoads jobs to Ballarat. Now I am not sure if these staff members will be buying lights for him on Facebook or what type of work they will be doing, but it did show a very stark contrast between the two parties that are hoping to form government after the next election. You could have Daniel Andrews, with his 15 to 20 jobs and a bit of Service Victoria and a bit of a

few other government departments residing in the new building on the Civic Hall site in Ballarat; or you could have 600 jobs from VicRoads. The people of Ballarat have been very clear about what it is that they want.

One of the important parts of this particular piece of legislation is about data integrity and trust and the need to ensure that personal information is kept secure and is not able to be accessed by people who may want to use that data for nefarious purposes —

Mr Ondarchie interjected.

Mr MORRIS — You know where I'm going. They may want to do things with this data that they should not. We know in our community how incredibly important privacy is and the need for security of data. Despite the hike in the cost of electricity and the cost-of-living pressures going through the roof — which is something that I hear on a regular basis when I am out doorknocking with our hardworking candidate for Wendouree, Amy Johnson, who is out there knocking on doors, speaking to people in the community and asking what issues they are concerned about — when Ms Johnson and I are out there speaking to the community we are hearing from them that they are concerned about two major issues: cost-of-living pressures and crime. They are concerned about people invading homes — people coming through their homes.

Members of the community are concerned about keeping themselves and their families safe in their own homes, and they are concerned about actually being able to pay the bills; about being able to put food on the table and being able to pay those extraordinarily large energy bills when they come in. As we approach winter we know it is going to get a little bit chilly in Ballarat. We know that the cost of gas and electricity is skyrocketing and putting extreme pressure on hardworking families right across Victoria.

But to get back to the data there, the Andrews government announced a $50 bribe over the parliamentary sitting break. It offered $50 to help people, apparently. To try to buy some votes in the lead-up to the next election it is offering people $50 if they go online, log onto a website and give over all of their personal information — their name, their address, their contact details and their bank account details. Premier Andrews wants these to be handed over. I wonder what is going to happen to that information. What are Labor going to do with that information once they get their hands on it? After the revelations of the Ombudsman's report, there are extreme concerns in the community about the integrity of this government.

Mrs Peulich — No honour amongst thieves.

Mr MORRIS — Indeed, Mrs Peulich, the concerns that the community have are certainly well founded. I commend the Ombudsman on the work that she did, but —

Mrs Peulich — But it's not finished.

Mr MORRIS — I do note there is a bit more to be done, Mrs Peulich.

Mrs Peulich — There's a lot more to be done.

Mr MORRIS — Mrs Peulich, there are several members, in this chamber and in the other place, who are very nervous because they know they are up to their necks in the red shirts scam. They thought they got away with it, but can I just put those members opposite on notice and say we are not going to give up; we will ensure that every single rorting member of the ALP is named as a result of what we have seen on the rorting of electorate allowances.

Just to get back to this bill for a moment, I note its main provisions prescribe Service Victoria as a service delivery agency for government services. It provides that departments and agencies may transfer service delivery functions to Service Victoria and establishes a mechanism by which, with the mutual agreement of the Service Victoria minister and the line minister, service functions may be transferred back to the line agencies.

What is happening here has been put quite well by others who have said, to quote them, 'In short, the government is creating a new website'. That is what we are talking about here. It has also been well put by other members who have said that the government does not need a piece of legislation to create a new website. One must ask exactly what is the intent of the government in introducing this bill. It knows that it could very well, without this legislation, set up a website that could service the functions that it says Service Victoria is going to do. I have concerns that there is some underhandedness, that there are some things that the government is not being wholly and solely honest and transparent about, with regard to the establishment of Service Victoria.

When these Service Victoria employees, if the government gets their way, move into the GovHub in Ballarat, an important question to ask is, 'Where are they going to park?'. As we see at the moment this government is slashing hundreds and hundreds of car parks from Ballarat's CBD. They have said they are going to have somewhere in the order of 300 car parks — there are no exact details — at the Civic Hall

site in Ballarat once the GovHub is completed. However, when you take into consideration the hundreds and hundreds of car parks that they are already planning on slashing in Ballarat's CBD, this is going to place enormous pressure on the already strained car parking supply in Ballarat's CBD. This is something that I hear about on a regular basis when I am out talking to voters in Ballarat, who are very concerned with the lack of car parking in the Ballarat CBD.

I further note that this bill also establishes a regulatory structure for Service Victoria to undertake an identity verification function to provide a single whole-of-government record for each customer, including standard setting. The concerns — and Mr Rich-Phillips in his contribution also rightly raised this — are that when you have a totality of information in one place it can be useful and helpful insofar as enabling the streamlining of work and interactions with members of the public is concerned, but there is also a huge risk that this information could be accessed or leaked. Now, what we see is that —

Mr Gepp — By Peter Dutton?

Mr MORRIS — Imagine if Peter Marshall, the Labor Party's friend and true leader, got access to this information. One could be quite terrified about what could be done there. It is a very serious concern that if all of this information is stored in the one place it could be accessed by people who should not have access to it. Once data like this has been breached, you cannot simply take it back. You cannot just say, 'Please hand back that data'. As we have seen with huge leaks of information, such as what happened with WikiLeaks, once that information and data are out there you cannot just claw them back. The identity and the personal details of everyday Victorians are being exposed to huge risk if placed in a central repository such as this. It is of grave concern to the community, and I think it is something that the government have been very quiet on and something on which they have not engaged with the community to have a genuine, open community debate about whether this is something that the community wants to see happen.

I note that Ms Pennicuik has spoken of amendments that she is introducing. I have not had a chance to peruse those amendments yet, but I look forward to doing so in the very near future. I do note that this particular piece of legislation has been sitting on the notice paper for a long time. I note that there have been various notices that this bill was going to be debated, so I am very pleased that the government has finally seen fit to bring it on for debate. I have certainly appreciated the comments of many other members of this chamber. Despite the fact that the Service Victoria Bill has been introduced, it is clear that this is not something that is required. If the government wants to do it, it could do it through the normal course of the work of a government rather than introducing a bill such as this. I am pleased to say that the opposition will not be supporting this particular bill, and I look forward to the majority of members of this house supporting that position.

Mrs Peulich — Acting President, I believe there is no quorum.

Quorum formed.

Mr SOMYUREK (South Eastern Metropolitan) (15:36) — I rise to contribute to the Service Victoria Bill 2017. The bill and the objectives behind it create a dedicated agency called Service Victoria, which will set new standards for the delivery of services and enable Victorians to more easily access more connected services. More specifically the bill will enable customer service functions currently provided by the service agencies to be transferred to the CEO of Service Victoria, enable identity verification functions currently provided by service agencies to be transferred to the CEO of Service Victoria, establish standards and safeguards to protect customer information, ensure privacy when transacting with Service Victoria and enable the CEO of Service Victoria to set standards for customer service and the responsible minister to set standards for identity verification that will be mandatory for Service Victoria and voluntary for the Victorian public sector.

The bill is about government setting and complying with standards of service we all expect from our daily transactions with every other organisation we deal with, and certainly the government is no exception in its expectations of the way in which citizens interact with and get information from government and government agencies. No longer will we accept the current low expectations many have for service standards for our government agencies. The bill is about continuous improvement by our government in our aim to improve the lives of Victorians.

Mr Rich-Phillips — Contentious?

Mr SOMYUREK — No, I said continuous, Mr Rich-Phillips. Let me just go back over that, because either Mr Rich-Phillips has trouble comprehending what I am saying or it might be the way I articulate, but I certainly said continuous, and I will repeat that.

The bill is about continuous improvement by our government in our aim to improve the lives of Victorians, in this case by simplifying what should already be transactions of paying bills or renewing registrations. With around 55 million transactions taking place with the Victorian government every year, residents should be able to undertake them with the expectation of a simple, quick and indeed accessible experience.

In service delivery this government's priority has to be providing a customer-focused experience and creating greater efficiencies through the adoption of innovative technology and service-focused, joined-up systems. Governments can quite easily fall into the trap, I guess, of thinking in terms of portfolios and departments, with priorities and functions being considered in silos, which potentially results in one department operating with a high level of customer service and efficiency while others operate at a lower level of standards. That is a trap that this government intends not to get into. Technology and process differ from one department to another, making the experience confusing to the end user. Therefore the need for a comprehensive, holistic, planned approach through the creation of a service-focused agency will ensure that all departments and agencies have new customer service benchmarks to aspire to.

In an era when high-level customer service and access to innovative and accessible technology are present in so many of our retail and service industries, it is surely a realistic expectation that our government would also treat its citizens as valuable customers through improving their transaction experience. Service Victoria will provide the new high standard in customer service that Victorians expect, with the new agency in the process of building an online platform that will eventually become the new place to go for government services, an important part of the government's ICT strategy, which was about 18 months overdue when Mr Rich-Phillips was the minister. Or was that the industry policy?

Mr Jennings — It could have been any number or all of them. He would sell CenITex.

Mr SOMYUREK — And the e-services panel, Mr Jennings. Remember the e-services panel, when they kept out all those credible organisations and made it a very restrictive process and brought the whole industry to its knees in the process? Anyway, I digress.

To create a customer service-focused system accessible to all Victorians, government has undertaken extensive research that included consultation with almost 2000 people and research from leading governments and organisations in other jurisdictions. The establishment of Service Victoria responds to our IT strategy that prioritises four key areas: reforming how government manages and opens up its information and data; embracing digital technology to deliver better services for Victorians; investing in the underlying legacy IT platforms and systems; and building the capability of the public sector to adopt and deliver IT solutions.

The Service Victoria Bill, together with other recent important legislation — such as the Victorian Data Sharing Bill 2017 and the Family Violence Protection Amendment (Information Sharing) Bill 2017 — also responds to community safety requirements highlighted by the Royal Commission into Family Violence that found with respect to this area that effective and appropriate sharing of that information is crucial in keeping victim survivors safe and holding perpetrators to account; that there are a number of barriers that exist in Victoria which mean information is not shared as effectively as it could be; and that there is a potential for there to be catastrophic consequences when information is not shared.

While acknowledging the importance of information sharing, what is equally important is the protection of privacy and personal information. The bill strikes a balance between convenience, privacy and security by enshrining customer choice to the greatest degree possible, setting standards, creating sanctions and enabling oversight and audit of Service Victoria's activities.

The government is committed to rebuilding a first-class public service that acts in the interests of all Victorians. Through the extensive consultation process that formed this bill Victorians have told us that they want their agencies to be accessible outside of normal business hours and to provide consistent information in the transactions they undertake, and they want to be able to view their transactions with government in the one place and to inform just one agency, just once, when their information needs to be updated. Victorians do not want to be running from agency to agency, from government department to department and from website to website or to be put on hold and all the rest of it, which this government does not do, but we do want to maximise the efficiency with which Victorians can gain that information. Service Victoria will deliver these functions using simple, consistent processes to suit customers.

In conclusion, at a time when technological advancement has created a First World society that

actually struggles to participate without digital access and capability, it is important for our government agencies to lead through the facilitation of high-level digital customer service experiences. It is also vital that when we transact with government we are confident that our information is shared for the right reasons and that our cybersecurity and privacy are protected. Service Victoria will become a world-leading model because of its legislated ability to do all of that and more.

Before I commend the bill to the house I will make a couple of comments in response —

Mrs Peulich — Acting President, I believe there is no quorum present.

Quorum formed.

Mr SOMYUREK — Thank you, Mrs Peulich, and thank you, Acting President, for calling me again. Before I commend the bill to the house, I would like to make a few points in response to Mr Gordon Rich-Phillips's contribution. First, Service Victoria has passed every high-value, high-risk gateway, most recently gate 5. There is public quarterly reporting on Service Victoria's costs, delivery milestones and performance on the Department of Premier and Cabinet website, which is unprecedented transparency over IT project management, in contrast to what occurred under the coalition when they were in government.

The suggestion by Mr Rich-Phillips that the coalition knows everything about improving service delivery is absolutely laughable. Before I was making a comment about the e-services panel. If you go back to the start of 2015 and look at the way they restricted how many companies could be on that panel, they went through about five different processes in order to get a procurement panel right — five different processes. They refreshed, reordered and regurgitated. They went through about five different processes, which took about two to three years. Now, for them to sit here and lecture us on service delivery and transparency is absolutely — well, surely even hypocrisy has its limits. In terms of accusations of Service Victoria's development —

Mrs Peulich — I believe that a quorum is not present.

Quorum formed.

Mr ONDARCHIE (Northern Metropolitan) (15:51) — I was so looking forward to hearing the wind-up of Mr Somyurek, but sadly we missed out. The Service Victoria Bill 2017 has been introduced into the upper house today, just 206 days before the election. The government allegedly have a plan to try to provide services to Victorians, and they introduced this after three and a half years in government. It must be an election year. They have suddenly woken up and realised that there are some things to be done, so they think, 'We'd better get a statement out that we are getting things done'. In fact the Victorian public are well aware that this is just a ruse — just another ruse. If you pick up Mr Somyurek's contribution today when he said that the government are ambitious about rebuilding a first-class public service, well they sure are — just look at the public service numbers. They are rebuilding a first-class public service, and it has taken them until just 206 days shy of the state election to work out that they need to do this.

The purpose of the bill is to provide for the delivery of government services to the public by Service Victoria and provide a regulatory framework for identity verification activities by Service Victoria. The main provisions of the bill provide that Service Victoria is a service delivery agency for government services and that departments and agencies may transfer service delivery functions to Service Victoria. It establishes a mechanism by which, with the mutual agreement of Service Victoria and the line minister, service functions may be transferred back to line agencies. I see Mrs Peulich nodding away. You can see ministers bunking responsibility here — 'It's not me, it's the Service Victoria minister who will take care of it'.

The bill establishes a regulatory structure for Service Victoria to undertake an identity verification function to provide a single whole-of-government record for each customer, including standard setting, and it provides a regulatory framework by which service delivery standards may be established.

Pardon the Victorians who will find this hard to believe. The establishment of Service Victoria was announced by Labor in the 2015–16 budget and it provided funding of $96.1 million over 2015–16 and 2016–17. The Public Accounts and Estimates Committee hearings revealed the project has fallen well behind schedule. Surprise, surprise! It is now 2018 and they are introducing this bill into the Parliament, well behind schedule, with $58 million carried forward into 2017–18.

The reality is that Service Victoria has floundered over the last two years with a lack of leadership and a lack of direction. Very little progress has been made in improving service delivery to the public by Victorian government agencies. What this bill seeks to do is impose an inflexible legislative framework for what

may prove to be, as is consistent with this government, a suboptimal way of improving service delivery. We do not believe a word they say. Centralising service delivery through Service Victoria will diminish individual agency responsibility for service delivery standards and lead to blame-shifting between Service Victoria and aligned agencies in a service delivery framework.

Honourable members interjecting.

Mr ONDARCHIE — Gee, it does not take much to push the buttons here, does it, Mr Finn?

The structure of Service Victoria is not yet resolved, with this bill proposing it may be either an administrative office under the Public Administration Act 2004 or simply a department, presumably run by the Department of Premier and Cabinet, and we do know its track record.

The bill creates an identity verification function for Service Victoria with a view to creating a similar Victorian government record for each customer, linking service delivery by individual agencies back to the one record. This might raise some privacy concerns amongst Victorians about what the government is going to do with their data. I note in today's budget an announcement of a $50 bribe for every Victorian to hand over their personal details — so, 'You hand over your personal details under the ruse of looking for a better energy deal, and we'll collect all your data' — and I wonder what will happen with that data. We are running out of patience with this government. We are running out of trust in this government, and it is not just me. The Victorian public knows it.

Most provisions of this bill relate to internal government functions which can be delivered through administrative acts without the red tape and inflexibility of legislation. This is called the Service Victoria Bill, but I think it should be called the Service to the Victorian Labor Party Bill because this is designed to support a party that has rorted the Victorian taxpayers of $400 000. They have taken it out of the pockets of every single Victorian to substantiate and support their own election campaigns, and their measly excuse is, 'We have paid it back, and isn't everything all right now?'.

Mr Finn — What about the million bucks?

Mr ONDARCHIE — What about the million dollars — as you rightly interject, Mr Finn — that they spent on legal costs to stop this from going to the courts? The harsh reality of this is that they have been sprung, they have been busted, and every Victorian knows this rorting, cheating, lying government is not going to be here in November this year. We know this. The reality is this is a bill to create a website. They can get as excited as they want, but this is a bill to create a website. You will pardon Victorians if they doubt the government's capacity to do this as costs overrun and projects blow out in Victoria.

The Service Victoria Bill 2017, which was first talked about in 2015–16, has finally seen the light of day on the floor of the Victorian Parliament, and the first thing that comes to mind is the substantial delay. If this was so important — if delivering services to Victorians rather than just the Labor Party was so important — why did it take so long to get here? Why did it take so long to write? And they will add this to the substantial revenue stream they have found through the budget today, which includes the potential $2 billion sale of the land titles office. I wonder how the public servants feel about that.

It is not the first time that a bill is about simply adding to the government's normal jobs growth strategy, which is adding more public servants. And these are not frontline public servants; these are more backroom operatives designed to support the Australian Labor Party. Look at today's budget, which has an 11.2 per cent increase — a $2.57 billion increase up to $25.5 billion — in public service wages. The big growth strategy for Victoria by creating things like Service Victoria is to add more public servants, so not only will you as a taxpayer pay for the Victorian Labor Party's campaign strategy through the rorts of electorate office budgets, but you will also pay for the extra jobs they are claiming they are adding to Victoria.

Once again they just forget that it is other people's money, including $1.3 billion not to build a road, cost blowouts in everything they turn their hand to and, again, Victoria's public service wage bill jumping by 11.2 per cent in the next financial year. Mr O'Sullivan is shaking his head. It is an increase of $2.57 billion to a total annualised cost of $25.5 billion to pay the public service. Mind you, we are not talking about extra frontline people; we are talking about more back-office people to support this.

Mr O'Sullivan — What do they do?

Mr ONDARCHIE — It is interesting. The Service Victoria Bill says this:

> A Bill for an Act to provide for the delivery of Government services to the public by Service Victoria and for other purposes.
>
> …

The purposes of this Act are—

(a) to provide for the delivery of Government services to the public by Service Victoria; and

(b) to provide for a regulatory framework for the provision of identity verification functions by the Service Victoria CEO.

Here we are in May 2018 — mayday, mayday, mayday. Here they come with a new bill to create Service Victoria, and do you know what, Acting President? They have already started the expense. They have already started spending money on this. They awarded Deloitte a $43 million contract to integrate the website for Service Victoria. Now, isn't that interesting? I think Ms Pennicuik said in her contribution today that it does not matter what happens today, as they are going ahead with it anyway. Surprise, surprise! The government has no consideration of what is important for the taxpayer, no consideration of what is important in what Victorians want and no consideration for our volunteers across Victoria. It does not matter what ordinary Victorians want; it is just what the ALP and Daniel Andrews want. But I tell you what, it is more than that.

Honourable members interjecting.

Mr ONDARCHIE — It does not take long to push their buttons, Mr Finn. So much for holding the line today. They cracked pretty quickly, didn't they? They cracked very, very quickly.

The government have got a physical presence for Service Victoria. They are awarding contracts for Service Victoria. They are trying to integrate data systems, and we know when it comes to data systems what this mob are all about. We know that the offer of a $50 inducement to Victorians to apparently look for a better energy deal is nothing more than a fanciful ruse to gather data for ALP campaigning. It is nothing more than that, and they will sit there and deny it today and say it has nothing to do with it. They will say they are squeaky clean, but it only takes a red shirt at an electorate office to demonstrate that they know how to rort the Victorian system. They are rorters, they are thieves, they are crooks and they have paid back the money and said to Victorians, 'Isn't it all okay?'. The analogy is that three and a half years ago they stole the brand-new car from Victoria; they brought it back a few weeks ago full of petrol and washed it and said, 'Isn't everything okay now?'.

How dare they sit there and think that it is okay to rip off the Victorian taxpayer. But I tell you what, Acting President, it is the form of the Australian Labor Party to do whatever it takes, say whatever you want and lie, cheat and rort just to get yourself elected. I tell you what, Acting President, once the guilty party —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Mr Ondarchie, back to the bill.

Mr ONDARCHIE — I will pick up those interjections if I may. They will say, they will do and they will try anything to get re-elected, and we do not believe them, because I tell you what —

Honourable members interjecting.

Mr ONDARCHIE — as they look to interject, as they look to disenfranchise good Victorians, volunteer Victorians, we know that once the guilty party, always the guilty party.

Mr FINN (Western Metropolitan) (16:03) — I was going to say it gives me pleasure, but not all that much, to speak on the Service Victoria Bill 2017. Having heard what Mr Ondarchie had to say, I have to concur. It is three and a half years into their term, and they are now talking about services. Labor is now talking about servicing the people. This is, I understand, about six and a half or seven months away from an election.

