PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 11 October 2016

(Extract from book 13)

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

By authority of the Victorian Government Printer

HANSARD 150

1866–2016

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

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

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

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

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

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 20 June 2016)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education, and Minister for Emergency Services (from 10 June 2016) [Minister for Consumer Affairs, Gaming and Liquor Regulation 10 June to 20 June 2016]	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Training and Skills, Minister for International Education and Minister for Corrections	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms G. A. Tierney, MLC

OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

Speaker:

The Hon. TELMO LANGUILLER

Deputy Speaker:

Mr D. A. NARDELLA

Acting Speakers:

Mr Angus, Mr Blackwood, Ms Blandthorn, Mr Carbines, Mr Crisp, Mr Dixon, Ms Edwards, Ms Halfpenny, Ms Kilkenny, Mr McCurdy, Mr McGuire, Ms McLeish, Mr Pearson, Ms Ryall, Ms Thomas, Mr Thompson, Ms Thomson, Ms Ward and Mr Watt.

Leader of the Parliamentary Labor Party and Premier:

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. A. MERLINO

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

The Hon. M. J. GUY

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. D. J. HODGETT

Leader of The Nationals:

The Hon. P. L. WALSH

Deputy Leader of The Nationals:

Ms S. RYAN

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn [2]	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Napthine, Dr Denis Vincent [3]	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio	Melton	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma [1]	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David [4]	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard [5]	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian [6]	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Tilley, Mr William John	Benambra	LP
Kairouz, Ms Marlene	Kororoit	ALP	Victoria, Ms Heidi	Bayswater	LP
Katos, Mr Andrew	South Barwon	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
Knight, Ms Sharon Patricia	Wendouree	ALP	Watt, Mr Graham Travis	Burwood	LP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP
McGuire, Mr Frank	Broadmeadows	ALP			

[1] Elected 31 October 2015

[2] Resigned 3 September 2015
[3] Resigned 3 September 2015
[4] Elected 14 March 2015
[5] Elected 31 October 2015
[6] Resigned 2 February 2015

PARTY ABBREVIATIONS

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

Legislative Assembly committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

CONTENTS

TUESDAY, 11 OCTOBER 2016

CONTENTS

Tuesday, 11 October 2016

The SPEAKER (Hon. Telmo Languiller) took the chair at 12.03 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

The SPEAKER — Order! We acknowledge the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here today.

DISTINGUISHED VISITORS

The SPEAKER — Order! I would like to welcome to our gallery the Deputy Speaker of the Parliament of the Republic of Fiji, Mr Ruveni Nadalo. On behalf of the Premier, on behalf of the Leader of the Opposition and on behalf of all members, we welcome you to the Parliament and assure you that all members in your presence will today demonstrate and display good conduct.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Police resources

Mr GUY (Leader of the Opposition) — My question is to the Minister for Police. Lisa Stark lives in Wantirna South with her two daughters and their partners. On 22 September their home was invaded and robbed by two men who were likely armed with hammers. The Stark family's lives have changed forever — they live in fear, they sleep with panic buttons, and their home, as Lisa says, has become like Fort Knox. Lisa is here in the public gallery today. Minister, we are now seeing crime in Melbourne like we have never seen before. Minister, will you finally admit that weakening bail laws, cutting frontline police numbers and reducing hours at police stations has caused a law and order crisis?

Ms NEVILLE (Minister for Police) — I am a bit disappointed that the Leader of the Opposition chooses to play politics with people whose lives have been severely affected by these crimes. As I have said on a number of occasions, these are still very small numbers of crimes in this area but they are very, very significant. They cause huge harm to families, and my thoughts certainly go out to the families who have been affected.

There is absolutely no room in our community for this sort of violence, absolutely no room, and that is why we are getting on with new laws which are in front of the upper house — and I hope those opposite expedite their passing. Secondly, that is why we are getting on with putting more police out on the street, and I will be very clear about this: since we were elected in 2014 we have increased police. In November 2014 we had 13 151 police. We now have 13 370 police, plus recruits in training, plus increases in protective services officers (PSOs), and of course we have already got police custody officers (PCOs) who are already contributing over 18 000 shifts, freeing up police on the front line.