Mr Ondarchie — 206 days.

Mr FINN — It is 206 days, and here we have the Labor Party introducing this bill into the state senate to debate this particular matter today. You have got to ask, if this legislation is the start —

Mr Leane — Are you going to ask for a pair?

Mr FINN — I would suggest, Mr Leane, you might need a pair.

Mr Gepp interjected.

Mr FINN — I would not say that. Acting President, you have got Waldorf and Statler over there. Trades Hall on the hill is what it is.

Mrs Peulich — On a point of order, Acting President, there is no person in this chamber who likes a good interjection more than I do, but silly, stupid interjections are mind-numbing, and Mr Leane has not stopped for the last half an hour babbling like a little lunatic.

The ACTING PRESIDENT (**Ms Dunn**) — Order! There is no point of order. However, some of that language is a little inflammatory. I ask Mr Finn to continue.

Mr FINN — Yes, indeed, Acting President, it is a little inflammatory. You are the mistress of the understatement, and that is impressive.

You have got to ask what the government has been doing for the past three and half years, because it has had more money than any state government in the history of this state. It is the highest taxing government in the history of this state. It has spent money like it is going out of fashion, and you have got to ask exactly what we have as a result of that. I will give you an example of one minister and what he is doing with the people's money. It is not the government's money, it is the people's money, and that is something that the Labor Party never seems to be able to accept — that it is in fact spending the people's money. There is only one place that the government gets its finance from and that is the pockets of the taxpayer. That is something that Waldorf and Statler might like to take into consideration as they babble on in Trades Hall on the hill over there.

I will give you an example of one minister who on the weekend announced with much excitement that he was going to duplicate part of Sunbury Road. I thought to myself, 'That's long overdue'. I have been calling for the duplication of Sunbury Road for five, six or seven years now. It should have been done probably 20 or 30 years ago. So I heard that news on Sunday and I thought, 'Luke Donnellan, come on down, you have finally got your act together. That is marvellous news'. How wrong could I be? He announced the semi-duplication of Sunbury Road. The trouble is that he announced that he is duplicating the part that is already duplicated, which is quite extraordinary. He wants to duplicate the road between Sunbury and the top of Bulla hill, and most of that, as I said, is already duplicated. Why you would be spending millions of dollars providing services to the people of Victoria in that way I do not know —

Mr Gepp — On a point of order, Acting President, about relevance to the bill at hand, Mr Finn has wandered way off track and furthermore he has referred to a minister from the other place incorrectly. He did not use his title, and the grub should be made to do so.

Mr FINN — On the point of order, Acting President, this union puppet over there that we have on the backbench I will not ask to withdraw because his standards are so low that I would never think about getting down to that point. But the fact of the matter is that we are talking about services. We are talking about —

The ACTING PRESIDENT (**Ms Dunn**) — Order! There is no point of order. I remind members of the culture of this house and ask them to be very careful about the language they use, because there has been some very poor use of language here. I also ask Mr Finn to return to the bill.

Mr FINN — I have not strayed from the bill, Acting President, but I thank you for your guidance, very much so. As I was saying on the issue of Sunbury Road, this is very much about servicing the people of Victoria because this is something that the people of Sunbury and Bulla have needed for a very, very long time. The people of Oaklands Junction in Mr Ondarchie's electorate also use this road to get to the airport and to get into town. I do not know what the minister's department is telling him and I do not know what his office is telling him, but they are certainly not telling him the right thing.

If we are going to spend millions of dollars duplicating part of Sunbury Road, the part of Sunbury Road that we need duplicated is the part between Wildwood Road and the Tullamarine Freeway, because that is where the problem is. What this current plan, as announced by the minister this weekend just gone, will do is produce a giant bottleneck at the top of Bulla hill, which we do not need, I can assure you. It will do absolutely nothing to resolve the issue of the bottleneck at Oaklands Road. It will do nothing to stop the congestion at the Oaklands Road roundabout and it will do absolutely nothing to resolve the congestion on Sunbury Road as it leads into Tullamarine airport.

If the government is spending money on services, I have got to wonder if indeed it is spending it in the right places. If this is the result it is getting from spending money servicing the people, you have got to wonder exactly how it is going about it. Value for money is not something that this government has ever cared about, and it is showing it again. Its measure of judgement is based on how much it spends, not on what it gets for it but how much it spends. It will say, 'We spent $20 billion on that'. It does not say, 'This is what we got for $20 billion'; it says, 'We spent $20 billion on that'. It does not matter to the government what it got for it. As long as it is spending money it does not care.

Mr Ondarchie interjected.

Mr FINN — I should say, Mr Ondarchie, as long as it is spending other people's money it does not care. It is really, really good at spending other people's money.

Of course in the other place today we heard from the Treasurer, who introduced a budget which is your

classic Labor budget — tax and spend, tax and spend. 'We've got money; let's throw it around all over the place until it's gone'. This is what the Treasurer said today: 'We have an election coming up in a few months —

Mr Gepp — On a point of order, Acting President, if Mr Finn is going to refer to so-called taxes in the budget, then he at least should be factually correct and point out to the chamber that the Treasurer announced today a 25 per cent cut in payroll tax for regional Victoria.

The ACTING PRESIDENT (**Ms Dunn**) — Mr Gepp, that is not a point of order.

Mr FINN — As I said, it is a classic Labor budget — tax and spend. If Mr Gepp wants to know about new taxes, keep in mind that the Premier said on television the night before the last election 'No new taxes'. He looked into the camera and he said to Peter Mitchell on Channel 7 news, 'There will be no new taxes in this state'. Of course we have only had a couple of hundred since that time.

But the one that I particularly object to, the one that I find offensive in the extreme, is the one that the government is going to put on people entering the city from the west of Melbourne as part of the West Gate tunnel project. I think that stinks to high heaven. It is just appalling that this government would hand over this entire project to a private company that is going to make many, many billions of dollars out of it and then go as far as putting a tax on people from the western suburbs, and indeed not just the western suburbs but the west and north of Victoria as well, from Ballarat and Geelong and a whole range of places. Bendigo is another place from where people will use this tunnel to get into town. They will be paying a new tax just for the honour of entering the city of Melbourne. Now, where is the fairness in that? I do not hear, at this point in time anyway, of a tax for people in the east of Melbourne and I do not hear of a tax for people in the south of Melbourne or indeed in the north of Melbourne.

Oh, here he is. He is going to promise one, is he? He is going to promise a tax. Well, I am going to look forward to that. Mr Gepp is going to promise us a tax.

The ACTING PRESIDENT (**Ms Dunn**) — Order, Mr Finn!

Mr Gepp — On a point of order, Acting President, I think you have been very lenient with Mr Finn. In his very wide ranging and stupefying contribution he is talking about matters that are completely unrelated to this bill. Could he at least point to some aspect of the bill to provide some context for his contribution. Otherwise I would ask you to bring him back to the bill before the house.

Mr FINN — On the point of order, Acting President, in referring to the tax in the city of Melbourne I was actually responding to an interjection by Mr Gepp, who asked me to point out a new tax from the government. I was merely responding to his interjection. If he would like to stop interjecting, then I am very happy not to respond to him.

The ACTING PRESIDENT (**Ms Dunn**) — There is no point of order. Mr Finn, if you would like to continue, please.

Mr FINN — Thank you, Acting President. Government services are obviously important. Some people regard them as more important than others, and some people indeed rely upon them very much to stay alive in certain instances. What concerns me is that we as taxpayers get value for money. It is a government's responsibility to get value for money, and throwing away $1.3 billion not to build a road is not giving taxpayers value for money at all.

What this Labor socialist government is on about is big government. That is their aim, and they regard that as the ultimate achievement — the bigger the government the more successful they are. The more they spend the more they hit the taxpayer for — that is their measure of success. That, I have to say, is not my measure of success. My measure of success is providing services to people who need them in a way that is efficient and cost-effective. That might be something that members opposite can take into consideration: cost-effectiveness and efficiency — something you will not hear mentioned around the cabinet table of the Andrews government, because that is something that would probably never occur to them.

As I go around my electorate that is something that is pointed out to me so often: 'When are we going to get rid of this government that is ripping us off blind, and nowhere near giving us the sort of services that we need?'. I would like to say that it is a good thing to introduce this bill and to be debating this bill, but why wasn't it introduced three and a half years ago? That is what I would like to know. Here we are in the shadows of an election and now the government is talking about services. I can only say to the government: the people of Victoria are not stupid, and come November they will throw you out.

Mrs PEULICH (South Eastern Metropolitan) (16:18) — I rise to make a few remarks on the Service Victoria Bill 2017.

Mr Gepp — True to form, you have not skipped a beat.

Mrs PEULICH — No; that is right. When you are a schoolteacher, especially in the secondary school system and sometimes in the most difficult schools —

Mr Gepp — What did you do?

Mrs PEULICH — I taught English and psychology, which gave me a good basis for coming into this place. In addition to that I actually spent a lot of time working in pubs, which does require you to be a little bit more agile when responding to unforeseen circumstances.

Nonetheless, to return to the Service Victoria Bill 2017, I guess the vision may be noble: a one-stop shop to make service delivery easier, to make it more integrated and to deliver better services to Victorians. It is a shame that the foundation and the track record of this government leaves us with no confidence that in actual fact this can be achieved or that indeed there will be the safeguards that are required with such a powerful centralisation of individuals' data in a central database, which this bill authorises or provides a framework for. In the context of this government's absolutely dismal failure in protecting data privacy and in the context of significant concern about the hijacking of data or information technology systems, the centralisation of information is a very dangerous process in my view because it is going to be very difficult to wind back. It ends up working as a de facto Victoria card; it is an identity card.

The government may have tried to mollify or mitigate some of the concerns about privacy by creating single transaction identities, but the bottom line is that it ends up working as a de facto identity card for Victorians. Now, I would have thought the Greens would have been the last people in this chamber or in this Parliament who would have supported the creation of a system that is almost like a Victoria or Australia identity card. It is absolutely a whisker away from it, and indeed I would like to forecast that in 10 years time that is exactly how it will operate, should it succeed.

We know, for example, about the government's dismal handling and development of the ultranet platform. It was intended only for schools and the Department of Education and Training, so it was only a single service provider, and when they all logged in it was all in meltdown. This move, whilst perhaps noble in the vision or the ambition, frightens the jeepers out of me, because this government has no track record in handling IT projects well, and I think this will be another ultranet. It will be ultranet mark 2, but the consequences will be much more serious for Victorians.

As I said before, the handling of privacy and data is a concern. The bill brings in a range of agencies. It defines 'service agency head' as:

> (a) in the case of a public body— the public service body Head within the meaning of the **Public Administration Act 2004**; or
>
> (b) in the case of a public entity that is a body corporate— the chief executive officer of the entity; or
>
> (c) in the case of a public entity that is an unincorporated body— the secretary or chairperson of the committee managing the affairs of the entity; or
>
> (d) in the case of Victoria Police— the Chief Commissioner of Police within the meaning of the **Victoria Police Act 2013**; or
>
> (e) in the case of a person described in section 4(1)(e)— that person …

So it is going to be pretty pervasive and pretty comprehensive. It is going to take in local government and Victoria Police. It is going to house our health information data, and in particular Victorians and Australians are very, very concerned about how their health information data is handled. Not only is there potentially information about personal illnesses and so on, which may impact upon insurance premiums or the ability to get health insurance, but there is also personal information such as sexually transmitted diseases or mental health data. I do not favour centralising this platform of information where there is so much personal data gathered into a single framework that can devastate and derail people's lives. Yes, you can have provisions to deal with mishandling of that data and information either through incompetence or through some deliberate mischief, but once it is done, it is done.

Again, having come from a communist regime, I do not have a lot of faith in governments.

Ms Pennicuik interjected.

Mrs PEULICH — Ms Pennicuik always laughs when I raise my early childhood in a communist regime. To me this was formative. This is why I do not trust large governments, and I do not believe that anything that compromises or diminishes individual power should be embraced wholeheartedly.

There are so many questions here. Again, the government's vision has been very, very slow to

unfold. We are now three and half years into its term and, as Mr Somyurek mentioned, this is the government's attempt to rebuild its services. Why? Because they have ignored them. Just think of the frustrations that our constituents have in, say, dealing with housing or dealing with the education department or dealing with some of the health departments or dealing with local government. Just imagine what it is going to be like when you bring them all together. It is going to be mayhem, absolute mayhem. The government should be fixing up its own compatible systems — systems that are administered by individual agencies but can allow for the exchange of information under very limited and restricted conditions. That should have been the model that was entertained rather than bringing it all into this centralised data system.

Mr Gepp interjected.

Mrs PEULICH — Mr Gepp wants to engage in debate on this legislation, and I would certainly welcome hearing what he has to say. If only he could put his name on the speakers' list, we would have the opportunity to actually engage in debate rather than having him attempt to make gibes from the sidelines.

I am very, very disappointed in the *Alert Digest* report on this bill. I am sorry, I know some good colleagues and friends of mine sit on this committee, but I have never seen a worse edition of an *Alert Digest* than the one that reported on this bill. There is nothing in it. What it basically says is the bill is not an unlawful or inappropriate imposition on the Charter of Human Rights and Responsibilities Act 2006 because there is legislation. It is not improper, it is legal. But indeed the *Alert Digest* report does not raise the concerns of how individual rights and liberties can be negatively impacted even though it might be permissible under law. When I was first elected under the Jeff Kennett government in 1992 Victor Perton was the chairman of the Scrutiny of Acts and Regulations Committee, and he was the least popular government MP with the Premier because he did a damn good job. Those *Alert Digest* reports on legislation were absolutely outstanding.

This *Alert Digest* is disappointing. When I reach out for this *Alert Digest* to see what concerns were raised about the impact of this legislation on the Charter of Human Rights and Responsibilities Act 2016 and the charter of the committee, there was nothing there. There was no flagging of how the rights, freedoms and obligations may be dependent upon insufficiently defined administrative powers. There was nothing about whether there is a possibility for acts or practices to be authorised that may have an adverse effect on personal privacy. There was certainly great potential for this committee to make a very significant contribution to this very important piece of legislation, which I certainly hope will go back to the drawing board.

I know that Mr Ondarchie has said that this agency was announced by Labor in the 2015–16 budget — I think it was him; it may have been someone else. The government said:

> Service Victoria will create a new whole-of-government service capability to enhance the delivery of government transactions with citizens, enable the delivery of a more effective customer experience —

oh yeah —

> and create new distribution channels for simple, high-volume transactions.

Good luck. I can just imagine that when we all tune in on day one it will be in melt down.

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

Quorum formed.

Mrs PEULICH — I do thank Mr Ondarchie for allowing me to perhaps attract a few more people to the chamber, but they have very quickly departed. Don't hesitate, you have still got a couple of minutes up your sleeve.

Before being interrupted by the call for a quorum, I was talking about my concerns in relation to the handling of health information. The statement of compatibility, on page 3 under 'Information handling', says:

> The Service Victoria CEO can collect, use and disclose individuals' personal and health information, identifiers and unique identifiers assigned to individuals to the extent necessary for the Service Victoria CEO to perform customer service and identity verification functions under the act …
>
> The handling of this information may give rise to a prima facie interference with an individual's privacy. However, in each case the interference with privacy is not unlawful because the information handling is either authorised by the bill, or by the PDP act or the HR act.

It basically says, 'Yes, your privacy may well be breached. But do you know what? You'll have no power, because the bill authorises the chief executive officer to do pretty much what he pleases or she pleases'.

Yes, you can complain. There are mechanisms for complaint, but with such sensitive information who can foresee how it will be used in the future, especially when it comes to things like purchasing health

insurance, with the centralisation of data and the way it interfaces?

The bill also authorises the recording of this information on a database. The interference with privacy is not unlawful. In addition, the interference with privacy is not arbitrary. Yes, we know, because there is a piece of legislation. It is horrendous, and I cannot believe that the Greens are actually backing this. This is absolutely not ready for legislation. Clearly much more work needed to be done before this was brought to the chamber and before this Parliament gives this proposal its stamp of approval.

As I said before, there is incompetence on the part of this government in the area of the management of IT projects — ultranet is a great example — and in the area of the handling of privacy information and data. There is so much evidence that it scares the jeebies out of me. Also there is the potential for hacking and unlawful use of information, but in addition to that I think the centralisation of information will ultimately work against the individual. So with those few words I would urge the minor parties to vote this bill down.

Mr RAMSAY (Western Victoria) (16:33) — I will give a brief contribution to this bill given there has been a considerable amount of debate. The bill, as has been suggested by my colleagues, is to prescribe Service Victoria (SV) as a service delivery agency for government and to provide a regulatory framework for identity verification activities by Service Victoria. The first question I asked when I read the purpose was why. Why would you want to create a legislative instrument when you can actually do it quite easily with some changes in the way that the administration is done?

Mr Gepp talked about transparency, which I had to have a bit of a giggle at, given that he and Mr Leane seemed to be the Laurel and Hardy act this afternoon, in that it does exactly the opposite. This bill has been a sleeper since 2015. It has been around so long in the summer that it has actually become flyblown in the transition. Mr Jennings calls it a bill that has been cautiously progressing, as distinct from the Public Accounts and Estimates Committee, where it was said it has been hindered by delays. I love Mr Jennings's terminology because he has always been the understatement minister. In fact he should be the Minister for Understatements, I believe, apart from the many other portfolio duties that he has.

The bill has been more than cautiously progressing; it has been dumped, stopped and delayed, and it has finally raised its head in budget week after being announced by Labor in the 2015–16 budget. In fact they had to make a number of allocations because it has been delayed so much. I want to flag in *Hansard* how it was announced. It was announced as:

> Service Victoria will create a new whole-of-government service capability to enhance the delivery of government transactions with citizens, enable the delivery of a more effective customer experience and create new distribution channels for simple, high-volume transactions.

Mr Gepp interjected.

Mr RAMSAY — Now, Mr Gepp, that sounds like administration to me. We know since the Andrews government came to power there has been a significant increase in the public service. In fact Mr Ondarchie, my colleague, has very adeptly described the significant financial pain that you and your government will wear, Mr Gepp, when you do not have Snowy Hydro to sell, you do not reap $9 billion of proceeds from the lease of the Port of Melbourne and you have a very slim surplus of $1.34 billion, which is tiny in terms of the total budget revenue and expenditure. When you do not have any state assets to sell and you have got a public service bubbling away at over $3.6 billion of additional costs each year to the budget, you will find yourselves in all sorts of pain. I suspect, if you were to win government at the next election, you would find that you have to make significant inroads into reducing the public service expenditure. Of course we know that you will not, because the Victorian public are very aware of the smoke and mirrors budget figures that you have presented today in respect to a very small surplus compared to a significant increase in public service.

This is not about public service delivery; this is about increasing the public service because of all the deals that you made through all the enterprise bargaining agreements (EBAs) with some of the public service authorities. I can quickly refer to paramedics, teachers and, only recently, firefighters, and their EBAs all increase the costs by creating more public servants and more expenditure. It is really quite frightening in fact what has been happening in relation to the increase in the numbers of public servants but also the significant increase in cost to the public service. I reiterate again, because I think I will be saying this on the other side of the chamber next year when we talk about how you have actually compromised any budget surpluses going forward and made our task much more difficult when we are in government after 24 November 2018, that we will be dealing with significant potential debt from the four years of the increasing costs of the public service.

I would also like to note that in the 2015–16 budget, when this piece of legislation for a new regulatory framework for public service provision was announced,

there was funding allocated of $96 million over the years 2015–16 and 2016–17. Now, because of the delays and, if I can use Mr Jennings's words again, cautiously progressing legislation, in fact $58 million of that $96 million — over half — was actually carried over into the 2017–18 year, so this sleeper bill did not get any sort of confidence from the government in respect to establishing this legislation or even presenting it to the house. In fact, as we know, the report date of this legislation was 8 November 2017. It went into the Assembly on 15 November 2017, but here we are in the Council on 1 May, so there was obviously no urgency from the government to have this bill done and dusted even before the end of last year.

We also note SV has floundered over the last two years due to a lack of leadership and direction and that little progress has been made in improving the service delivery to the public by Victorian government agencies. Mr Morris indicated the speed of progress and the promises made to create a GovHub in Ballarat. As we know, the coalition promised that VicRoads and its 700-odd associated workers would be transitioned to Ballarat. We now see the government has done a total backflip and given that the flick, just like it did with the east–west link, and we know about the $1.3 billion cost — for something that was not going to cost the taxpayer any money! — of that decision. They now want to create a country roads board (CRB) for Ballarat to placate Mr Purcell and his potential vote that might come along on a fire services bill or some mutation that the government might provide to the Council in the next sitting week. So the government will give Mr Purcell a bit of a rub on his back and just see if it can garner his vote on a couple of the bills coming up by saying, 'That was a good idea. We'll have a CRB in Ballarat. We'll call it Regional Roads Victoria and it'll sit under VicRoads. Let's just create a little bit more bureaucracy, a little bit more administration and a little bit more cost to the taxpayer by creating another authority. To do what? No-one knows'.

Then we heard about the GovHub. Ms Pulford talked about the wonderful things that a GovHub will do for Ballarat. As we know, we have the Glasshouse, which should have actually been bulldozed 20 years ago. That is absolutely jam-packed full of bureaucrats and different government agencies who, I understand, will either be invited to retire gracefully or be given some sort of relief extermination benefit. They will be transitioned into this new government building called the GovHub. I suspect Mr Jennings will not quite have the courage to realign the civic square into a pile of bricks and create a wonderful new building that the whole of Ballarat can enjoy. I am digressing a bit, because I understand the GovHub site will be basically sitting on what is now the skate park site. It will sit adjacent to a very old civic centre that has gone through a number of growing pains in relation to how best to deal with that building.

The bill seeks to impose an inflexible legislative framework for what may prove to be a suboptimal way of improving service delivery. I expect that is why there has been a lack of any sort of excitement or confidence. In fact this legislation will provide the sort of public service delivery that was not its aim. Service Victoria is supposed to centralise service delivery, which will diminish any sort of individual agency responsibility for standards and lead to blame-shifting between Service Victoria and the line agency for service delivery failures.

I am not even sure whether we know what the structure will be in relation to this proposed new regulatory framework. It is not clear. We do not know whether it is going to sit under the Public Administration Act 2004 or the Department of Premier and Cabinet. No-one really seems to know; no-one really seems to care.

The bill creates an identity verification function for SV. We know this is just Morse code for data collection in a sort of quasi website, but that is fine. No doubt Mr Gepp and Mr Leane will enjoy the fruits of that data collection to run yet another rorting red shirt campaign in this 2018 election. No doubt we will have yet another Ombudsman investigation into the way they run their election campaign. I am sure Mr Gepp's name will be added to the list alongside Mr Leane and Ms Tierney and all the others who were named in the Ombudsman's report for rorting, fraud and corrupt behaviour. We look forward to that. SV will no doubt be notorious in the future as merely being a vehicle to provide some names and addresses for the Labor Party to be able to use in their election campaigns.

Most of the provisions in the bill relate to internal government functions. I am sure that, given the number of advisers in the box who have obviously had some responsibility in the drafting of the bill, the ministry part will be the most expensive part. I am sure we could have done that without creating a whole new piece of legislation and a new regulatory framework that will not improve any of the public service provisions, which as I stated was the purpose of the bill.

Regarding consultation with industry stakeholders, I gather there was no consultation, or if there was there was very little consultation. We expect that that is why this bill has taken so long to surface in the Council, as it obviously does not have the support of any of those

stakeholders who may well use or benefit from the service provision.

This bill has been hanging around since May 2015. It has had a bit of money thrown at it. They could not spend it that year so they threw it into the next year's budget. They still hummed and hawed about it. It went through the Public Accounts and Estimates Committee. The ministers could not really respond to questions about what the hell it was supposed to do and why we were actually creating new legislation for it. They are still not clear. We know we have a burgeoning public service that is costing the taxpayer billions of dollars. We know now that with very few state assets able to be sold they could well be in significant financial trouble in the next budget with this expenditure going on. We know that that will result in new taxes or an increase in current taxes. We know that we will go into more debt. We know that it does not really cover off on those things that the community are interested in, and they are the cost of living, public safety and transport, particularly for regional Victoria.

We know there has been very little transparency around this bill. Creating a central service delivery agency is high-risk. We expect that that is why ministers and the cabinet have been nervous about progressing this with any degree of competence and confidence. It is a complex and expensive way to provide digital service delivery. The government has failed, as I said, to undertake any broad public consultation, so there is no confidence outside the public service area that this actually will deliver what it is supposed to deliver. Finally, it is largely window-dressing. It is just a regulatory framework which is complex. It really does not provide functions other than providing some administrative arrangements that could be done in another way. So the coalition has no confidence that this proposed legislative framework will do what it is supposed to do, and in that respect we will oppose this bill.

Ms BATH (Eastern Victoria) (16:47) — I am pleased to rise this afternoon to provide my contribution on the Service Victoria Bill 2017. I note previous speakers have said that this bill has been kicking around for a number of months. The idea for this bill actually started back in 2015. So here we are. It is like a long, drawn-out piece of string, and we are finally reaching the point where it gets to be tied off today.

The purpose of this bill is to prescribe Service Victoria as a service delivery agency for the government and to provide a regulatory framework for identity verification of activities by Service Victoria. The bill prescribes that Service Victoria is a delivery agency for the government services.

Information is important, and information for the public and the public use is important. People often — regularly — feel that there is too much information floating around out in the public domain that governments have access to. In fact this bill creates another layer in that system. It also means we will have an identification number that we will all wear if we want to get into the system and access a service via Service Victoria, and I will talk a little bit more on that later on.

The bill will enable departments and agencies to transfer information and deliver functions to Service Victoria. It is supposed to establish a mechanism by which, under the mutual agreement of the Service Victoria minister — and we are yet to understand who that will be — and the line minister, service functions may be transferred back between the line agencies. It already sounds like we are looking at a case of, from my old era, *Yes Minister*, and in the more modern era, *Utopia*. It sounds like different departments will continue to have discussions with other departments and then there will be a number sitting there with 'Service Victoria' at the top. When Service Victoria was announced way back in the 2015–16 budget it was heralded as a bit of a cure-all, but I doubt that it will be. The government has said:

> Service Victoria will create a new whole-of-government service capability to enhance the delivery of government transactions with citizens, enable the delivery of a more efficient customer experience and create new distribution channels for simple, high-volume transactions.

It sounds like, 'Here's a ticket, get out of jail; it will cure all', but I have concerns around that, noting the government's previous track record on ICT and web-based projects, and I will delve into that in a little while.

Service Victoria was supposed to cost $96.1 million. That is what was provided for over the 2015–16 and 2016–17 budgets. But we have heard recently, through the Public Accounts and Estimates Committee, that already the project has fallen behind schedule. We are debating it now, in May 2018. Also $58 million of that budget was carried forward into last year's budget. It is supposed to increase efficiency. It will put another layer between personnel, constituents — people who need direct and good service access — and departments, and I do not see how it is going to create efficiencies. Rather it is going to create more headaches. I think it is going to create more red tape. I have not heard any really concise argument as to how it will part the waters

to provide clear access for various constituents with their issues.

Often people come into my office — and I am sure this is the case across both sides of Parliament — who are entirely frustrated with departments. They are at their wits' end from either ringing and getting a message or being asked to go via the web and just not getting the attention that they need in a reasonable time — or the attention that they need, full stop. In my recent dealings with foster care families I have certainly heard that that is so much the case. These very reasonable people doing a great job for this community and this state — looking after vulnerable children — need to be reimbursed for the services they undertake. This is not a money-making scheme; it is reimbursing them for providing nutrition, care, love and support to these young children. They are often not paid on time and are not provided with the courtesy and dignity of having good communications with, good access to and a good response from various departments. I am not blaming any one particular person in the departments — I think it is a systemic thing — but I certainly know that these good people are getting turned off from providing a service that benefits our community and our children because they do not have proper access and communication. Agencies might work very well and they might be working hard for their clients, but often somehow in the mire of the department good communication falls over and people are highly frustrated.

Another question around Service Victoria that has not been resolved is how it will be structured and indeed — there is no clear definition around this — whether it will be an administrative office under the Public Administration Act 2004 or part of a department, including the Department of Premier and Cabinet. There is no real clarity in this bill.

The idea is that you can register and pay with an account. Again, you would have to provide this identity verification number to pay your car registration, for example. I have heard from constituents when having conversations around this and doing some research on this that they are concerned about that identity verification, because it would create a single Victorian government record for each person who links into that service. It reminds me of something from my childhood, which is the Australia card debate. I think Mr Hawke was going to create an Australia card. Whilst I have a vague memory —

Mr Finn — It was 1983.

Ms BATH — I think that may have been around the time that we won the America's Cup. The aim of that, I guess, was to deal with tax fraud. That was his supposition — that it would help with tax fraud. But I know that in my community, my household, my family circle and my town it just felt like Big Brother was approaching. It took a number of years for it to finally be knocked on the head. It certainly was a concern, and it raised the same question — if this is implemented, in what type of detail will the government be able to look at, trace, understand and see into our lives? All of us should be fine, upstanding citizens, but we also need to be private and have our privacy upheld. Creating this central service delivery agency, as has been identified by Mr Rich-Phillips, is certainly a high-risk, complex and expensive way to implement these services.

It is interesting that there is a common theme of lack of consultation by this government across the board. In the Country Fire Authority in my patch — Eastern Victoria Region — they are still filthy that the government did not consult on the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017. They did not have proper consultation. They rammed it down their throats after the event — after it was on the table.

We also see that Labor's track record on ICT projects is appalling. Indeed back in 2011 the Ombudsman released an own-motion investigation that covered so many of these projects. The report is titled *Own Motion Investigation into ICT-enabled Projects*. There is a list of 10 different ICT projects that were failures, that cost money but did not come up with the goods. I want to look at a couple, and one specifically. The projects were: Link; HealthSMART; Myki — don't we all remember Myki, it just felt like we were topping up the coffers all the time after disaster after disaster, and indeed we had to fix it up finally when we came into government; RandL; the client relationship information system, which we also called CRIS; the ultranet — I will talk about that because I had a personal experience with that particular ICT platform; the integrated courts management system; property and laboratory management, or PALM; HRAssist; and the housing integrated information program.

These were all Labor government initiatives, Labor government projects, that were failures and that the Ombudsman of the time, George Brouwer, happened to want to investigate and make recommendations as to why this should not happen again.

In relation to the ultranet, in the Ombudsman's report there is a summary of issues that he talked about, and I will just go over a few. He said there was:

> Inadequate up-front planning and a general disregard for industry and gateway advice resulted in a failed tender that cost around $5 million —

wipe that off the table straightaway —

> and set the project back by a year.

Indeed the report says:

> It is concerning that such a flawed business case was presented to the cabinet budget committee.

Well, it was, and not only was it presented, but it went for years and years, costing millions and millions of dollars.

The report also highlights that there was concern about:

> the high degree of uncertainty over the scope and supporting costs for the project;
>
> the disconnect between the benefits expected and the scope of the project …

Before finalising the request for tender, the department sought industry feedback right at the end on this proposition. The department also received feedback from 18 different companies. This is what a couple of them said:

> the timeline was too aggressive —

they wanted to achieve too much in too short a space of time. We now know it dragged on. They said:

> the budget was insufficient —

we now know that the budget ended up being massive —

> the scope of the project was not clearly defined;
>
> integration with third-party applications could be problematic —

and it certainly was problematic.

Ultranet was going to be a revolutionary tool for state schools, and to be fair there were many good possibilities with that. They looked at having a positive interaction with students in relation to curriculum, so staff could put on their great lessons and share them. That is a great idea to enable communication between staff and students, staff and parents et cetera. But what we now know is that it actually cost $240 million. It was supposed to cost somewhere around $100 million, then it went up to $160 million, and then $240 million. The other thing that I find galling and just so unnecessary in these sorts of razzamatazz Labor Party events is that at the Melbourne exhibition centre they had what we can call a casino floorshow to deliver it. This was not necessary, it did not serve schoolchildren, and in the end the project was a failure. I can remember that on the date we were to implement it all the students stayed away, so they missed out on a day's schooling, and the whole state was to be engaged in the process. But by 10.30 in the morning there was the realisation that the system had crashed. You cannot put hundreds and thousands of staff on a system when it does not work. Interestingly it disappeared into the ether. Whatever those good ideas were, they did not happen.

What happens now — and I will give you an example of the school I left three years ago — in Mirboo North Secondary College, which is very similar to many other fantastic country schools, is that it uses an off-the-shelf program called Compass. It does not have the scope of the ultranet, but it certainly delivers a great asset, managed by the school, with communication from the business and with business backup and support, and it is a great web management system that can interact with lessons and students and parents et cetera. This is an example of what can happen when the government gets it so wrong.

Finally, I will refer to the common themes that occurred with those 10 business ventures that went belly-up. Business cases were not updated, and some of them were absent altogether. The government just cannot handle these large base digital platforms, as I have indicated. I am concerned about the identity verification of activities and that there has been no consultation. The government has a poor track record. This will add layer upon layer. The Nationals will be opposing this bill.

Mr O'SULLIVAN (Northern Victoria) (17:03) — I am pleased to rise to follow on from my colleague Ms Bath, a member for Eastern Victoria, and her very articulate contribution on the Service Victoria Bill 2017. The 2017 in the title must be a typo; I am sure it must mean 2018, or perhaps not. As we have heard before, this is a bill that has been sitting on the notice paper for some 12 months or more.

Mr Finn interjected.

Mr O'SULLIVAN — Mr Finn is right when he says that that is not something new or unique in this chamber. Just about every piece of legislation that comes before this chamber now has 2017 after its name. It would be nice to actually get to debate some legislation that has been drafted and brought into this

chamber this year. That would be a unique idea. It would not be a bad idea for the government to try and start there so we can debate some legislation that is relevant to what is happening this year rather than something that was thought of several years ago and brought into the Parliament last year which we are finally getting around to debating in the middle of 2018.

I wonder why we are debating this legislation today. It is budget day today. Everyone has been running around with the budget. I must say it has been a fairly underwhelming budget by all accounts, but it is interesting that the government in this chamber has sought to debate the Service Victoria Bill 2017 on budget day in 2018. I am not quite sure why it has done that.

It seems to me that this is one of those pieces of legislation that the government has just wanted to throw into the mix to get it out of the road because it is not really committed to it. It has been sitting on the notice paper. As we know, the notice paper is very blocked up. There is legislation that is very slow getting through this chamber. The government is unable to organise itself well enough to get legislation through in an efficient and timely manner, so I find it strange that this is the bill that we are debating today, budget day 2018. I thought we might have been debating something that was a little bit more relevant or contemporary on budget day 2018. However, on this side of the chamber we can only deal with the legislation that is put before us, and today we find ourselves debating the Service Victoria Bill 2017.

Be that as it may, we will not be on this side of the chamber for very much longer. We will be over on the government side of the chamber, where we will get to make the decisions on which bills get debated, and certainly we will be much more contemporary in the way we go about running the Parliament to ensure that legislation gets through in an efficient and timely manner and that we do not have to jump all over the notice paper to pull pieces of legislation out of the bottom drawer and try to get them through the Parliament in a rushed manner.

Ms Crozier interjected.

Mr O'SULLIVAN — Ms Crozier is right in saying it is not very difficult to manage a business program to actually get the legislation through, but this government, as with many things that it does, seems to be able to find a way to stuff it up. I am not sure whether they try to do that on purpose or whether it is something that just comes naturally to them. I guess some people who have been here for as long as Mrs Peulich has would have seen this a thousand times, where Labor Party members want to do the best that they can but they fail themselves and they fail the Parliament, and we have seen a hundred times that they have failed the constituency of Victoria. I have digressed there a bit, so I will come back to the bill.

This bill is obviously about the delivery of services for the people of Victoria which would be run by the state government and provided by Service Victoria — SV for short. When you think there are no new ways of bringing in a new bureaucracy to make people's lives more difficult in terms of their interactions with government, sure enough we see the government bring in a new bureaucracy called Service Victoria, adding another layer of bureaucracy.

Whenever you talk to people on the street about their interactions with government, you hope that their interactions with government are pleasurable. It is obvious that if somebody wants to make contact with the government, they want to do it in a way where they can obtain the information that they are after. They may have a bit of a problem that they need to sort out, they may be trying to access some information, they might be trying to access some service or they might be trying to access some funding from government for a whole range of worthy causes. What we are finding is that this is just another layer of bureaucracy. I think the best intentions are there in terms of trying to make it easier for constituents to liaise with government, but you do not make it easier to interact with government by putting in another layer of bureaucracy. That actually has the reverse impact in terms of the way you go about it.

I remember a famous speech that was made at a Senate estimates hearing. If you want to YouTube it, it was by Kerry Packer in relation to his dealings with the estimates committee. The crux of his speech — his comments — are in relation to taxation, but there is one part of the speech that I remember very fondly in terms of bills coming into Parliament. He made the point that for every new bill that a government brings into Parliament, they should have to rescind an old bill, because what we tend to do in parliaments is bring in new bill after new bill after new bill, but we do not seem to get rid of many bills out the back.

What we are doing is just adding new laws, new regulations, new areas of accountability to the lives of the poor old person out on the street who is just trying to get by, just trying to feed their family and just trying to go about their own business without the interference of government. Yet we find new pieces of legislation such as this one, which just adds a new layer of

bureaucracy, adds more red tape and just makes it harder for people to do business with government. It is all very well to say, 'But this will make it easier'. You do not make things easier by adding another layer of bureaucracy. This would be a better piece of legislation if it removed two pieces of bureaucracy on the way through, to the point where there would be less interaction with government in terms of trying to get your objective rather than having to go through an extra hoop.

One of the things that I find annoying — I am sure that everyone in this chamber would have been in this situation from time to time — is when you ring up a bank or a major government agency or so forth to try to obtain some information. You reach one of those automated telephone services with instructions to press 1 for this service, press 2 to do this or press 3 to do that. You keep getting a list of numbers that you have to press so they can try to pigeonhole your requirement and get you the proper service. The world does not work like that. It just does not work to the point where one simple pigeonholed response by the press of a button on a phone will bring you the answer that you require.

It is very frustrating, and quite often you get through six layers of questions where they have told you to press this button if it is relevant to you, and yet when you get to the end of it, none of those previous options are actually relevant to the inquiry you have with the government, the bank, the taxation office or any of a whole range of them. The automated system gives you about 1 second to make up your mind, and if you cannot make up your mind, the system will hang up on you. That is after you have been waiting on the phone for 35 minutes to try to get through to actually sort out the issue that you want.

Mr Dalla-Riva interjected.

Mr O'SULLIVAN — Yes, it is a personal experience, Mr Dalla-Riva. It is quite frustrating. What happens is that you put your phone on speaker, you wander off somewhere and all of a sudden someone jumps on the line and you have not had the time to get back to phone so they hang up on you and you have to start again. It is one of the more frustrating things that you can do.

I had an experience just recently where someone was on hold to access a service and there was an option where, if you pressed 2, you would remain in your position in the queue and they would ring you back when it got to your turn in the queue. I was very dubious as to whether that would actually work, but to my surprise 10 or 15 minutes later the phone rang back, the person picked up the phone and they were placed back into the queue in the same position they were without having to wait on the phone for that 15 minutes. They had another 2-minute wait after that before they got to a customer service representative and were able to have their concern heard.

There are some things that can work from time to time in terms of making that customer connection actually work, whether it be with a government service or a significant agency service. I am not in support of a bloated bureaucracy. We are getting to a point where we see that the way this government goes about its business is that if there is an option to create a new layer of bureaucracy, if there is an option to create a new agency or if there is an option to employ a heap of new public servants, they think that is an absolute best-case scenario.

The public service that we have in Victoria is world-class. They are world-leading in what they do, but at times you wonder what they all do. There are a hell of a lot of them and they sit up in their ivory towers — in their big tall towers in the CBD. You would think, with all the public servants that we have working on behalf of the constituents and the government and so forth, that the services you get from government would be first-class, but unfortunately that is not always the case. At the same time the bureaucracy and the public service do a wonderful job in a whole range of areas, and we thank them for the work that they do on behalf of our community. However, there are times when you just want to get a simple piece of information from bureaucracy and you have to go through websites or automated phone services or whatever it might be.

Usually when you get to the point of having to contact government to work through an issue that you have got — because obviously you are doing something in your personal life or you are doing something in your business life that has hit a bit of a roadblock and you are looking for an avenue where you can just get through that roadblock so you can continue on with what you are doing in your personal life or in your business life — you think, 'I just need this to be sorted out by government or government services or the bureaucracy', but you get left on hold for half an hour or you get sent to a website which does not quite take you to where you want to go in terms of the unblocking that you need. I am actually in favour of having the old-fashioned operator on the other end of the phone who can direct you directly to where you can get your service provision fixed. I think that is probably

something that we should do a lot more of rather than just setting up a new website.

This government is very good at setting up websites. If all else fails, you have a review and you set up a website. We have seen that just in the last week or so in the lead-up to the budget. We have got a situation where the cost of living is rapidly expanding. It is becoming very expensive and it is difficult for the average family to cope. We see Michael O'Brien in the other place saying that electricity prices have gone up by $300 just in the last year. How does this government go about trying to ease the pressure of electricity prices, ease the pressure of gas prices and ease the pressure of taxes right around the government? They set up a website and offer you $50 to go there to register your name, put down your phone number and put down your email address.