In addition to that, the government made a decision in September to bring forward the training of our 406 frontline police that we funded in the last budget; we are bringing that forward. The academy has been ramped up. We will have over the next 12 to 18 months 1000 people being put through the academy — 400 people through attrition; 406 frontline police, PCOs and PSOs. The academy will be at capacity.

Since we came to government we have funded 1156 police personnel, of which 562 are frontline police, so we are getting on. As I have pointed out to this house previously, we are committed to delivering to the Chief Commissioner of Police the powers and the resources he needs to get on top of this issue. I cannot emphasise enough how much we believe that this violence is unacceptable. That is why we are putting in more frontline police. That is why we are putting in new laws that enable the chief commissioner and the police on the front line to tackle these crimes. Again, my thoughts are with those families who have been affected by these terrible crimes.

Supplementary question

Mr GUY (Leader of the Opposition) — The minister's comments of promises, promises are cold comfort to the Stark family.

Honourable members interjecting.

Mr GUY — Cold comfort.

Mr Pearson interjected.

The SPEAKER — Order! The Leader of the Opposition in silence. The member for Essendon will come to order. I warn him.

Mr GUY — Police Association Victoria has called for an extra 3300 police, which the government has refused to deliver. Minister, if you are so confident your government has police numbers right, will you guarantee that if families like Lisa's are attacked, there

will be enough police on the front line for an immediate response?

Ms NEVILLE (Minister for Police) — Just to be clear, we have more frontline police now than when we were elected. We have got 406 police going through the academy, brought forward, all sworn in by June of next year, not by June 2018, so we are giving police the resources. The police association are sitting at the table with the chief commissioner right now working out what the allocation and deployment model is. That model will set in place the long-term planning. We are the ones who have funded police over the last decades. It has been a Labor government that has funded police. We will continue to do that, and we will continue to give the chief commissioner the powers and the resources so families like Lisa's are not affected by these horrific crimes.

The SPEAKER — Order! Before I call on a ministers statement, the Chair understands that the Bulldogs' victory was a great victory, and I certainly enjoyed that victory. The Chair understands that this is the people's house, but beanies and scarves are absolutely disorderly, so they have to be removed now.

Ministers statements: severe weather

Mr ANDREWS (Premier) — I rise to update the house on the flooding and severe weather that has affected large parts of our state over recent weeks, including the severe wind event on Sunday. Tragically, a tree fall in Millgrove on Sunday resulted in a fatality, and our thoughts, and I am sure the thoughts of all members, are with the family and friends of the woman who lost her life in that incident. Twenty other people have been injured, and our thoughts are with them and their loved ones as well.

There has been damage to over 1000 buildings. Whilst around 14 000 homes remain without power in Belgrave, Woori Yallock, Lilydale and Berwick, work does continue today on restoring power supplies. The State Emergency Service (SES) have responded to more than 5700 calls for assistance since Sunday, and of course that wild weather on Sunday came on top of several weeks of flooding that has impacted some 39 local government areas across the state.

Hundreds of SES, Country Fire Authority (CFA), Metropolitan Fire Brigade, Ambulance Victoria, Victoria Police — hundreds of personnel, volunteers, career staff — have done an outstanding job in providing support and care and assistance to their neighbours and to their local communities. We are very proud of their efforts, and we thank them very sincerely for their commitment and their dedication. What is more, over 300 SES and CFA personnel were deployed to South Australia during their recent extreme weather events and consequent power disruptions.

Again let me take this opportunity to congratulate all those who have been involved. This is the very best of Victoria in spirit and in action, and we are very proud of the work that they have done. To all communities, we will be with you in the repair and in the rebuilding process. There have been some 54 relief payments that have been made to this point. Victorians may be eligible for payments. I would encourage them to visit emergency.vic.gov.au to that end.

Police resources

Mr GUY (Leader of the Opposition) — My question is again to the Minister for Police. Minister, you have heard the situation of the Stark family; sadly, Victoria has become the carjacking, home invasion and murder capital of this country.

Honourable members interjecting.