Ms Crozier interjected.

Mr O'SULLIVAN — One thing that I thought was very interesting was the quote from the shadow minister, who said it was like putting a bandaid on a broken leg. You do not fix people's cost-of-living pressures — you do not fix the electricity prices or the gas prices or the registration prices or the stamp duty or whatever it is — by giving a $50 handout for somebody to go to a website and register their name, their phone number and their email. As Ms Crozier said, that is just the harvesting of data, which I am sure will get used somewhere down the track by this government for other purposes.

This bill is just another level of bureaucracy that I do not think is required. I do not think you provide better services by adding extra layers of red tape. We have seen so many times where this government has failed in its harebrained ideas in terms of being able to set up a new organisation that is going to make the world easier for people who live in this state. It does not work, and for those reasons we cannot support this piece of legislation.

Ms CROZIER (Southern Metropolitan) (17:18) — I rise this afternoon to make a short contribution to the Service Victoria Bill 2017 that members have been speaking very eloquently to this afternoon in relation to highlighting the issues that are very concerning around this bill.

The purpose of this bill is to provide for the delivery of government services to the public by Service Victoria and for other purposes. As the explanatory memorandum states, it provides for the delivery of government services to the public, as I said, by Service Victoria and provides for a regulatory framework for the provision of identity verification functions by the Service Victoria CEO.

As members have reminded me in their contributions, when it comes to setting up an agency that is to be dealing with the ease of IT services, Labor governments have a very strong track record of failure in this area. Mr Rich-Phillips, who has carriage of this bill for the opposition, knows this only too well because when he became minister in 2010 he had to pick up the mess from the former Bracks and Brumby governments and their extraordinary failures in ICT projects. He did a very good job of fixing up the mess that he was left with, might I say. The former Ombudsman, Mr Brouwer, and the former Auditor-General have also highlighted the massive failings in the various projects.

It might sound simple, as this government says in a media release spruiking Service Victoria being another step closer to giving the community easier access points to government services, but in actual fact what is being created is another level and layer of bureaucracy where government departments, of which there are many, and government offices of those various departments, of which there are many, throughout the state should be able to handle some of the very basics in relation to Victorians' personal details.

As I was saying, the former Auditor-General and former Ombudsman, when they conducted their inquiry into the failures of the former Labor government prior to the election of the coalition in 2010, studied 10 completed and discontinued projects that had a total budget of $1.3 billion but for which the costs blew out to $2.74 billion. Some of those, as I am reminded from a report that I have looked at, include the LINK database for Victoria Police, the HealthSMART project for the department of health, the Transport Ticketing Authority and Myki. Who on earth can forget the debacle of Myki? We are still living with that. What an extraordinary cost that particular IT project has been. Victorians have had to pay for that. It is a system that is hardly efficient. When you look at other IT ticketing systems around the world, why on earth the government wanted to create its own system and not look at what was working in other parts of the world, such as the Octopus card in Hong Kong and other such IT initiatives for transport ticketing, is beyond me. We are paying the price of that Myki blowout and all the reincarnations that that particular IT system has had.

Of course there was RandL — the VicRoads registration and licensing system; the client relationship information system, or CRIS, from the Department of Health and Human Services; ultranet from the

department of education — the list goes on. There was just an extraordinary waste of Victorian taxpayers money on those various IT projects. At the time the Ombudsman was absolutely scathing about the government's ability to handle these IT projects. In fact the former Ombudsman, Mr Brouwer, blamed poor leadership and accountability for the failures, noting that the Department of Treasury and Finance relied too heavily on agencies for project governance.

I think that pretty well sums it up. You had a whole-of-government system wanting to deliver these projects but they had no ability to. I do not think this government has learnt anything from its past failures in relation to an ability to manage projects. This centralisation of service delivery through Service Victoria will diminish the individual agencies' responsibility for service delivery standards and lead to blame shifting between various lines within those agencies that I spoke about and Service Victoria itself.

Again I note the comments from other contributors in this debate to say that the structure of Service Victoria is not even resolved as yet. We do not know how much money actually needs to be applied because this whole project was announced in the 2015–16 budget. I will just repeat that announcement that the government did at that time, and I quote:

> Service Victoria will create a new whole-of-government service capability to enhance the delivery of government transactions with citizens, enable the delivery of a more effective customer experience and create new distribution channels for simple, high-volume transactions.

At that time it had funding of $96.1 million. However, in Public Accounts and Estimates Committee hearings it was soon discovered that the project had fallen well behind schedule with a significant amount of funding having to be carried forward in the 2017–18 year, and we do not know how much money — we are in budget day now — is outstanding as we speak. I have absolutely no faith in this government's ability to manage services.

Then there are the privacy implications. A primary function of this bill is the requirement for various identity verifications. In the last sitting week, when we were debating the Children Legislation Amendment (Information Sharing) Bill 2017 and I raised concerns about privacy, how that related to the Privacy and Data Protection Act 2014 and how that information would be shared, there was very little clarification even in the committee stage by the government to assure all of us that information that did not have any relevance to that particular bill, such as political affiliations, union affiliations or sexual preferences, would not be ruled out. Again, despite all the amendments to try and improve that bill, which were defeated by the Greens and the government, there are still some great concerns by various members of the community in relation to what that bill is trying to achieve. I think there are valid concerns around that identity verification, how this bill will then link the various customers with their various identities and how that will actually be used in relation to the sharing of information.

I will not say too much more in relation to this particular bill, but I did want to put on record in relation to those aspects that I think there is very little faith from the community in the government's track record of running ICT projects, as I have outlined. There was an enormous litany of failures by the Bracks and Brumby governments in their inability to do even the most basic of ICT projects and in running billions of dollars over budget. Of course we have seen that with this government in other areas, like the level crossing removals running billions of dollars over budget. Again, it goes to the management of Labor governments. They cannot manage money in terms of managing projects. I do not think there are enough checks and balances in place for Service Victoria to give any heart to the Victorian community that their information will not be misused or shared inappropriately and that they will not have the ability to breach those privacy concerns that I have raised previously.

Ms FITZHERBERT (Southern Metropolitan) (17:27) — I am pleased to be able to speak on the bill before the house at the moment, the Service Victoria Bill 2017. I enjoyed listening to Ms Crozier and her reminder of some of the history of IT disasters that the Labor Party has overseen in this state, a salutary lesson in what not to do. This bill has already had some significant delays. It was in the Assembly last November, and it had taken a while to get there, as I understand it. The bill does a number of things around creating a service delivery agency for the government. It prescribes Service Victoria as the agency for government services, and through it departments and agencies may transfer service delivery functions. It establishes a mechanism by which, with mutual agreement of the Service Victoria minister and line minister, service functions may be transferred back to line agencies and by which a regulatory structure for Service Victoria can undertake an identity verification function to provide a single whole-of-government record for each customer, including standard setting. It is also intended to provide a regulatory framework through which service delivery standards can be established.

Fittingly, on state budget day, it has taken several budgets to get to this point. Funding was allocated in the 2015–16 budget, which said it would create:

> … a new whole-of-government service capability to enhance the delivery of government transactions with citizens, enable the delivery of a more effective customer experience and create new distribution channels for simple, high-volume transactions.

That does sound a little bit like a website. I understand there is also a suggestion that there should be shopfronts. Perhaps we could address that in the committee stage, which I understand is going to be taking place. There has been additional funding following the initial allocation in the 2016–17 budget. Some $96 million was provided in two budgets for this initiative. This was disputed at the Public Accounts and Estimates Committee (PAEC), I think, because people did not want to actually say out loud that it had fallen well behind schedule, with $58 million carried forward into the 2017–18 budget. But there was quite a bit of back and forth at PAEC, with people bending over backwards to avoid saying that it had been delayed, perhaps using phrases like 'not delayed, just slower than expected' or that some aspects of the work have been 'cautiously progressed'.

This does ring slight alarm bells with me. Ms Crozier spoke earlier about some of the IT projects that the Labor Party has overseen in government and how spectacularly unsuccessful some of them have been at times. We have smart meters of course, a project that went from a budget of $800 million to in the end $2.3 billion, nearly three times the original estimate, which was the brainchild of the then Minister for Energy and Resources, Peter Batchelor, who thought it made sense to get rid of meter readers and force everybody, every business and every household to change over to a new metering system. It sounded like a good idea, but it did not work out terribly well in practice and certainly not in cost, which was horrendously large and well over what it was originally estimated to be, as I said earlier.

We see a sort of encore of this harebrained scheme in the energy website that the government has just launched. It is going to pay citizens to look at a website and register their details, which the government and the Labor Party will do as they wish with, I would imagine, so that they can see how they might be able to reduce their energy costs — energy costs, I might say, that the government has already taken a lead in increasing through its forced closure of Hazelwood by massive increases in taxation to the managers of that site. We know that over the last year consumers in Victoria have become the people in Australia who pay the highest amount for energy and are paying an extra $300 per household over the last year. It is not good enough.

We have also seen HealthSMART and Myki, and in today's budget, fittingly, we have a promise to deliver an electronic medical record for the Parkville precinct. Mary Wooldridge has identified that there are issues with the cost of this. The PricewaterhouseCoopers business case said it would require $199 million to do it properly. About 60 per cent of that has been provided, so we will see what happens with that.

It was, however, Ms Crozier who referred in her speech to ultranet, which has become quite notorious in terms of government IT projects. In fact if you google 'ultranet', what comes up automatically is 'ultranet scandal' — and not unreasonably. This was announced in 2006 by the then Labor government. It was delivered in 2010 at the notorious 'big day out' — a launch which cost some $1.4 million. It was found later by IBAC that there had been a corrupt tender process and appalling waste along the way and that some $240 million was wasted on this corrupt tender process. We saw that a former minister, Bronwyn Pike, was the subject of phone taps and evidence within that inquiry.

The whole thing was an unedifying mess for the government, and when it was finally put into place in schools it was rarely used. It has been an unmitigated disaster. I remember at the time that my children's school had access to ultranet and, as a tool for educators, the references to it that I heard were nothing short of derisive. It was wasteful, it was corrupt and it was finally ineffective when it was delivered.

It is with some trepidation that I look at what the government has before us today — something that is already late, something that has already been budgeted for over several years and something that appears to be still incomplete even as it is before us today. I understand that we will be exploring this further in the committee phase, and I look forward to hearing some explanation and getting answers to some of these questions on the way through that process.

House divided on motion:

Ayes, 24

Bourman, Mr	Patten, Ms
Carling-Jenkins, Dr (*Teller*)	Pennicuik, Ms
Dalidakis, Mr	Pulford, Ms
Dunn, Ms	Purcell, Mr
Eideh, Mr	Ratnam, Dr
Elasmar, Mr	Shing, Ms
Gepp, Mr	Somyurek, Mr (*Teller*)
Jennings, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms

Mikakos, Ms	Truong, Ms
Mulino, Mr	Young, Mr

Noes, 16

Atkinson, Mr	Morris, Mr (*Teller*)
Bath, Ms (*Teller*)	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalla-Riva, Mr	O'Sullivan, Mr
Davis, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Fitzherbert, Ms	Rich-Phillips, Mr
Lovell, Ms	Wooldridge, Ms

Motion agreed to.

Read second time.

Committed.

Committee

The ACTING PRESIDENT (**Mr Elasmar**) — I believe there are amendments from Ms Pennicuik and the Leader of the Government, which have been circulated.

Clause 1

Mr RICH-PHILLIPS — In the government's first budget, the 2015–16 budget, the government allocated $15 million for Service Victoria and in the 2016–17 budget it allocated a further $81 million. In simple terms can you outline to the house: what have Victorian taxpayers bought for that $96 million with Service Victoria?

Mr JENNINGS — For a start, and this actually relates to a question you asked me in question time today, sometimes the attributed costs may or may not be fully expended or apportioned in a way which might be popularly or conveniently understood.

But in relation to this project $15 million was allocated as part of a $96 million allocation that has been applied to this project. Up until this point in time those moneys have not been fully expended in developing a platform and delivering on the promise that we made to introduce a common platform that had the ability to apply across public sector agencies in Victoria to enable our citizens to have an online connection in terms of the registration and purchase of government services and the ability to have various licensing, registration and other forms of government information available to them in a user-friendly fashion consistent with what surveys have consistently indicated was the desire of our citizens. Indeed I have been asked a series of questions about the extensive research that actually underpins the rollout of this capability in terms of whether our citizens do support this outcome, and consistently it demonstrates that they do.

When we came to government we inherited a system where less than 5 per cent of transactions were completed by Victorian citizens online for all the licensing and regulatory environments that apply right across the public sector. Our incoming government I think may have been the beneficiary of some of the work that you may have been associated with, Mr Rich-Phillips, in the previous administration, in terms of developing a business case for the Service Victoria model to apply this capability to bring together a common set of standards, of protocols and indeed, most importantly, of citizen access to online completion of transactions with Victorian agencies, and that is what we have been building.

We have built it despite what I heard in your contribution to the second-reading debate today. We have actually had a high degree of collaboration with the private sector and technical expertise involved in innovation and product design in Victoria. We have taken a process to look at the best applications, the best platforms and the best ways in which these matters can be integrated, and we had a high degree of collaboration and purchasing that led to a situation where last October this platform went live, in a live beta format, which has given our citizens an opportunity to go online when they are completing their transactions with a number of different state agencies. They have had an opportunity to select whether they would prefer to use a different method of processing their application or their renewal of licensing arrangements. They have freely chosen that path, and by now more than 32 000 transactions have been completed across a number of different services.

That is the capacity that has been built, and that has been responded to very positively by our citizens. As I indicated to you, our citizens have had a choice, whether they choose to use Service Victoria or whether they choose to use the conventional pathways of online processing. Many have chosen Service Victoria and completed their transactions, and the information that we have is that 90 per cent of them believe that this has been a far more satisfactory transaction than they have experienced before, and there is a high degree of confidence in the reliability, the applicability and the desirability of undertaking those transactions in that way.

So that is quite something that has been built, and it has been built on the basis of investment and the wisdom of the procurement pathway that has involved a high degree of private sector collaboration, despite what you

in your second-reading contribution asserted. We have many mature partnerships with the private sector in terms of the technology and capability that we have built. We have created the situation where we have the potential to turn around something that all Victorian government administration has laboured under in the sense of not being able to provide easy access to and confidence in those service delivery transactions being acquitted. You would understand this because you have been associated with IT projects and you were part of a government that had major difficulties in relation to funding IT upgrades in a number of agencies during the life of your government. You know from firsthand experience that having a disaggregated, decentralised approach and investing in legacy systems has been a failed method that your government was subjected to and that there is always potential for any government to be subjected to. This government has chosen to provide for quality assurance across the public sector in the rollout of this project.

Indeed, this piece of legislation supports that rollout by not actually saying that it has to be an absolute precursor to the work being done, because as I have outlined, that platform and that connectivity with our systems has already been developed, but by actually providing the appropriate head of power for responsibilities to be transferred with the agreement of various agencies once they reach a level of satisfaction that their statutory obligations will be met, because a number of agencies as you would be aware have statutory obligations that mean that they cannot delegate responsibility and that they have statutory reasons to protect those responsibilities, whether that be privacy, confidentiality or other reporting requirements of their legislative statutory obligations. But they can, under the auspices of this bill, transfer that to Service Victoria in the circumstances where there is an agreement and confidence on the part of both portfolios, whether they be the policy program agency or Service Victoria. In those circumstances a transfer can take place.

This legislation also provides protections in relation to standard setting and the way in which that will be undertaken now and into the future in terms of customer service, the usability, the appropriate consumer protections, the rights of appeal and the rights and responsibilities in relation to the appropriate and inappropriate use of information.

This piece of legislation applies sanctions for the misuse of what will be the information that is obtained and used in the process of the system, far enhancing the privacy protections that currently exist and the consumer rights that are associated with the control of our citizens in providing information and transacting with the government. It also enhances the ability to develop the confidence level by which our citizens may choose to create at their own discretion, and at their own ability to satisfy, an identity through a validation process that will be harmonised with national frameworks and guidelines and protocols, and will be subject to lengthy considerations with the relevant stakeholders and interest groups in Victoria. Then we will be able to set the lead by which identity validation and the confidence level that our citizens need and our statutory agencies need to acquit their responsibilities will be enhanced in the years to come.

So we have built a system and the system has been popular. Already without going totally live 32 000 transactions have taken place. Our citizens like it: 90 per cent of citizens say that they like it and they want to use it in preference to the other systems, the legacy systems and the legacy portals that currently exist. It enhances the ability to reach agreement and drive better collaboration across the public sector in terms of the technology transfer and the uplift across the platforms that have been developed across Victorian agencies. You know full well how difficult it was in your administration to get money and investments in ICT projects across the public sector; you know how hard that is. This will actually guarantee that all of our agencies potentially have the opportunity to participate in a capability that they would not themselves be able necessarily to build or necessarily have the technical knowledge or the collaboration to do so. It enables the transfer of responsibility. It does not force it, it does not mandate it, but it enables the transfer of statutory responsibilities if there is a confidence level in relation to the system working and giving better outcomes for our citizens.

I know I have actually gone on to answer subsequent questions, but I thought I would actually place what we have built — and we have not expended $96 million. At this point in time we may actually deliver what I have described in a technical platform sense for less than what the allocation of the financial resources may be. Certainly I am not sitting here with any concerns about us exceeding that financial envelope. We are adding substantially to the protections and the consumer rights and to the opportunities to roll that platform out more broadly across the public service to acquit our obligations to our citizens.

Mr RICH-PHILLIPS — Thank you, Minister. That was a broad-ranging answer to a number of elements of Service Victoria beyond the scope of the question. I would like to go back to where I started with the question, which essentially relates to the

platform — you said 'the project', but you referred to the platform a couple of times — and I will come back to the issue of the budget. Now, for the casual user who goes to the Service Victoria site, which as you said is in beta test mode right now, on the face of it it looks like you have spent $100 million, or $80 million or whatever the figure is, on building a website. Can you outline please what is the technical platform that has been built that is behind that website?

Mr JENNINGS — In fact that is a good question, because there are some people in our community who may just see this as a website because in fact they have got no idea about what the technical capabilities or the interoperability may be. So for you, for the committee and for our citizens, let us actually think. In terms of the platform, a website or portal online is actually what would singularly focus the citizen or consumer in relation to what they can go online and actually see as an ease of entry point. But behind that entry point, just as there is in the whole aspect of the internet and web-based experience, there needs to be the technology. That means that there are protocols, analogues and applications that are created to be able to connect between the interface of systems that operate in a very different environment.

For instance, VicRoads is a major agency that is often referred to and that has a very, very large dataset that actually has a chequered history of reliability of being able to be maintained because of what is known as the legacy system on the basis of how long the original technology that was associated with the way in which information was gathered, stored and collected, and the source code that actually underpins it. The source code that applies to the VicRoads database, and the way in which you might need to reprogram and keep that system going, was actually something that led to the sinking of probably somewhere in the order of hundreds of millions of dollars during the life of your government, if not preceding that in terms of the government that I was in up until 2010.

Mr Rich-Phillips interjected.

Mr JENNINGS — Well, you didn't stop it. You definitely did not stop it.

Mr Rich-Phillips — Because you had already sunk $150 million into it.

Mr JENNINGS — In fact you kept going; you kept digging.

Mr Rich-Phillips — Your turn. I'm not disagreeing with it.

Mr JENNINGS — Okay, good. The issue is that under conventional circumstances as people keep digging and investing in that technology, even though it is antiquated technology — the machines that it works on, the way that data is being collected — there needs to be a change in the way in which you access it. You need to be able to design a system that can retrieve information in and out of that dataset, without necessarily being overburdened and overprocessing it. You need technology and protocols that access it. You need technology and protocols that require security clearance and confidence about security. You need to be able to then use information in a system-wide basis that enables you to identify information and aggregate it. But most importantly, in relation to individual transactions there is then an interface between them and going back to the website, so going back to the portal. There needs to be the ability to bring the relevant information in the relevant data fields to enable the transaction to take place through the one simple template. That, as far as a citizen is concerned, is what the entry point is in relation to the interface between putting in a request and it coming back out of a system.

Similarly in relation to the security requirements and the confidence levels, you have to have certainty about how you know who the person is embarking upon this transaction. You need to be able to have a method of being able to validate who they are. You need to be able to build in security systems that enable you to have confidence that you have collected the right information and that you have a certain confidence level about the information that is being provided to you — that you can validate who the user may be and then be able to acquit the responsibility.

Up until now we have had a lot of difficulty in that quite often there have been limitations in the way that has been done online, and it depends upon the security of situations — for instance, if somebody has a working with children check. For instance, in relation to gun licence applications, ultimately there would need to be a higher order level of confidence about the identity of who is making an application. There would always have to be some in-person validation process for some of those higher order licensing arrangements. But many transactions do not necessarily need to be undertaken in person, and part of our system that we need to build across all aspects of the public sector is an understanding of how that validation process needs to vary and the confidence level by which you can implement it. We have had to develop those systems.