The SPEAKER — Order! The member for Mordialloc is warned, and the member for Footscray.

An honourable member interjected.

Mr GUY — You are right; it is a shameful legacy.

The SPEAKER — Order! The Leader of the Opposition will resume his seat. I will not warn the member for Mordialloc again. The Leader of the Opposition is entitled to be heard in silence on a substantive question to the Minister for Police.

Mr GUY — The latest crime statistics show that in Victoria crime has risen by 13.4 per cent, while New South Wales has seen decreases in major crimes, many at their lowest levels in 20 years. Minister, can you tell Victorians why New South Wales is getting safer while in Victoria crime is spiralling out of control and our state is living in fear?

Ms NEVILLE (Minister for Police) — I thank the Leader of the Opposition for his question. As I have said in this house before, this is a six-year trend. Under the opposition it started going up each and every time. In fact there was a substantial increase that then set us on this pattern.

So there are some challenges, but what concerns me most is that those opposite are determined to continue to peddle mistruths. If you have a look at the shadow minister's Facebook on this issue, he has got this little

graph out that shows Pakenham. Apparently something has happened to Pakenham station, and therefore crime has gone up. Let us be really clear: no reduction in 24-hour service at Pakenham station — no reduction at all. Similarly, Epping — again when claiming Epping station has changed, they are just making it up.

That is not going to do anything to deal with what we have in relation to particularly those violent crimes that the chief commissioner, the frontline police officers — every single one of them that I have met — are determined to do all they can about. That is why Victoria Police, our hardworking police officers, have made more arrests in the last 12 months than they ever have in their history — an 11 per cent increase in arrests. So they are making a difference, and that is showing up in our crime stats. It is making a difference.

What we have seen is some concerning crimes in relation to carjacking and home invasion. Carjacking represents about 0.6 per cent of thefts of motor vehicles in Victoria and home invasions 1.4 per cent — but none of those is acceptable. That is why we have more police on the street and more patrols going on, which are seeing more arrests. In terms of the Cosmos arrests, we are now at 193. That is why we made a decision a couple of months ago to bring forward the training of our police officers, the frontline 406. We know, as I have said each and every time that I have stood up in this place, we need more frontline police, and we are — —

Mr Paynter — On a point of order, Speaker, I was under the understanding that it is the responsibility of a minister to provide accurate information when answering a question. The stated fact, the actual situation, is that Pakenham police station has at times closed, has not been able to open, so for the minister to stand up and say that operating hours have not been changed is factually incorrect.

The SPEAKER — Order! The Chair does not uphold the point of order. The minister, to continue.

Ms NEVILLE — We are providing the laws. We are providing more police. I just want to remind those opposite: not one extra frontline police officer during their time, not one extra frontline police officer. If you look back from the year — —

Mr Guy — On a point of order, Speaker, on relevance, I seek to table statistics from the Victoria Police annual reports for 2010 and 2014 showing police numbers rising from 11 698 to 14 312.

The SPEAKER — Order! Leave is not granted. The minister, to continue.

Ms NEVILLE — We could have a look at the 2010–11 budget, which actually funded 1966 police. That was fully funded by a Labor government. It is only Labor governments that fund frontline police. We take these issues seriously, and we will continue to do that.

Supplementary question

Mr GUY (Leader of the Opposition) — On the supplementary, Police Association Victoria says that frontline police have been cut by 115 since late 2014. Minister, is it your government's position that there is no link between this cut to frontline police numbers and the law and order crisis that is sweeping our state?

Ms NEVILLE (Minister for Police) — I get my advice from the chief commissioner, and the chief commissioner's office has provided me with clear information that there are more frontline police now than there have ever been in Victoria — more frontline police — and that every single new frontline police that we have seen in the last 30 years has been delivered by a Labor government. The 2010 budget funded 1966 frontline police for Victoria. That is what we delivered then, and that is why we are getting on with delivering the 406 additional police, and that is why overall we will have delivered in two budgets over $900 million and 530 frontline police for Victoria.