We have also had to develop systems where you can confidently rely on how payments are made. You have to enter into arrangements with providers. Many

citizens would be aware of PayPal, for instance. PayPal is one avenue by which payments can be transferred with confidence. It may not be an exclusive arrangement with PayPal; it may be with other banking providers. Indeed we have entered into arrangements with the state's bank, Westpac, in relation to the reliability of systems, where we have a confidence level about the transfer of payments. That is the scope of the technology. For virtually every example that I have given we have entered into arrangements with private sector providers in relation to the technology, the design and the implementation of those systems. We have developed within Service Victoria a capacity to be able to identify what the most mature, innovative platforms may be.

We have had great collaborations. The biggest expenditure item within the profile of what we have acquitted was through a collaboration with Deloitte, which has expertise in bringing these various platforms together. They provided an integrated working environment with Service Victoria to take that formulation of all those different aspects of that platform and that capability together. That has been the largest contract within those commercial arrangements of the money that has been expended up until this point in time.

Mr RICH-PHILLIPS — Thank you, Minister. That is helpful information. Still talking in terms of the technical platform and the integration that you have spoken about, you referred to the Deloitte work. One of the questions I wanted to ask you, and I will do that now, is if you can provide a breakdown of the expenditure of the $96 million budget to date — if you can break it down through the third-party technical expenditure, such as the Deloitte element and the other key primes who have been engaged.

Mr JENNINGS — I will go and have a conversation with the team in relation to what stage or what level of detail I want to break this down to, but basically what I have just outlined in my very lengthy answer I will now indicate to you by reading something. It is very unusual for me to do so in the committee stage, and usually this is where I go wrong, but I do not think I will be going wrong in this instance.

In terms of all those functions that I talked about, in terms of the agency integration and orchestration capabilities, we have been using Mulesoft Anypoint Solution. In terms of industry-leading identity and access management, the solution was from ForgeRock. The customer relationship management solution is using the Salesforce higher secure payment platform, and that would include Westpac and PayPal, as I have already said. Notifications, including email and SMS, are enabled by Amazon. Business protocols automation is using Alfresco. Service management is using ServiceNow. High availability and scalable infrastructure is through Amazon Web Services (AWS). Continuous live release capability is by using OpenShift and Bamboo, and 24/7 monitoring by international operations and cybersecurity centres is through Deloitte, which was also responsible for the major development of those various items that brought the system to maturity to go live.

I will just see the advisors in relation to any further information that I might be able to give you, but as you can see there is quite an extensive list, despite your assertion, of private sector collaboration and purchasing on the way through in relation to that capability that we have built.

My friends in the box are going to actually see what level of itemisation I can provide, but generally one of the difficulties that we are going to have about itemisation is because some of those things that I have identified have their own individual contract and some of them relate to the bundling, effectively, of the capability that Deloitte and their partner Salesforce and others actually brought to the tender. So some of them will be delineated and some of them will not be. I will get some further information and share it with you before we complete the committee.

Mr RICH-PHILLIPS — Thank you, Minister; that will be of assistance. Just to understand the model better, Minister, are you able to indicate, particularly with the ongoing platform operation — the Deloitte platform, obviously AWS and Salesforce as some of the key elements of the platform — are they contracted on a fee-for-service or fee-for-transaction basis? Is that the financial model which underpins the Service Victoria platform? Is it a fee-per-transaction basis?

Mr JENNINGS — I have been encouraged to report to the committee that these are ongoing arrangements in terms of the longevity of contracts, the form that they take and the whole-of-government purchasing in relation to the involvement of Salesforce and other contracts, and that means that it would be unwise for me to do anything else for the moment other than identify — and this is at the heart of Mr Rich-Phillips's question — that if we were to enter into a fee-for-service arrangement in terms of the individual transactions there is the potential that that may be a very onerous cost that the state would be wary about.

Mr RICH-PHILLIPS — Thank you, Minister. As opposed to $100 million up-front?

Mr JENNINGS — Mr Rich-Phillips, I just know, despite the presentation that you have led on behalf of the opposition today, that you would much prefer to be here at the table discussing this project than where you are.

Mr RICH-PHILLIPS — I am not convinced, Minister, that I would be at that table discussing this project in regard to a legislative framework, but we will no doubt come to that. You have indicated that of the $96 million that was allocated not all of it has been expended or it may not all be expended. Are you able to indicate, of the $96 million, what has been expended to date, what has gone to the third-party providers in aggregate — and you are obviously looking for detail between the contractors — what has been spent internally to government and how much remains?

Mr JENNINGS — In the IT strategy that we published a year and a half ago we indicated that we wanted to go live by 30 June. That is our intention and we believe that we can acquit that. I think in relation to the total expenditure we will have ample headroom. Probably by the time that I get to the Public Accounts and Estimates Committee (PAEC) I will be much closer to being able to identify what our final anticipated budget outcome may be in terms of getting to that stage, and I would probably prefer to do that. But it will be significantly under $96 million.

Mr RICH-PHILLIPS — Thank you, Minister. I look forward to that information coming through the PAEC process. Just going back to my previous question, if I understood your answer correctly, there are still contractual discussions ongoing. Can you give the committee an understanding of when the $96 million — or whatever it ends up being — to build the platform is acquitted and it goes live on 30 June this year, what are going to be the ongoing operating costs for the platform and how are they going to be funded?

Mr JENNINGS — I am not quite sure whether you entertained it, but despite a number of gratuitous comments that a number of your colleagues made about us doing our best to spend this money wisely, which has led to us rolling over budgets, there is the capacity for us to continue to do that on the basis of what I have just indicated to you in terms of the operating expenditure of the platform. We have indicated that there will be a core establishment of Service Victoria that will be housed in Ballarat. That will be an ongoing expenditure on the people who work for us. There will obviously be ongoing requirements in relation to some of the technical and procurement aspects of applications or other systems consistent with what I outlined earlier, although on a far-reduced requirement to the establishment phase. The operating costs we actually anticipate being comparatively modest. The decisions that government makes about funding it into the future, which we have not determined in the budget allocation this year, are not ultimately determined, but the business model is likely to be a shared arrangement in terms of the funding contribution between central government and the ultimate end beneficiaries of the system on a shared-cost basis.

Mr Rich-Phillips interjected.

Mr JENNINGS — Citizens. But I did not mean the citizens paying for it; I actually meant the agencies paying for it.

Mr Rich-Phillips — Hence the question.

Mr JENNINGS — Well, yes. But ultimately in relation to it let us just go back to some of those legacy systems that you know we have a sunk investment in. There is actually quite a benefit to the operating functions of a number of different agencies if in fact they do not have to worry about their legacy systems and increasingly we close down legacy systems as we develop this platform and this capability across all of the public sector. So there will be savings — not savings that Ms Pennicuik was worried about, which were savings in relation to human beings.

Again, I have been criticised during the course of this debate today, but we are a government that has increased the size of the public sector; we have increased it and we have grown it. We have not reduced it; we have not taken a hatchet to the public sector, and that is not the intention of this reform. The intention of this reform is to actually improve the number of people who provide frontline services and policy and programmatic responses to people who work in agencies. We are reducing significantly the administrative functions that can be automated in a fashion that our citizens actually think is worthwhile.

Mr RICH-PHILLIPS — Thank you, Minister. In your answer then you touched on the issue of savings, which is one of the issues I wanted to ask you about. In 2016, as part of the announcement around Service Victoria, you issued a press release, and I will quote it:

> Accessing government services and information can be excessively difficult to navigate and costly, with hundreds of phone hotlines and 538 different websites. The total current cost of this to the government is $461 million and unless we act, it's expected to rise to $713 million by 2026, with no extra benefit to the community.

What is the government's estimated saving from the introduction of Service Victoria against the $461 million baseline cost as at 2016? And I assume that was an annual figure that was used in the press release.

Mr JENNINGS — My apologies for being a little bit slower than I originally thought I was going to be; we just wanted to tease things out, first of all, so I did not take us down a path that any of us would regret. If the words 'cost savings' were used in the press release, then obviously I am not deserting saying that. The concept really should be cost reduction in terms of the running costs that would be reduced for agencies that will come through the work that we are undertaking and the removal of what would be, if it was unfettered, the growth in expenditure across public agencies in terms of their administrative costs and their web interfaces. Web interfaces are just one cost. The automation of administrative activity in the sense of it being acquitted through an online transaction rather than manually can lead to savings in the sense of reducing the growth in costs and the ability to reallocate funding across the public sector.

In terms of being able to realise those savings, at the stage we are in the development of the program so far we are not in a position to be able to identify what those cost reductions may be, because in fact, as you would appreciate, the best way to achieve them is in fact to go live and do the heavy lifting in relation to the transactions across the various agencies that are involved. We would estimate that there would be tens of millions of dollars in cost reductions that would be able to be identified. I am being encouraged not to be overly specific in relation to that, because in fact it may lead to a false expectation about what time it may be measured from and how it may be accounted, but ultimately —

Business interrupted pursuant to sessional orders.

Sitting extended pursuant to standing orders.

Committee resumed.

The ACTING PRESIDENT (**Mr Elasmar**) — I invite the minister to continue.

Mr JENNINGS — I had virtually finished my contribution at that point in time.

Mr RICH-PHILLIPS — Thank you, Minister. To be clear, Minister, the press release does not refer to cost reductions; it simply provides the government's estimated current cost at $461 million and the expectation that it would increase to $713 million by 2026. Implicit in that is that introducing Service Victoria is going to reduce that cost or at least cut the growth in that cost. Obviously part of that growth in cost is through the growth in the volume of transactions as population grows. The budget is pointing to upwards of 2 per cent in population growth over the forward estimates, which is very high, so we could expect a growth in the volume of transactions. Does the government expect a substantial increase in the number of transactions — present-day transactions — taking place online through the Service Victoria portal once it goes live as opposed to the telephone transactions and in-person transactions which are currently undertaken? Do you expect a big part of the current transactional volume to shift from those two channels to Service Victoria?

Mr JENNINGS — I have received a text message which expresses a degree of enthusiasm and then says the word 'Yes', and that is what I am going to convey to you: yes.

Mr RICH-PHILLIPS — Thank you, Minister. Are you able to indicate what proportion of current-level transactions you would expect to transfer from calls to contact centres or in person onto the Service Victoria platform?

Mr JENNINGS — The enthusiastic yes relates to two aspects. One is that we would anticipate that Service Victoria, if it is successful, will shift some traffic in relation to what is existing online administrative capability but do most of the heavy lifting in relation to demand growth. So in fact we think that the system will do most of the lifting in terms of accounting for what you described as population or other transactional growth; it will take the demand curve.

On the level of transactions that may take place or the requirement for call centres or other physical attendance for completion of transactions, we would anticipate that resource being maintained to some degree close to its current output on the basis of dealing with more complex and intense transactions and the citizens who may actually require additional support, so in fact they will be given better service and more intensive support, and possibly the effort may not be as reduced as what might have been anticipated. So most of the benefit and the cost reduction process will relate to the volume transactions and the growth.

Mr RICH-PHILLIPS — Thank you, Minister. That seems to step back a bit from the enthusiastic yes that was received earlier about whether the current proportion of transactions would shift to the platform. I

take from your subsequent answer that you are suggesting that it will, as you said, manage demand growth rather than see a big shift of current transactions. Look, you know where I am going with this. You issued a statement last year that highlighted:

> With hundreds of phone hotlines and 538 different websites, accessing Victorian government services and information can be difficult and costly.

So you called out the fact that there are hundreds of contact centres and 538 websites and implied that the rationale for creating Service Victoria is to create this platform, reduce the number of contact centres, reduce the number of other websites and direct traffic through Service Victoria. Now, of course if you are going to reduce the number of contact centres, call centres and counter services, that has staffing implications and that is where cost savings arise. Basically what I am seeking from you is an understanding — and you sort of referred to this in your answer earlier — of whether the savings which were implicit in your press release and also implicitly coming from the reduction of contact centres and websites are going to be realised, or is this purely a growth demand tool rather than dealing with existing transactional costs?

Mr JENNINGS — No. I am sorry if I have given you that impression. I was being cautious in the way in which I was describing it so that I was not exacerbating what might have been a false impression. That is what I was doing, rather than changing the original aspiration. We have not talked about another activity that has been run out of the Department of Premier and Cabinet — that is, the consolidation of websites — which is a task which we have started and scratched the surface of but are running in parallel with the work of rolling out Service Victoria. So we are currently looking at the way in which we can effectively acquit the expectation in relation to a reduction in government websites. That is an additional project that we are currently running.

In terms of the ultimate configurations of activity centres of the Victorian government, it is a slight mixed message that I give you in relation to what might have ultimately been seen as an erosion of service support to the community. It is not one-way traffic in relation to what will be the requirement of face-to-face contact by representatives of the public sector and their client base to deal with customers and to deal with complex matters. Indeed, in dealing with the efficiency and the particular needs of customers, that is the issue that I wanted to highlight. You will not completely remove customer face-to-face activity, and in fact it would be unrealistic to expect it to completely disappear. I was trying to get that balance between what the realisation of savings might be and the support to citizen customers. That is what I was trying to do, and I may have actually overcompensated in relation to my cautionary tale. But Service Victoria will play a leading role. Let us just go back to basics. How many online transactions take place, beginning to end, now across the Victorian public sector? In fact I do not have an update, but it would be less than 10 per cent now. In the future you would be wanting half of them or ultimately more to be completed online. In fact our aspiration would be beyond that.

But again, I know today I am the victim of what is actually seen to be a process that has run and taken three years to get to this point and being accused of going slowly. But it is also a platform that is demonstrating that it has got to a stage of maturity without falling over, without increasing its cost to the taxpayer. It is going to be delivered, and it has the potential to have a responsive reaction from the community because it will have great utility, and the reliability that it will bring then will build a customer base and build the user experience. You know that will take some time to escalate, but that is the aspiration that we have. But you have to build it, people have to know it, they have to have confidence in it and then we will see the escalation. I was just being cautious in the way in which I was describing what the next year or two may look like.

Mr RICH-PHILLIPS — Thank you, Minister. I will move on to a couple of other matters. Just to be clear, you spoke about obviously one of the services that is being integrated, certainly in the beta version of Service Victoria, as being some elements of licensing and registration through VicRoads. Can you clarify just for the record, does that mean that the RandL project, as it was called and I assume it may still be called — the $150 million pit that was being dug deeper and I assume is still being dug — is now dead?

Mr JENNINGS — I am trying to look at how I could describe it in answering your question. VicRoads have an ongoing program that they describe as the modernisation program, which would indicate, if I was being colloquial in the form that you asked me the question, I think, RandL is dead. A very small sum of RandL may actually live on, with a very different expectation in relation to the way in which they can maintain a legacy system and make sure that in fact it continues to function, but in fact their aspiration for a total rebuild has now been laid to rest.

Mr RICH-PHILLIPS — Thank you, Minister. A stake through the heart. We will see if it works.

Looking at the beta platform, there are a number of transactions currently available — apply for ambulance membership, buy a fishing licence, apply for a working with children check, apply for a national police check, renew registration, renew your private security licence and top up Myki — and then some checks with respect to registration and working with children checks. What do you anticipate will change with the platform going live on 30 June? Is there another tranche of transactions which is ready to go on to the platform, noting that the original announcement was around high-volume transactions, which I assume are things like ambulance membership and motor vehicle registration, which are typically the highest volume transactions? Is there another tranche you expect to go on with the platform going live?

Mr JENNINGS — What we have wanted to do is to make sure we do actually have that confidence level of the agencies that we have partnered with and again the ability to be able to do those high-volume transactions. So we have concentrated on getting to that stage of our maturity in terms of the technology and the relationship between us in terms of being able to acquit the ambition. We have not necessarily been delayed by the stop-start nature of this legislation. The legislation, once it is passed, will actually assist us in being able to have a confidence level in the relationship with agencies and the level of transfer of statutory functions that have been denied to us up until now.

The passage of the legislation would facilitate the ongoing opportunity for us to grow what services are on the platform beyond the ones that we have described, but in the first instance we wanted to make sure that we had confidence in what we have already lined up. It builds a customer base and a confidence level. With that and then the passage of this legislation we will be able to enter into agreements with various statutory agencies and we will grow appropriately. We do not think we will have a problem in terms of the volume, but we actually want to make sure that we grow in an appropriate fashion rather than getting too far ahead of ourselves. You would be aware of other platforms that tried to get too far ahead of themselves.

Mr RICH-PHILLIPS — Thank you, Minister. It is a reasonable point you make about other platforms. I will just pick up your comment about the delayed stop-start nature of the legislation. Let us place on record that this is the first time this house has considered this legislation. It has been on the notice paper for some time, but it is only today that this government has elected to bring it forward in the Council, and I anticipate the Council will deal with it over the course of the remainder of the sitting day, so any delay in the legislation has been the government's choice.

The rationale for the platform was the customer experience — an improved customer experience. There are a number of transactions available on the beta platform now: Ambulance Victoria, VicRoads, the Victorian Fisheries Authority, the Department of Justice and Regulation and working with children checks. As best I can tell, all those transactions which are currently on the beta platform are already available online through the individual websites of the responsible agencies. What does using the Service Victoria platform give to a consumer that they do not already get through accessing and buying an ambulance membership through the Ambulance Victoria website, for example?

Mr JENNINGS — What they get is a customer experience that has been better designed and, as I understand it, well and truly better researched in relation to the user acceptability of the online experience. That is significant in its own right. I have been encouraged to indicate that customer satisfaction is running at about 90 per cent of the users who have used the platform, which is 11 per cent more than the customer satisfaction of people who have used the existing online systems. So it has already immediately led to an uplift in that take-up.

Beyond that, the additional benefit, which is actually a feature of the legislation, is ultimately our ability to introduce the identification verification standard and process by which people can have an electronic identifier that then enables them to, at their choosing, once they have satisfied and validated their identity, not have to replicate or demonstrate proof of their identity time and time again at each individual agency, because they have created an electronic identification certificate once and then that can be used by them, at their choice, across different agencies. That is a benefit that is currently not available to them and in fact would be a huge — if they choose — benefit to them in relation to the variety of agencies they may encounter, one that is currently not afforded to them.

Mr RICH-PHILLIPS — Thank you, Minister. I will just make a comment in relation to the 11 per cent lift you referred to in customer satisfaction for transactions on Service Victoria versus the default agency platforms. It is fair to say the government has invested tens of millions of dollars at least in the Service Victoria platform. Is it reasonable to assume

that if similar funding, or even a fraction of that funding, had been available to the individual agencies to improve their existing platforms, the same lift in consumer satisfaction could have been achieved?

Mr JENNINGS — You would hope the answer is yes, but you know the experience is no.

Mr RICH-PHILLIPS — I do not know if the minister is expressing his lack of confidence in the agencies that are represented on the Service Victoria platform or —

Mr Jennings — Your question has already indicated yours.

Mr RICH-PHILLIPS — You indicated one of the big benefits for consumers will be the single identity record and the ability to use that across multiple transactions. What type of transactions does the government envisage a consumer would want to benefit from using that sort of record? The reason I ask the question is that if you look at the types of transactions which are currently available on the beta platform of Service Victoria, most of those transactions are irregular. With respect to a drivers licence, a drivers licence is a 10-year document. It is not like you need to go onto the platform every week or every month and access VicRoads in relation to your drivers licence, and likewise renew a registration. You can do that now with Bpay through a bank. You do not need to go onto VicRoads, you do not need to go onto Service Victoria, and in any case it will be an annual transaction, and likewise for a fishing licence or applying for a working with children check. For individual users these are not frequent transactions.

While you said it will be a huge benefit to a consumer to have the single identity to use across transactions, the reality is that the transactions which are currently there are not frequent — they are once every couple of years or maybe once a year — so where does the government see that huge benefit for the consumer? What types of transactions do you envisage will become available on the Service Victoria platform that a consumer will be accessing on a regular basis that would see them get a huge benefit from having a prestored identity?

Mr JENNINGS — What I have been encouraged to put on the record is that the average number of transactions that citizens undertake may be in the order of 10 a year. You have identified their interactions with state-based agencies, and you were quite right to indicate that some of them actually have a very long renewal period or may be irregular. When you have a look at the breadth of engagements with the public sector, there are many, many aspects of someone's life that will bring them into contact with government agencies. If you are a bit surprised by that number, I was a bit surprised to be reminded of it too, but I have been reliably informed that that is the case.

Mr RICH-PHILLIPS — Thank you, Minister. I am a bit surprised at that. It may be difficult, but are you able to give the committee an indication of what those transactions would be? I think you said that 10 transactions a year is an average. As I said, a drivers licence is renewed every 10 years and registration is annual. What is the nature of the other transactions that would see an average of 10 per consumer?

Mr JENNINGS — I did have a pre-existing list of the types of transactions that people engage in in connection with different agencies — I could go through that list, and there are 62 on this list as an example — but what I have been encouraged to come back and talk about is that the best way to think about the interaction is that it occurs at various stages in the life cycle. For instance, when a baby is born a number of registrations are required — for example, maternal and child health. Then there are a number of engagements with the health sector and births, deaths and marriages. In terms of children's formative years, those transactions are in relation to connections with kindergartens, preschools and childcare arrangements — all of those sorts of transactions.

These transactions range from the first years of life to going through school, leaving school, entering the workforce — or not entering the workforce. They also cover matters relating to buying a house, buying a car, transferring ownership of a car, transferring ownership of a house, changing your address in relation to any of these documents, entering a care facility and entering hospitals. There are lots and lots of transactions that people embark upon. If you see it through the thematic of life cycle events, those events may mean that your interactions far exceed what you might abstractly think is the number of times that you enter into one-by-one transactions.

Mr RICH-PHILLIPS — Thank you, Minister. That is enlightening. You could argue whether a person that is going through a life cycle event — the birth of a child and multiple transactions at the time of the birth — would then want or need an ongoing record of their identity in the Service Victoria system once they have done their four, five, six or 10 transactions related to the birth of the child. I guess time will determine that.

Can I finally ask you: in respect of the progress of the Service Victoria project, last year at estimates you were asked about how the project was progressing, and specifically Mr Bates was asked about how the project was tracking against the high-risk, high-value framework, and there was a written response from Mr Bates to the committee in relation to the project which was at odds with the answer which had been given in evidence and suggested that a number of elements of the project were red-flagged under the high-value, high-risk framework. Are you able to indicate to the committee what the status of the project is currently under the high-risk, high-value framework and whether any elements of it are still red-flagged?

Mr JENNINGS — I can actually say to you that the lack of a legislative framework is a red flag.

Mr RICH-PHILLIPS — You have provided my next question. Thank you.

Mr JENNINGS — Okay, there you go. But apart from that, we have moved to the fifth gateway, as I have indicated. Last time I appeared before the Public Accounts and Estimates Committee we were into five and on the way home. As we move through that process it is only appropriate that we identify what risk may be associated with the rollout or the complexities of some issues. We would prefer a rigorous assessment and a fair dinkum assessment about how the project is tracking, but I can assure you that from about the first gateway to this gateway, the story has only got better as we have progressed, and we are in a very confident position at this minute.

Mr RICH-PHILLIPS — Thank you, Minister. It has given me time to actually find the letter from Mr Bates, which indeed does refer to one of the red flags, which was:

> that a clear legislative mandate for Service Victoria service delivery be established as expeditiously as feasible.

Mr Bates wrote that on 30 May last year. As I noted earlier, today is the first day the government has elected to bring this bill into the Council.

Mr JENNINGS — It is not the first day we have elected to bring it. That is not true. Let us not actually waste our time. It is not true. It has been on the notice paper many, many times, and you have prevented it from getting off the notice paper.

Mr RICH-PHILLIPS — It is a matter of record that the government has at no time brought this bill on for debate or sought to bring the bill on for debate until today. Minister, the red flags that were identified in that letter from Mr Bates related to the governance structure. I will read them to you.

> These red recommendations were:
>
> > implement a revised governance structure and update the terms of reference for the PCB —

project control board —

> > and steering committee, including levels of agency representation and reporting processes.

The legislative mandate I have already referred to. The third one was:

> > enter into MOUs with agencies to agree the rules of engagement with Service Victoria.

Four was:

> > review the roles and responsibilities for the project director role to ensure that they have sufficient authority to direct activities and drive the program forward.

The fifth one was:

> > Update and maintain the PIP to reflect the delivery approach and consolidation of a number of the emerging strategies.

Are you able to indicate that those other four outside the legislative framework have been addressed, particularly the first one with respect to a revised governance structure?

Mr JENNINGS — In terms of coming to the end point in relation to our ability to confidently enter into these arrangements across the whole public sector, obviously despite the fact that the legislation may not be literally required, the safeguards and standards that are actually embedded, the method by which its standards would be maintained, the level of agreement that can be entered into and the particulars that relate to the successful ability to transfer statutory responsibilities, those issues are connected in terms of the maturity of relationships that can occur between Service Victoria and the relevant statutory agency. The confidence level is enhanced by both the technical capability that is being built and the usability of the system, which I think has been able to be demonstrated to most agencies if not all the relevant agencies at this point in time. The second thing is that when the legislation passes then, as I indicated in an earlier answer, we will be able to move to the maturity of those relationships to enable the transfer to take place and the system to deliver those results. In relation to the governance question, the answer is yes.

Mr RICH-PHILLIPS — Thank you, Minister. I take you to the final area I wanted to cover, which you did not remind me of, and that is simply the question of the need for the legislative framework. Obviously the government or Service Victoria has integrated a number of Department of Justice and Regulation and VicRoads services, among others, on the beta platform, which has been achieved without legislation. You spoke about confidence in your immediate past answer. Isn't it the reality, though, Minister, that the transfer of agency service delivery into the Service Victoria platform can be done administratively by agreement between agencies and does not require the legislative program, as demonstrated by what you have done with the beta platform?

Mr JENNINGS — Generally the answer is yes, but it is also no. Clearly we have built something that has a usability and a desirability of agencies to actually recognise the benefits of working through Service Victoria. There are some agencies that have deep-seated statutory responsibilities and take their regulatory function very seriously. Until they are provided with some confidence, they are reluctant to enter into agreements. Even if they cannot deliver a technical solution or an online transaction that is up to scratch, because of their statutory and regulatory environment they still may be reluctant to enter into an agreement unless they have the confidence that they actually have the ability to do so once they have been satisfied that technically they can get a better result, the statutory obligations will not be neglected or negated and then they can enter into an agreement. So the legislation does provide a constant and certain framework by which those functions can actually transfer.

There are some functions that cannot be delegated, and in fact without a general provision in relation to the delegation there would need to be specific amendments to each and every piece of legislation that relates to some statutory obligation. So rather than actually having an ability to reach an agreement voluntarily, statutory obligations are actually satisfied and an agreement can be entered into. Unless you have that general facilitative provision, you might actually have to go back and go through a myriad of legislation that you need to replicate in each of the principal acts to be able to achieve the result that this bill achieves.

Mr RICH-PHILLIPS — Minister, that is if the statutory function is being undertaken by Service Victoria as distinct from the function being hosted on Service Victoria's platform but still being the responsibility of the statutory authority. Is that correct?

Mr JENNINGS — Sorry, I was distracted. Could you ask the question again?

Mr RICH-PHILLIPS — Certainly. In essence what you are saying is correct to the extent that the responsibility for delivering the service is being delegated or transferred to Service Victoria as distinct from the function merely being hosted on Service Victoria's platform but responsibility for it being retained by the statutory authority. So if licensing, for example, remains the responsibility of the VicRoads chief executive and it is merely hosted on the Service Victoria technical platform, the issue you have spoken about does not arise. It only arises because you are actually seeking to transfer responsibility for the service delivery to Service Victoria from the VicRoads CEO.

Mr JENNINGS — No, in fact the statutory obligation does not transfer but the application transfers. The ability to deal with the transaction and the citizen engagement is the part that transfers within an authority, while the regulatory environment stays with the statutory office-holder.

Mr RICH-PHILLIPS — Thanks, Minister. I accept that distinction, but my point remains that if that remains with the statutory authority and they merely choose to deliver their service and retain responsibility for their service through the Service Victoria platform, as opposed to putting it on a Salesforce platform or some other third-party platform or their own platform managed by a third party, the issue you are raising and the rationale you are giving for the legislation would not arise, and it could be done administratively. So the need for the legislation is because of the model the government has elected to implement and is not inherently required if the outcome is better consumer experience through using the Service Vic technical platform, putting aside the issue with the single identity, which is a separate issue we will come to later.

Mr JENNINGS — Let us go back to the series of questions that you asked me before in relation to what has been the experience of many agencies in the past of developing their own system — relatively patchy being the best description. How savvy have they been in relation to procurement both in terms of the technology and the quality of the offering? It is nowhere near what it should be. We have tried to create a circumstance where we have a central capability that provides consistency, reliability and certainty, and we will build a state brand that is invested in and where we know we have certainty in the investment profile, we have confidence in relation to the time frame that is being able to be associated with the delivery of it and we have

not over-promised in relation to it in terms of its maturity.

In fact during this committee stage I have been pulled up because in fact I was erring on the side of not over-promising again. Do I actually have confidence that in fact we will deliver the aspiration? Yes, I do, but I am not trying to overstate it. I am trying to build it, and this is what Service Victoria is doing. I think what we have seen across the public sector more broadly is the maturity of these agencies that have believed up until now that they were not only the holder of the regulatory framework, they were the holder of datasets, they were the holder of the customer relationship and they had an in-built assumption that they could do it. There has been an awakening to the opportunity that Service Victoria provides, and in fact not only would I hope that we will deliver but — going back to another question you asked me earlier on in relation to the connection with Salesforce and others and what is the pricepoint in relation to what an agency pays as distinct from what the central, whole-of-government capability may be — we are confident that we can get better pricepoints and better cost structures by seeing the public service or the public sector as a whole rather than as an atomised series of agencies that may be very spasmodic in terms of the technical capability, the cost structures and the containment of costs. We think we can get the best of both worlds in relation to flexibility in terms of acquitting statutory obligations and citizen engagement while having a centralised but agile approach to developing a platform.

Dr CARLING-JENKINS — I just have a question around the issue of consent within this bill. Putting my disability hat on as I often do, as you know, Minister, consent in this bill is defined as 'express consent or implied consent'. I am wondering if you can unpack the difference there for me, because in a couple of the later clauses, such as 22 and 23, for example, this bill prohibits the collection and disclosure of information unless the individual has consented. So can you just unpack for me how consent would be taken to be implied — that is my particular concern — rather than expressly sought by Service Victoria?

Mr JENNINGS — Sorry, which clause has that 'implied consent'?

Dr CARLING-JENKINS — Clause 3 defines consent as 'express consent or implied consent'. I am just then tying it to later parts of the bill, so that is why I am asking under clause 1.

Mr JENNINGS — Unfortunately I feel as if I am entrapped by the phrase 'implied consent' as it appears in the Privacy and Data Protection Act 2014 that has been replicated here. What I am reliably informed — and it makes sense to me because it is consistent with every discussion I have had before with the people who have designed the system — is that we at every turn want to make explicit that that consent is informed and acknowledged on the way through in terms of the way in which people would interact with the platforms that we would build, but the notion of this definition that you have called out is because it has a broad application in the privacy act. In terms of the platforms that will be built under the Service Victoria model, we will work assiduously on the basis of consent being direct and conscious in terms of the way in which we would seek to build the system.

Ms PENNICUIK — Thank you, Minister. I just want to go back to a couple of things you have mentioned in your responses to Mr Rich-Phillips. When we had some discussions about the bill earlier, a few weeks ago, you or your staff mentioned there had been 10 000-odd transactions and earlier you mentioned 30 000, so there have been more. You said that people had a choice and some had chosen to use Service Victoria rather than an agency's website. I notice on the website that there are only a limited number of functions at the moment — it is about eight or 10 I think that are there. I just wonder if there was information collected as to whether people who went to an agency — Ambulance Victoria, for example, is one of them — elected not to go to Service Victoria. Is that kept or is there any way of keeping that?

Mr Jennings — Elected not to?

Ms PENNICUIK — Yes. They were given a choice. Has that been tracked?

Mr JENNINGS — To paint the picture across all of the agencies in terms of what is happening at the moment, it is an offer. Service Victoria appears as an offer if you go to the existing agency website. The offer is: do you want to complete your journey now you are here on this agency website or do you want to do what is effectively an experiment and have a new opportunity to complete the transaction? About one-third of people are choosing to do the experiment; two-thirds are actually choosing to go through. Of the ones that go through the experiment, which is Service Victoria, the happiness factor with going through that channel as distinct from the existing channel is bounced by 11 per cent across the platforms.

Ms PENNICUIK — Thank you, Minister. You did answer my question. So about two-thirds are saying, 'No, it's okay; I'll just go through Ambulance Victoria'

or wherever they are at the moment. That is probably not surprising, but it is interesting that that information has been kept.

Mr Rich-Phillips was referring to your media release of 27 April, which I also mentioned in my contribution. Service Victoria is going to take over the service function of some of these agencies, but one of the answers to questions that your department sent to me, which I also mentioned in my contribution, was that in terms of establishing the identity credential that information will not be stored by Service Victoria. In fact Service Victoria, as I understand it, will store minimal information, so the information will still be stored by the agencies. Service Victoria is going to go to an agency and pull the information out; that is what the answer to the question says to me. It says:

> This information is not stored by Service Victoria, rather it is pulled directly from agencies in real time and has a high degree of security protection.

So in terms of your $461 million rising to $713 million and the cost of Service Victoria, the agencies will still have to maintain themselves and maintain this information. My question is: how are you going to have a cost reduction in the agencies that still have to hold the information that Service Victoria only pulls when the citizen goes there?

Mr JENNINGS — I am hoping that we will actually come back and unpack the security reasons for why this is a good method as well because there are benefits and the way that you have described the system is the way in which it technically works. So we will come back to talking about security later because there is a benefit to it being extracted and used but maintained where its authorising agency may be.

What is correct in your question is that there will still need to be a database and people to maintain that database. Depending upon what type of service it is, it may well be that over time administratively all you need to maintain it is in fact a registry and somebody who maintains the database. Some functions in different agencies may be reduced to having IT equipment, data storage and whoever actually feeds in information and maintains the record. But many agencies will not have that because in fact there will be administrative functions or other policy development or programmatic functions that those agencies acquit that actually use that information to be able to support the citizen or the customer in terms of getting about their daily lives.

We are trying to make sure that the cost of maintaining the data system is kept to a minimum. So the example we were talking about before was VicRoads. VicRoads thought it had spent a heck of a lot of money trying to make its very old system have an interface with customers of a high rate. That was actually very difficult because of the way in which it was configured, the technology that was associated with it and the precarious nature of even programming it, which meant that VicRoads was spending a lot of money to try to regenerate the whole system. It might have been easier to take all of the information and transfer it onto a modern system rather than trying to work its way through.

The reason I give that example is because now for VicRoads, with the potential for it to do collaborative work with Service Victoria and to use the extraction of information model that we are offering, and in fact that offer, it means that the maintenance of their system is far less onerous than it previously has been. The same thing applies to other agencies, so they will not have to invest in combination of the data collection with the interoperability aspect of it because the interoperability aspect of it and the citizen-facing aspect of it will be increasingly automated and applied through the Service Victoria platform. Their staffing and costs will be kept to a minimum and they will then be able to use their staff to support people who have complex needs and complex engagement with the programmatic areas that those agencies are responsible for.

Ms PENNICUIK — Thank you for that, Minister. I think I grasp what is trying to be achieved here. We will see how it works out. I have a couple of questions following on from that and using VicRoads as an example. In relation to the establishment of the electronic identity credential, which is going to be established by Service Victoria — and this goes somewhat to clause 12 which, to remind you, allows that function to be transferred back to the agency, which is the verification function — we were talking about VicRoads and I raise the example of VicRoads. Mr Rich-Phillips talked about getting your drivers licence renewed. Actually a drivers licence is a form of identity. People use a drivers licence to identify themselves, to establish their identity, so VicRoads has already established a person's identity by virtue of having issued that person with a drivers licence.

Also, if you are going to renew your drivers licence, I assume you would not be able to just do that online, because you would have to go and have a new photo taken and establish in some way that you are the right person having the photo taken for the drivers licence. Births, deaths and marriages would probably be the other agency where you obtain identity. It seems to me

that you would not want Service Victoria having to establish an identity with an agency like that.

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Committee resumed.

Ms PENNICUIK — My question really is that agencies that are already identity establishers should be able to transfer that information to Service Victoria, rather than Service Victoria having to re-establish that and then tell the agency that.

Mr JENNINGS — In part that is true and in part that is not true. The part that is true is that in fact drivers licences at the moment are one form of identity, but usually they are not seen as a complete form. In fact there are other identifiers that are actually required to demonstrate someone's identity. It may well be their passport; it may well be their birth certificate; in fact, weirdly enough, it may be their gas bill. There might be a whole variety of things that may be used cumulatively through different agencies, and there may be different requirements now to cumulatively demonstrate your identity — your mobile phone number, your picture, other details such as your email address. There are a lot of things that are cumulatively used these days to demonstrate identity.

Ms Pennicuik — Yes, I know that, but —

Mr JENNINGS — Well, yes, but you have just interrupted the logic of where I was heading with this. So there is no one source. It is a cumulative source of information that is used to provide that certainty and confidence over the identification, not one source. What we are actually saying is that to be able to establish an electronic identity credential at a point in time there will be a number of sources provided to Service Victoria to demonstrate someone's identity. Not all that information will be kept by Service Victoria, but what they will keep is the information that at that point in time there are enough identifiers available to prove someone's identity for the purposes of the engagement with the state in relation to these matters. That will be kept once, and it will not be a combination of all of those.

What occurs in different agencies at the moment — and I am sure this rings true to you — is that people keep photocopies, they keep facsimiles and they keep different records of these identifiers, and they keep them unfortunately not always in pristine fashion and not often in a secure fashion. What we are talking about here is a recognition of these levels of identity confirmation. You get the certificate, and then if you choose to use the certificate again, you can — it is your choice. You can use that certificate as your confidence level to engage with other services. Because the technology uses the identification in the way that I have just described, those agencies that are involved in Service Victoria will have the confidence to know that that identity has been established and they will rely on it even though they do not have to have all of those five pieces of evidence demonstrated at the time. The certificate will do the work.

Ms PENNICUIK — Minister, I do understand what you are saying. I think you did not possibly quite understand what I was saying, which was that some of those agencies have already established someone's identity. Certainly VicRoads in issuing licences, which as you have said are a form of identity but not a full form of identity, have already established that. Anyway, let us not labour that point.

One thing that you mentioned that I want to clarify was about guns in terms of VicPol being one of the agencies. I raised this as a concern because you would be able to renew a firearm permit through Service Victoria, but I was told that that would not be the case. Can you confirm that?

Mr JENNINGS — I gave the example before about the complexities and the confidence level with which you would engage with public agencies, and I gave that as an example of the higher order identification and the regulatory environment for gun licensing. I think you and I would share the value that that should be very onerous and very direct and personally ascertained. I can confirm that it is not going to be.

Ms PENNICUIK — Thank you. There is only one more question on clause 1 from me, Minister, and that is with regard to issues raised by Liberty Victoria. I think you have gone to some of it in your answers, but it is about privacy and security. Perhaps just in a few short sentences: their issue is about the ability of people going onto the Service Victoria website and logging in with a password or whatever when they are at a wi-fi place, and their concern is that other people can then access that. What is your response to that?

Mr JENNINGS — In terms of the security value that I invited you to come back and ask me about before, one of the virtues of the system is that, first of all, effectively our citizens choose how much of their engagement with state agencies would ever be identified in one place in terms of the Service Victoria account that they enter into. But that only gives you, in the first instance, the entry point to what type of licence

or registration or permit they may have, not necessarily any of the personal details about them beyond the fact that they have that licence or they have applied for some benefit. It will not actually give you any details of that, and the reason is that all the details that go behind that are stored, maintained and kept at the statutory agency that is responsible for that.

In terms of the hacking experience, it will give you the headings of what may be a licensing arrangement for a citizen but not their details. That is one thing. That would only be by the citizen's choice as to whether there is anything that appears on this account, because they can go back and just be a guest user if they choose not to use the electronic identification certificate. There will never be any compilation of the headings of what their interaction with the state has been.

In terms of hacking at a more macro level, one of the fun things that I have done in the last couple of years is go to Estonia, which has particular expertise in cybersecurity. I learnt from Estonia the value of what they describe as the X-Road, which, thinking about it, is literally the x-road: the intersection of all these different agencies that hold relevant information about citizens that is never ever aggregated, so one agency does not get to see what another agency has. When the citizen engages, the information is completely dispersed from one agency to the other, but when a hacker of great significance comes and tries to contaminate the Estonian economy or the Estonian community on a mass scale, they have monumental difficulty accessing any information because it is all dispersed. They can never get to a central location or a central consolidated information system. In terms of cybersecurity design, it is a good design for that purpose as well.

Clause agreed to.

Clause 2

Mr JENNINGS — I move:

Clause 2, line 5, omit "1 March" and insert "30 September".

The effect of that is to change the operative date of the commencement of the legislation.

Mr RICH-PHILLIPS — Thank you, Minister. The coalition does not oppose this amendment. Just to clarify, you indicated that the government's intention is to go live with Service Victoria on, I think you said, 30 June. Does that remain the intention, notwithstanding your setting a commencement date for the legislation some three months later?

Mr JENNINGS — As clause 2 indicates, there is an opportunity to proclaim aspects of the bill prior to that. That is the outside date.

Amendment agreed to; amended clause agreed to.

Clause 3

Ms PENNICUIK — My question on clause 3 regards councils. Obviously 'council' has a meaning in the Local Government Act 1989. I just wonder what services of councils will be included by Service Victoria and whether the government has had conversations with the councils, because I spoke to a council the other day which did not know anything about Service Victoria.

Mr JENNINGS — Earlier on in the committee stage we talked about the way in which we could build confidence and capability about the service sector and then how we could grow the network of services that may cross over with the responsibilities of local councils. For instance, when I was talking to Mr Rich-Phillips before about life cycle events I talked about babies being born. Maternal and child health services have a shared responsibility between the state and the councils, and that could be one of any number of examples where there might be opportunities for collaboration in the future.

In terms of scoping that work, the bill provides an opportunity for us to scope that. Again, that is something where we will continue to scope out what those real-life situations are where there might be crossover of responsibilities or shared benefit between state and local government. But ultimately, as you would appreciate, these things only work if you demonstrate a capability, you demonstrate a benefit and there is agreement to implement it.

Ms PENNICUIK — Thank you, Minister. Just briefly, I understand at least one council, perhaps others, are updating their own service delivery-type arrangements, so perhaps the conversations need to be entered into sooner rather than later.

Mr JENNINGS — I am one for building things and collaborating if I can, so I will take that as urging me on.

Mr RICH-PHILLIPS — I have a couple of questions in relation to definitions. Firstly, on the definition of Service Victoria, this bill does not establish Service Victoria as an entity; it sets the framework around the operation of Service Victoria. The definition of Service Victoria refers to an administrative office under the Public Administration

Act 2004 or the department responsible to the minister administering this act. It is curious that the bill does not establish Service Victoria. What is the government's intention with the establishment of Service Victoria? Is it an administrative office under the Public Administration Act or is it going to be part of the department?

Mr JENNINGS — In terms of the development of the operating model of Service Victoria, there have been a lot of functions and activities — going back to the very first question you asked me, 'What do we intend to build in relation to Service Victoria?' — that have fallen within my ministerial portfolio responsibilities. There were appointments and resources allocated within the Department of Premier and Cabinet to incubate and commence the work. It then has not been part of the department but has been one step removed from the department in terms of it focusing on the establishing phase.

What this bill does is what a lot of bills do: it establishes a delegated responsibility for a minister and the CEO in relation to activities. That happens in lots of different settings. The statutory office-holder, the CEO, has either the statutory powers or the obligations that are outlined within that responsibility regardless of the name or the structure of the organisation. That is not unusual. Our intention is to establish an administrative office under the Public Administration Act, and that will be the intent of how we move to a mature governance and organisational structure around the work going forward.

Mr RICH-PHILLIPS — Thank you, Minister. The definition of 'customer service function' on page 3 is fairly broad. It is this definition which triggers, in the subsequent clause we will talk about, the referral of services, functions, to Service Victoria. I guess what I am asking is: can you give us an example of what is a customer service function for the purposes of that delegation, that order, that is going to be made — how will it be described; what would be the description of a customer function — so we get a sense of the breadth of what is actually being transferred through the mechanism that is established in the next section?

Mr JENNINGS — There is something that nicely describes that to me. I will turn around and get someone to remind me where it is.

Mr RICH-PHILLIPS — Would it be as simple as something like an application for a drivers licence? Is that a definition of what would be transferred?

Mr JENNINGS — The reason why I was encouraged to ask was in fact it tells us in the very definition that you referred to. That is what I have been reminded of, and I find it very funny that I was going to seek assistance, because it delineates what it means. As it is described here in the definition it is a process, a quality assurance and an appeals mechanism that relates to any of these functions:

> (a) receiving an application or a request for an authority or official information document;
>
> (b) receiving payment of any appropriate fee required to be paid under an enactment in respect of an application or request for an authority or official information document;
>
> (c) delivering an authority or official information document …

So it is the practice that actually relates to all of those functions — the guidance that would be created to make sure that that is acquitted responsibly and appropriately. It is reviewed to make sure that it meets customer needs, and if in fact there were some safety provisions in relation to it not being delivered properly, what remedy and what recourse people could actually undertake to get a desired result.

Mr RICH-PHILLIPS — Thank you, Minister. Just to clarify, the reference you made to the practice around those things, is that contained in the bill or were you referring to an information note? Is that set out as part of the bill? The scope of what we are talking about was not clear to me.

Mr JENNINGS — I was actually combining the definition of the customer service function which is included here with talk about the customer service standards, the way in which they would be developed and the responsibility of the CEO, which the bill provides for. So that is actually outlined in later provisions of the bill — about how they would be undertaken and how we would expect them to be complied with.

Clause agreed to; clause 4 agreed to.

Clause 5

Mr RICH-PHILLIPS — Minister, clause 5 is the operative clause that provides for the transfer of customer service functions from the agency to Service Victoria. There are a couple of things I am seeking clarification around here, which also goes back to the definition I just asked you about.

Clause 5(5) provides that where a function is transferred to Service Victoria:

> (a) the customer service function is to be performed by the Service Victoria CEO; and
>
> (b) the service agency cannot perform the customer service function unless it is delegated to the service agency head under section 8.

So essentially a function which is transferred from an agency to Service Victoria can only then be undertaken by Service Victoria; it cannot be undertaken by the agency it originated from. Firstly, why is the government seeking to ensure it only goes through Service Victoria and not through the sponsoring agency?

Mr JENNINGS — What it is actually saying is that if you make an agreement to transfer that responsibility, it is transferred. Once it is transferred you do not run a dual-track system, but there is an ability to revoke an agreement.

Mr RICH-PHILLIPS — Put that aside for 1 minute. We are not talking about revoking; we are talking about dual track.

Mr JENNINGS — Absolutely. What we are actually saying is that once the transfer is agreed to, then in fact there is not meant to be a dual track. That does not mean that the decision cannot be revisited, but what it prevents is duplication of effort.

Mr RICH-PHILLIPS — Thank you, Minister. So currently on the Service Victoria beta platform you have got various functions around motor vehicle registration which also exist on the VicRoads website. With the passage of this legislation and the making of a transfer agreement — whatever the terminology of this clause — will VicRoads need to remove those provisions from its website which currently allow someone to directly renew a registration on the VicRoads website?

Mr JENNINGS — We are in the business of doing our job but hastening slowly in terms of how this would take place. The formal transfer would only occur in the circumstances that you have described if and when there was an agreement; if and when there was a clear understanding about the capability of Service Victoria; if and when there was a circumstance where the other activities and the integrated platform and responsibilities of VicRoads could be disseminated from this function; and if that was not the case, then the transfer would not take place.

Mr RICH-PHILLIPS — Thank you, Minister. That muddies the waters a bit. Is it your expectation that, if this legislation passes today and is enacted, Service Victoria will make transfer agreements under this provision with the agencies for the functions which are already on the beta platform? Is that the intention — that those agreements will be put in place as soon as you get the bill?

Mr JENNINGS — In terms of muddying the waters, I am not quite sure which aspect muddied the waters. I said we are going to try to make sure that we can enter agreements and deliver the outcome for citizens that we are wanting to introduce, but we do not want to have the unintended or adverse consequences of deserting the field too quickly and not being mindful of the residual desire.

For instance, let us go back to the question Ms Pennicuik asked me before in relation to the number of people who actually continue the journey on the existing website that they go to and whether they want to for some period of time keep on doing that. Until there is an increased take-up rate or attractiveness of the offer from Service Victoria, you would not want to prematurely move people beyond their threshold of customer satisfaction or their potential confusion about how they relate to other aspects of an agency's responsibility. We need to make sure that we sequence and stage it correctly so that it is consumer led as much as it is technology led and that it is a quality assurance end in terms of the overall engagement between a citizen, an agency's website or their service provision and what Service Victoria can offer. We are pretty confident that the offer will be worthwhile, but we do not want to necessarily ram it down anybody's throat. We actually want it to demonstrate its capability and its desirability. Build it properly, and they will come.

Mr RICH-PHILLIPS — Thank you, Minister. If you accept the 'Build it and they will come' philosophy, what is the reason for the agreements under proposed subsection (5)? You already have a number of services being delivered on the beta platform, which will continue to be there when we go live. You have indicated you are not going to rush to make these agreements under subsection (5). Why do we need the agreements under subsection (5) at all? There are already services being delivered in beta which will be live. You spoke about a whole number of reasons just then as to why you would not rush to an agreement under subsection (5). Why do we even need the provisions of subsection (5)?

Mr JENNINGS — The issue is ultimately that a mature decision to make a transfer will make it clear who has responsibility for acquitting those functions into the future, but once a transfer takes place we are making it clear through this provision that we do not want a dual track. So within the structure of the legislation, as I have reminded members, we have an ability to reach agreement and we have an ability to revoke an agreement, but once an agreement has been struck and until the time that it is revoked we are making it clear that it is one-way traffic.

Mr RICH-PHILLIPS — Thank you, Minister. That is a very important point — that once an agreement is struck we are making it clear that there is one path for traffic, which is via Service Victoria. The reason I asked you earlier about the definition of 'customer service function' is that very point — that once you have got that agreement, the only pathway is through Service Victoria. Now, as we have spoken through the committee stage this afternoon, Service Victoria is the digital platform, with delivery through what the public see as the website. How does that then accommodate people who wish to do face-to-face transactions or telephone transactions — for every service there will always be a proportion of the community who want face-to-face or telephone transactions — when as soon as an agreement is struck the only pathway is through Service Victoria, which is currently only a website as far as the public is concerned?

Mr JENNINGS — Going back to something that we talked about an hour or so ago, we talked about the fact that we do recognise that there will be citizens who want to engage in that way. What we need to be able to account for are the types of transactions that are appropriate to transfer. For instance, there might be over time — in fact there already is — an engagement with Victoria Police. If you want to register a party with Victoria Police, you can go to Service Victoria, but you cannot get a gun licence. So there is a variety of transactions that may be taking place within an organisation such as Victoria Police where a transfer will take place, but some residual responsibilities will stay with an agency, depending upon its complexity or its degree of regulatory burden or responsibility.

In that sense I think we should see beyond necessarily an entity level. We should look at what is the licensing or regulatory or payment structure, what is in fact the transaction that is transferred, and there may be a residual responsibility that is actually maintained within an agency. It is not one size fits all in relation to what that transfer may look like; it depends upon the profile of the programs that an agency runs.

Mr RICH-PHILLIPS — Thank you, Minister. I accept that, yes, there are different transactions within an agency and some may be transferred to Service Victoria and some may not. But I am talking about a given transaction — let us use the example of a registration renewal. There is always going to be a proportion of the community who will want to renew their registration in person or by telephone, as well as online. So for any given transaction that is transferred to Service Victoria there will be a residual proportion of the community that want to use those alternative platforms. By the structure that is in the bill, once an agreement is made under clause 5 that alternative pathway is not going to be available to those people. In this case VicRoads is not going to be allowed to run a counter service or run a telephone service, because once the agreement is made the only party that can handle registration renewals will be Service Victoria through what we currently know as the website platform — the public face and website.

Mr JENNINGS — I cheekily asked my advisers whether we wanted to make government policy now and we have decided not to. Sometimes, funnily enough, it happens at the committee table, but sometimes it does not. This is not going to be one of those occasions. But what I can say is that within the government decisions that have been made so far in relation to the easiest way to visualise this the digital transactions would be the provisions that are most likely to be subjected to this provision.

Going back to conversations we had earlier in the day, we estimate that about 20 per cent of citizens will continue to want to have a face-to-face, walk-up start or telephone connection. In terms of our business model, we are starting from the assumption that we can get 80 per cent of traffic onto digital, and digital will be the primary focus. And the agreements we are likely to enter into are of that nature. What it might mean for the service configuration in the future in terms of the other aspects of face-to-face service delivery, that is the element of government policy that I would be pre-empting because that is not something that the government or my colleagues have worked our way through. The clear expectation in the first tranche is for us to concentrate on digital.

Mr RICH-PHILLIPS — Thank you, Minister. I understand the proposition you are putting, but again I go back to the definition of 'customer service function', which does not distinguish between a digital transaction and a face-to-face transaction. Again, that is the reason I asked about the definition when we were there — to understand what a customer service function is. In this instance, if it is a renewal of a registration, the bill

makes no distinction between one that is done digitally and one that is done face to face. So while the intent is to get 80 per cent of the transactions digital and deal with the other 20 per cent later, the structure you are putting in place with this legislation will treat them all the same, and if an agreement is made they all have to go through Service Victoria, which effectively cuts off the 20 per cent that are not digital.

Mr Jennings — That is not our reading of the bill.

Mr RICH-PHILLIPS — Can I take from that, then, that it is your intention to make a distinction in the definition of 'customer service function' between a registration renewal which is done online and a registration renewal which is done by telephone and a registration renewal which is done face to face?

Mr JENNINGS — The answer that I gave you when I came back is the best answer I am going to give you. The primary focus in terms of the Service Victoria offering is the digital offering. Service Victoria, despite its capability and how I have been pumping up its tyres, is actually by design meant to be a relatively lean organisation in terms of its staffing profile. It is not intended to actually be a large provider of face-to-face services across the public sector. That would be changing the nature of what the intention of establishing Service Victoria is. What I have described is more consistent with the way in which we would visualise and implement the head of power that is available to us under the bill.

Mr RICH-PHILLIPS — Minister, perhaps I can ask you to provide an assurance to the chamber that where agreements are made under clause 5 any customer service function will be defined only in terms of online or digital functions, explicitly excluding the non-digital channels.

Mr JENNINGS — In clause 58 there is a head of power that actually provides for that distinction to be made and identified in regulation.

Mr Rich-Phillips — Do you undertake to do that? The power is there, but do you undertake to exercise the power in that way?

Mr JENNINGS — What I am actually saying to you is that if there is a decision in relation to the public policy request that you are making of me, that is the mechanism by which that would be made. That would be clarified at that time.

Mr RICH-PHILLIPS — Thank you, Minister. I am not sure that I am comforted by that. I accept that the power is there to do it, but we have not got the clarity that you will do it.

A related matter goes to Ms Pennicuik's earlier question around councils as defined under the Local Government Act 1989. The way clause 5 is structured, it relates to an agreement being reached between the minister responsible for Service Victoria and the minister for an agency. In this case an agency could be a council, and the minister would be the Minister for Local Government. In theory this provision allows the Minister for Local Government to reach an agreement for the transfer of local government services to Service Victoria without reference to a particular local government authority. It is an anomaly because most of the agencies that are referred to in the definitions section are those that are responsible to a minister, whereas local councils are not, of their nature, responsible to a minister, but the general application of this provision to local government could have that perverse effect, where the Minister for Local Government could reach agreement that certain functions of certain councils are transferred to Service Victoria. What comfort can you provide that the provision which allows for that will not be or cannot be used in that way?

Mr JENNINGS — The structure and the intent of this legislation has been for agreements to be struck and for them to be consistent with legislative requirements. In terms of how that plays out in the local government sector, you are quite right that the local government sector would, I think quite rightly, deserve some comfort, if it is acquitting its statutory obligations, that in terms of its formal requirements to deliver services to its citizens, somebody absent from that government authority will not make a decision to actually take that function away from it — which is what I understand the question is in effect.

The intention of the government is in fact that the transfer would not occur without the agreement of the agency, in this case the council, that would be responsible for those functions. Indeed we do not believe that we could delineate what their statutory obligations may be and extract the customer service functions from them without the agreement of a council.

In terms of how this plays out within the structure of the bill, Mr Rich-Phillips is correct that in fact the transfer ultimately, because of the way in which the bill is constructed, would need to be ratified and agreed to by a minister. There would need to be a process of consultation of 28 days in relation to this, and as I was saying a few minutes ago, there would be regulations

established to facilitate the transfer that would be outlined in clause 58. They cumulatively would provide opportunity for the issues that Mr Rich-Phillips, in his worst-case scenario, may be concerned about to be teased out through the process by which a recommendation may come from a council to the Minister for Local Government, who would then relate it to the minister responsible for Service Victoria. There would then be a public consultation process in relation to the desirability of that outcome, and then there would be a regulatory environment that sets it.

There would need to be undertakings made at every step along the journey. In fact this scheme only works if the agency itself satisfies its statutory obligations and is in agreement to it, otherwise the system would not actually be able to proceed to maturity. If you want some assurances that that is the way in which the scheme would operate, I am very happy to give that assurance.

Mr RICH-PHILLIPS — Thank you, Minister. I accept that that is the intent, but I am also of the view that that is not what the black-letter law says as to the way this provision could be used with respect to local councils. I think the committee draws a conclusion from the consultation that you needed to undertake and the extensive nature of that consultation that there is not clarity in the government's mind about this provision, notwithstanding the intent behind the black-letter law that is proposed. So it would be our view that the committee should oppose this clause. This does present a risk to local government. It does not —

Ms Pennicuik interjected.

Mr RICH-PHILLIPS — I am just watching Ms Pennicuik start to take notice of this provision.

Ms Pennicuik — Well, I am taking notice of this provision.

Mr RICH-PHILLIPS — In essence an agreement can be made between the Minister for Local Government and the Service Victoria minister to transfer a service function without the agreement of a particular local government authority, purely because of the way the bill is structured for other authorities but with a perverse structure as it applies to local government authorities. We believe this provision is a risk, and we also believe it is a risk by virtue of the lack of clarity around seeking to transfer only digital functions rather than other functions and the potential for gaps to be left where people are seeking face-to-face or telephone services. On that basis we will seek to oppose the provisions in clause 5.

Committee divided on clause:

Ayes, 24

Bourman, Mr	Patten, Ms
Carling-Jenkins, Dr	Pennicuik, Ms
Dalidakis, Mr (*Teller*)	Pulford, Ms
Dunn, Ms	Purcell, Mr
Eideh, Mr	Ratnam, Dr (*Teller*)
Elasmar, Mr	Shing, Ms
Gepp, Mr	Somyurek, Mr
Jennings, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	Truong, Ms
Mulino, Mr	Young, Mr

Noes, 16

Atkinson, Mr	Morris, Mr
Bath, Ms	O'Donohue, Mr
Crozier, Ms (*Teller*)	Ondarchie, Mr
Dalla-Riva, Mr	O'Sullivan, Mr (*Teller*)
Davis, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Fitzherbert, Ms	Rich-Phillips, Mr
Lovell, Ms	Wooldridge, Ms

Clause agreed to.

Clauses 6 to 14 agreed to.

Clause 15

Ms PENNICUIK — My question is with regard to clause 15(d), which states the Service Victoria CEO is:

> to assist the Minister to develop identity verification standards to achieve a consistent and secure process to verify identity …

I would just like more information on that standard. What standard is the minister going to apply?

The ACTING PRESIDENT (Mr Elasmar) — In accordance with standing orders, I have to interrupt business and report progress.

Business interrupted pursuant to standing orders.

Progress reported.

ADJOURNMENT

Ms PULFORD (Minister for Agriculture) — I move:

> That the house do now adjourn.

Murray Valley Highway, Strathmerton

Ms LOVELL (Northern Victoria) (20:31) — My adjournment matter is for the Minister for Roads and Road Safety, and it is regarding the urgent need to reduce the speed limit on the Murray Valley Highway

in the Strathmerton township. The action that I seek from the minister is that he direct VicRoads to reduce the speed limit on the Murray Valley Highway within the Strathmerton township to 60 kilometres an hour between 7.00 a.m. and 7.00 p.m. and extend the times of the 40-kilometre-per-hour school zone limit at Strathmerton's designated school bus stop to better reflect the arrival and departure times of school buses picking up and dropping off students.

For many years the residents of Strathmerton have passionately advocated for a reduction in the speed limit on the Murray Valley Highway within the Strathmerton township from 80 to 60 kilometres per hour during the day. The highway through the township has service roads that run adjacent on both the north and south sides of the road, but the shops are on either side of the road and there are a lot of pedestrians crossing the road as well as other activities, such as school buses dropping off and picking up students. Traffic entering and exiting the service roads has to contend with very fast moving east–west traffic on the Murray Valley Highway, as do the pedestrians.

There are at least 12 school buses that collect school students in the morning and depart 10 minutes before the school zone limit of 40 kilometres per hour commences. The same 12 buses drop off students in the afternoon after the 40-kilometre-per-hour school zone limit ends. So on either side of the 40-kilometre-per-hour school zone time frames you have all of these buses picking up and dropping off students and a number of students getting in and out of cars and crossing roads. Those 40-kilometre-an-hour school zone times need to be extended.

All pedestrians, as I said, must navigate traffic travelling at 80 kilometres per hour. Resident Carolyn Ryan, who operates Cafe 3641, has told me of many near collisions that have occurred around the intersection of the Murray Valley Highway and Numurkah Road. Last month a young school student was nearly hit by a truck travelling at 80 kilometres per hour after being dropped off by a school bus. Carolyn also informed me that recently a car nearly hit another child who was attempting to cross the Murray Valley Highway. Carolyn herself narrowly avoided a collision three weeks ago due to another vehicle travelling at 80 kilometres per hour through the town.

I first raised this issue with the minister over 12 months ago, in March 2017. I later received a reply saying VicRoads was monitoring the situation. No monitoring occurred, and the issue was again raised with the minister in February 2018. The reply on that occasion stated that Moira shire was constructing a $50 000 pedestrian crossing and refuge island in the middle of the Murray Valley Highway. Residents have described this measure as a disaster waiting to happen. The issue can be rectified without cost simply by a ministerial direction.

Middle Gorge railway station

Mr ONDARCHIE (Northern Metropolitan) (20:34) — My adjournment matter tonight is for the Minister for Public Transport. I rise in regard to the renaming of Marymede railway station on the Mernda rail extension to Middle Gorge. The choice of the name Middle Gorge has caused major protest amongst a great majority of residents due to the fact that that location is several kilometres from the station. In fact there was a front-page story in all three local newspapers recently. On the Facebook page 'Extend the rail line to Mernda', posts dated 2 and 3 April regarding the name change reached over 31 000 people, received 596 comments and was shared 94 times, with almost all of the residents not being in favour of the name Middle Gorge.

The name Middle Gorge is unfavourable to residents for a variety of reasons. Middle Gorge is not where the railway station will be located. Middle Gorge Park is approximately 2.4 kilometres from the railway station — too far away from the actual physical location of the station on Williamsons Road. Even if you use a straight-line method, it is the equivalent of naming Flinders Street station as Fitzroy.

Middle Gorge is not a well-known location. Many residents who have lived in the local area for decades have written to say they have not heard of it. Judging from the hundreds of comments given by local residents on both the 'Extend the rail line to Mernda' and *Whittlesea Leader* Facebook pages, many more have not either. The name Middle Gorge does not give a good sense as to where the location is in Melbourne. Visitors to the area may be aware of Plenty Gorge, but the name Middle Gorge is ambiguous. There was no community consultation about the name Middle Gorge. There have been many public information sessions, and at not one of them has it been said that Marymede would be renamed.

Members of the Mernda rail community reference group have confirmed that no name change was discussed during any of their meetings. Residents are upset that no-one has come forward to say who was responsible for choosing the name Middle Gorge. Was it the department? Was it a politician? It certainly was not a member of the community. When the name Middle Gorge is googled, the address location given is

Yarrambat, not South Morang. Many residents have found the name comical rather than something to be proud of. Many suggest the name sounds like a locality in Middle Earth from Tolkien's *The Lord of the Rings*. I am advised that at the community reference group meeting the member for Yan Yean admitted she did not like the name either.

Whilst criticisms of that station name were made, many suggestions came forward for renaming the current South Morang station as Plenty Valley and renaming Marymede station as South Morang — or naming it Mill Park Lakes or the Lakes after the estate close to it, or even naming it Gordon after the local Gordons Road.

I want to thank the many members of the community who have been involved. The name Middle Gorge is deeply and undeniably unpopular amongst residents. I want to thank Darren Peters from the South Morang and Mernda Rail Alliance, Trevor Carroll from the Friends of South Morang, Dr Crystal Legacy from the school of design at the University of Melbourne, Daniel Bowen from the Public Transport Users Association and Neil Johnson from the Lost Mernda historical group for their local advocacy.

The action I seek is for the minister to commence a process to halt the renaming, undertake significant consultation with the local community and allow the locals to choose a station name that better befits the local area.

Livestock theft

Mr O'DONOHUE (Eastern Victoria) (20:37) — I raise a matter for the attention of the Minister for Police. It relates to livestock theft throughout Victoria. I note that the front page of the *Weekly Times* from last week says, 'Fleeced: Stock theft surge is the tip of the iceberg', and reports that a staggering $1.5 million worth of livestock has been stolen from Victorian farms since January last year in more than 221 incidents. The president of the Victorian Farmers Federation, Leonard Vallance, is quoted as saying:

> Those guys (the agriculture liaison officers) are all very well intentioned but they haven't got the resources …
>
> Their other duties take priority over sheep theft.

I want to quote from someone I think the minister will listen to: Federation University's Alistair Harkness. The same article says:

> Federation University's Alistair Harkness, who is leading a study into farm crime, said underreporting of stock theft was a major issue in Victoria, and current figures would just be the 'tip of the iceberg'.
>
> 'Underreporting means that this figure will not truly reflect the extent of thefts from farms', he said.
>
> 'Livestock theft, in particular, is massively underreported'.

A police officer in Warrnambool, Inspector Paul Marshall, is quoted as saying, 'It's big business' — that is, livestock theft.

The action I would seek from the minister is that she listen to Federation University's Dr Harkness and work with the Chief Commissioner of Police to come up with a plan to deal with the increase in livestock theft that is impacting so many farmers and so many communities right throughout Victoria, particularly given the high value of many of the stock that are stolen and the impact that this has on so many rural and regional businesses, farming operations and the like. I make that request of the minister.

Sunbury Road duplication

Mr FINN (Western Metropolitan) (20:39) — I wish to raise a matter this evening for the attention of the Minister for Roads and Road Safety. As this house would be aware, I have been advocating for some years now for the duplication of Sunbury Road. As Sunbury has grown, as the Macedon Ranges has grown and indeed as Tullamarine airport has grown and the employment rate there has increased beyond what we ever thought it would, Sunbury Road has become a pain in the neck.

An honourable member interjected.

Mr FINN — We will get to that in a minute, thank you very much. The issue with Sunbury Road is made worse, obviously, during peak hour. Morning and night it is gridlocked, and sometimes in the morning in particular it is blocked from the Tullamarine Freeway right back to past Bulla. That is of course a distance of some kilometres. I was absolutely delighted, momentarily, when I heard on Sunday morning that the minister had agreed to duplicate Sunbury Road. I thought, 'This is great news' — until I found out that the section of Sunbury Road that the minister had decided to duplicate is largely already duplicated.

Honourable members interjecting.

Mr FINN — You may well. This is going to be a super-highway in the future, all the way between Bulla hill and Sunbury, which is going to be just sensational. It is going to create one of the great bottlenecks of our time at the top of Bulla hill, and it will do nothing to remove the bottleneck that we already experience where Oaklands Road comes into Sunbury Road and we have two lanes converging on one side and one lane

converging on the other. We are stuck in a situation where this proposal by the minister will do nothing for us at all. It will not ease the traffic congestion. It will not stop the bottlenecks. It is going to make things dramatically worse in many ways.

I have to say that I am a bit bamboozled as to where the minister has got his information from. I am sincerely hoping that he has not received his information from the member for Sunbury in the Assembly, because that would make him even worse than we had anticipated. I am asking the minister now to review his decision and to place that duplication at the appropriate points between Bulla and the Tullamarine Freeway.

The PRESIDENT — There was a touch of deja vu in that matter tonight. I am sure I have heard that before, some Bottleneck Boulevard or something.

Mr Finn — There's the single and the album. That was the album.

The PRESIDENT — If the constituency question doesn't work, an adjournment might.

Knoxfield dam

Ms DUNN (Eastern Metropolitan) (20:43) — My adjournment matter is for the Minister for Planning, and it is in relation to a site at 621 Burwood Highway, Knoxfield. The land has been determined as surplus and is undergoing an assessment by the Government Land Standing Advisory Committee. The water body on the site is known as Lake Knox. Lake Knox is home to regionally vulnerable and endangered flora and the endangered blue-billed duck. It has enormous biodiversity value and is well loved by the community.

The action I seek is that the minister ensure that Lake Knox is protected, along with the vulnerable and endangered flora and fauna, and is zoned public conservation and resource to ensure appropriate purpose and land use into the future.

Lemnos solar plant

Mr O'SULLIVAN (Northern Victoria) (20:44) — My adjournment tonight is for the Minister for Planning. The action I am seeking is that the Minister for Planning establish the appropriate guidelines and policies in relation to the location of solar plants on prime irrigated agricultural land and agricultural land more generally.

Over the last few weeks I have been dealing with a group of irrigators, orchardists and dairy farmers out in the Lemnos area near Shepparton in relation to a proposal to build a 500-hectare solar plant at that location. The area is surrounded by pear-growing orchardists. It is the pear growing capital of the world. There is a dairy farm close by. There are apples growing in that area. The group I have been dealing with are very concerned about locating a solar plant in that area and the impact that it will have on the production of their farms. A solar plant obviously attracts the sun, and they are very concerned about the heat island effect that the solar plant will have on their orchards and their production, particularly with the dairy farm. They are very concerned that there has been a lack of consultation in terms of the impact the plant would have on their farms.

Those particular businesses in that district employ hundreds and hundreds of people in their processing plants in terms of both the picking and packing of very high value fruit and dairy products. They are concerned that the impact the solar plant could have in terms of the local environment area could cause a severe decrease in production, and that would put those hundreds and hundreds of jobs at risk. They are not against the solar plant as such; they just do not think it should be located on prime irrigated agricultural land. There has been $2 billion spent on the Goulburn-Murray irrigation district. It is a finite area that is there for irrigation. If the solar plant was shifted just 10 kilometres up the road, it would be located on non-agricultural irrigated land and it would not have the same impact on the orchards and the dairies in that area.

The local businesses are not against renewable energy. They are not against the solar plant at all. This solar plant is being located in the wrong place. The local council did not want to make a decision on it so they have asked the minister to call in this particular planning proposal. A panel meeting will be held on 14 May and will discuss the solar panels being located in that location, but I am calling on the minister to establish the proper guidelines and policies for the location of solar plants on agricultural land, because this one is in the wrong location.

Ballarat railway station precinct

Mr MORRIS (Western Victoria) (20:47) — My adjournment matter is for the attention of the Minister for Regional Development. Ms Pulford is in the chamber, which is very good. Belatedly work has commenced at the Ballarat railway station precinct, but all is not well. Contamination on the site is well-known, and community members have contacted me with concerns that contaminated soil may well have been transported inappropriately from the site, potentially placing at risk the health of workers at the site and the

community more broadly. Uncovered truckloads of soil have been removed from the site, and those uncovered trucks have been losing significant amounts of material as they drive off. I observed traffic controllers without any protective equipment standing in clouds of this material as uncovered trucks left the site. This is most concerning, and I have had local residents report to me the worsening of respiratory disorders with the commencement of these trucks removing this material. The community deserves answers on how on earth this was allowed to occur.

I remind the house that this land at the Ballarat railway station was gazetted as a railway reserve on 11 October 1859. That is a couple of moons ago, 1859, and in that time many, many contaminants have been present at this site. It has been known for a long time that the soil on this site is contaminated. The concern that local residents have raised with me is certainly well justified. The action that I seek from the minister is that she investigate and report back to the Ballarat community about why these trucks have transported this material uncovered and what potential adverse health impact this material may have had on the community and that she provide an assurance that it will not occur again.

Fire services property levy

Mr RAMSAY (Western Victoria) (20:49) — My adjournment matter tonight is for the Minister for Emergency Services, the Honourable James Merlino, and it is with respect to the fire services levy. The action I seek is clarification with respect to how the levy will be levied, if I can use that word, in the years post 2018–19.

I raise this, and I do it with trepidation because I want to refer the chamber back to Good Friday, when we had the in-committee debate on the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017. At that time I asked Mr Jennings what impact the Metropolitan Fire Brigade (MFB) enterprise bargaining agreement (EBA) and the potential 19 per cent increase in costs associated with that EBA would have on the fire services levy. I was assured by Mr Jennings — and I will check *Hansard* to substantiate this — that in fact Mr Merlino has seen fit to cap the fire services levy for two years so there will be no impact of the MFB EBA on the fire services levy which, as we know, is levied on all ratepayers who hold property.

What I find interesting is that the *Weekly Times* have said on their website that in fact there will be a blowout of $98 million in the fire services levy because the government, in their normal smoke and mirrors budgetary process, have said that they are actually going to increase the fire services levy from a collection of $622 million in 2018–19 to $738 million in the 2021–22 year, but the cap only lasts until the 2019–20 budget. If anyone is confused, put your hands up, because I am confused, the *Weekly Times* is confused and in fact it is quite contradictory to what Mr Jennings said through that arduous committee stage that saw the government have us sitting through Easter Friday in committee stage on the fire services bill.

The action I am seeking is that the minister provide clarification to us all, and to the *Weekly Times* and their readers: does he actually mean there is a cap and there will not be any significant increase, or is the *Weekly Times* right in respect of what they say in their headlines — that in fact there will be a $98 million blowout in the fire services levy which will have to be paid by ratepayers that currently pay rates through their local government?

Asylum seeker support

Ms SPRINGLE (South Eastern Metropolitan) (20:52) — My adjournment matter is for the Premier. Since 1993 the federal government has provided limited financial support to asylum seekers while their claim for asylum is being considered. The Status Resolution Support Services (SRSS) program provides a basic living allowance, casework support and access to torture and trauma counselling. It is delivered by not-for-profit agencies across Australia and is also used to support other vulnerable migrants in need. The federal Department of Home Affairs has announced changes to the SRSS program that will come into effect over the coming months. From 4 June 2018 SRSS asylum-seeking recipients who are assessed as being job ready will commence exiting the program, losing all income, casework and allied supports. Accurate job readiness assessment for sustainable employment is very difficult to assess, and there are huge risks that some of the most vulnerable people in our communities will be made destitute as a result of these cuts.

In Greater Dandenong alone there are nearly 2000 people seeking asylum and awaiting a decision. The majority of these people will be affected by the changes to the SRSS program, and these people will continue to face significant challenges in finding employment. Thousands more Victorians around the state will be affected. These people are some of the most vulnerable people in our community. An alliance of around 100 civil society organisations, including the Refugee Council of Australia and the Australian Council of Social Service, is calling on the Australian government to urgently reverse their position on this

issue. The action that I seek is that the minister advocate on behalf of some of the most vulnerable people in Victoria to the federal government and seek to reverse these savage cuts.

Freedom of information

Ms FITZHERBERT (Southern Metropolitan) (20:54) — My adjournment matter is for the Special Minister of State. It is in relation to an issue that I have previously raised with him in questions without notice and on other occasions, and that is freedom of information. The minister has indicated previously that concerns about freedom of information should be raised with him and that he would do his best to intervene. On the basis of that, I want to raise a few things with him.

I have a number of FOI applications that have languished in a very, very slow process. One in particular with the Department of Health and Human Services is in relation to 332 Park Street and their maintenance reports. This one has been with the department since January. I paid for access charges some two months ago, and at the moment I am unable to get that information.

There are another two that I would like to refer to as well, which are to the Department of Education and Training. Both applications are in relation to the Albert Park master plan, the first of which went in in December last year. The one that went in in December last year has been in the noting period for longer than a month, which is not satisfactory. It has been unable to be removed from that process to date. There is another that is in relation to the tram bridge extension on Bourke Street. This went in in November last year. I granted two extensions and it has been rescoped, and yet it is still in a noting period that it seems will go on for a small eternity.

I raise these with the minister, having sought through a range of ways to progress these claims. I have maintained contact with the various FOI officers who have been in charge of them and it has changed over time.

An honourable member interjected.

Ms FITZHERBERT — I am indeed on a first-name basis. I have been flexible in terms of rescoping. I have allowed for extensions, a couple in several instances, and yet there seems to be a persistent go-slow in relation to these matters. If the minister wants to contact me or my staff directly and get more specific information about how these applications may be identified and progressed, I am happy to assist with that. The action I am seeking is that he intervene and progress these overdue FOI claims.

The PRESIDENT — Can I clarify which minister this is going to?

Ms FITZHERBERT — The Special Minister of State.

North Melbourne public housing estate

Ms CROZIER (Southern Metropolitan) (20:56) — My adjournment matter is to the Minister for Housing, Disability and Ageing, Mr Foley, in the other place, and it relates to a rather concerning matter, I have to say, in relation to some public housing apartments at 159 Melrose Street, North Melbourne. My office has been contacted on a number of occasions by a resident who is in the public housing apartments in Melrose Street, North Melbourne, because he has been very frustrated by an issue that has concerned him and which has directly affected him — that is, bed bugs.

He has been dealing with the tenancy management, and after some time he did get his apartment and a number of other apartments fumigated. He then raised the issue again after going through a whole range of issues that he needed to deal with, such as spraying his clothes, getting dry-cleaning done and really trying to fumigate his apartment. Apparently the Department of Health and Human Services has now fumigated the block of apartments four times but the problem has not been eliminated. There is a very unacceptable situation where you have got some very vulnerable people who are living in a housing facility with bed bugs that have infested the property, and according to Mr Blazely the department has acknowledged that there is a problem and they have still got a pest controller going in every Wednesday but their fumigating and pest control process has not worked.

In the words of this resident:

> I have tried to talk to ministers Foley and Hennessy about this problem but they seem to have their 'Do not disturb' signs up.

He is incredibly frustrated by the lack of action by the department and by the ministers in acknowledging that there is a problem with this infestation of bed bug pests, and he believes that the whole process has been mishandled. Therefore the action I seek is that the minister investigate why the pest control program is not working and what more can be done so that the elimination of these pests can be undertaken and those residents living at that property do not have to put up with seriously less than satisfactory residential housing which is infested with bed bugs and other pests.

Hazelwood Pondage

Ms BATH (Eastern Victoria) (20:59) — My adjournment matter this evening is for the Minister for Energy, Environment and Climate Change, the Honourable Lily D'Ambrosio in the other place. It relates to the body of water known as the Hazelwood Pondage. The action that I seek from the minister is that she work with Engie and she work with a variety of community groups and organisations such as, but not limited to, Yinnar and district progress association, the Latrobe Valley Yacht Club, the Hazelwood Pondage Caravan Park and others to ensure that these groups continue to be able to use the pondage long into the future and that it is not drained and removed from the site.

Hazelwood Pondage has been around for over 50 years, and it has been part of that landscape and a well-used and well-loved asset. Generations of people have used it for recreational purposes such as water sports, canoeing, swimming and recreational fishing. The Latrobe Valley Yacht Club holds a regatta every Sunday and has done for 50 years. Sailability is an all-ages, all-abilities program in which people with disabilities are taken out on the lake. They engage in a most wonderful manner out on the lake. It is a very valuable program. A number of people stay at and enjoy the facilities of the Hazelwood Caravan Park, and of course they spend money in our local area in the Latrobe Valley. Certainly the Yinnar township benefits from having the Hazelwood Pondage there. It has a huge social, economic and emotional benefit for many people there.

Engie has three options on the table as part of rehabilitating the mine, the power station and the pondage. Their three options are as follows. One, retaining the existing water body as a cold lake, because we know that the Hazelwood power station has been turned off and the water is no longer heated. It needs to be an ongoing maintenance and management arrangement with regulators in place — that is, Engie would transfer that information and the requirements around that pondage to another body. Two, partially drain the lake and establish a wetland, and that is all very well and good; however, it removes the ability for anybody to access that lake for recreational pursuits. Three, remove the pondage wall and drain the contents as a whole. This is not completely decommissioning it. This is their preferred option, and I ask the minister to work with the community to retain that long into the future.

The PRESIDENT — I have indicated to Ms Springle that I had some concerns with a matter that was raised as an adjournment item that was simply seeking one of our ministers to write to a federal minister and advocate a position. I have made some rulings on this in the past. I invite Ms Springle to rephrase the proposition that she made. We have the context for the matter. I ask her to provide me with a different action.

Asylum seeker support

Ms SPRINGLE (South Eastern Metropolitan) (21:03) — Thank you, President. The action that I seek is that the Premier establish services for asylum seekers to replace the current commonwealth Status Resolution Support Services program.

Mrs Peulich — On a point of order, President, was the matter raised for the attention of the Premier to begin with?

The PRESIDENT — Yes, it was.

Responses

Ms PULFORD (Minister for Agriculture) (21:03) — We caught that the first time round. I have adjournment matters from 12 members: Ms Lovell, Ms Bath, Mr Ondarchie, Mr O'Donohue, Mr Finn, Ms Dunn, Mr O'Sullivan, Mr Morris, Mr Ramsay, Ms Springle, Ms Fitzherbert and Ms Crozier. I will present those matters to the relevant ministers for a response.

I also have written responses to adjournment matters raised by a number of members on various dates which I will not read out.

The PRESIDENT — The list of those responses will be distributed. On the basis of those responses, the house stands adjourned.

House adjourned 9.04 p.m. until Tuesday, 8 May.