Ministers statements: port of Melbourne lease

Mr PALLAS (Treasurer) — It gives me unmitigated joy to advise the house of the success of the Andrews government in leasing the port of Melbourne. In a stunning result for the state of Victoria, the port of Melbourne lease returned a massive $9.729 billion result. That is $9.729 billion for Victorians, well in excess of most estimates. The lease of the port will help remove level crossings, and it will also build new infrastructure for all Victorians. We have already accelerated the delivery of our level crossing removals, and I know that the member for Essendon and the member for Niddrie are very happy to know that the Buckley Street level crossing is under construction next year. The government will now have 37 level crossings underway by 2018, exceeding our promise of 20 level crossings. Of course we have also fully funded the $5.5 billion western distributor. We have also fully funded the $11 billion Melbourne Metro project, with both having early works started.

Victorians can be forgiven for wondering if there is any downside in all this good news. Well, predictably — even perhaps inevitably — the downside is the Liberal Party. Malcolm Turnbull and his Sydney-based government are now trying to break their word to

Victorians and rip them off to the tune of $1.46 billion. Having siphoned off $1.6 billion of the Asset Recycling Fund, they say now that the fund is empty. This is behaviour that would make Donald Trump blush. Malcolm Turnbull promised to be agile. Well, we need the agility to deliver to Victorians what they deserve.

Police numbers

Ms RYALL (Ringwood) — My question is to the Minister for Police. The latest crime figures show that sexual offences in Maroondah have increased by 46 per cent in the past year. Minister, given this shocking increase, how can you justify to women in my community the cut of 14 frontline police in Maroondah under your government?

Ms NEVILLE (Minister for Police) — One of the things that astounds me about those opposite is how willing they are to just mislead the community. If I have a look at the eastern region, I see that we have more police now in the eastern region than we have ever had before. Those police officers, every single one of them, are out there doing their job, out there with a strong focus on women and on children. Family violence, in fact, makes up the vast majority of the cases that our police deal with, and that is why we have given the resources to our services and to our police to be able to better respond.

In each of our regions right across Victoria we have more frontline police now than we have ever had. I note the hypocrisy of those opposite on this issue. We have also got a number of sexual offences and child abuse investigation teams (SOCITs) under pressure because there is a lot of work for them to be doing. We have more SOCIT staff than we have ever had. They are the staff they do not count: they do not count those staff when they talk about police numbers. Those staff in our SOCIT teams are doing an incredible job. I have met many of them, and they are doing an incredible job. Again, just to remind everyone over there: not one frontline police officer was funded in their term of government.

We are funding more specialist police, and we are funding more frontline police. We are giving police additional powers through improvements in sexual offences legislation, and we are giving additional support through family violence services. Our focus is on ensuring that — —

Ms Ryall — On a point of order, Speaker, on the issue of relevance, this is a 46 per cent increase in sexual offences in Maroondah and 14 less frontline police in one year. This is about the safety of women. This is about an increase in sexual offences, and I would ask you to draw the minister back to the question.

The SPEAKER — Order! There is no point of order. The minister, to continue.

Ms NEVILLE — We are funding SOCIT services. Many of those cases are historical sexual abuse cases. The police are doing an outstanding job in prosecuting and arresting the people responsible for those historic sexual offences. We want to make sure that women and children are safe. That is why we have funded Respectful Relationships, that is why we are providing record investment in family violence prevention and that is why we are funding record numbers of frontline police.

Supplementary question

Ms RYALL (Ringwood) — Burglaries and break and enter offences have gone up 23 per cent in the past year in Ringwood — crimes similar to what Lisa Stark's family endured. Minister, can you give my community the date when the 14 frontline police that your government has cut will be returned to the City of Maroondah?

Ms NEVILLE (Minister for Police) — Let us be clear. There are no cuts to frontline police. The figures from the chief commissioner absolutely indicate there are no cuts to frontline police across the eastern region — no cuts at all where Maroondah sits, no cuts at all in that region; no cuts in north-west metro; no cuts in southern metro; and no cuts in the western region. There are more frontline police now right across Victoria than there have ever been, and we will continue to invest in the frontline police that the chief commissioner needs in order to keep Victorians safe.

Ministers statements: level crossings

Ms ALLAN (Minister for Public Transport) — Following on from the great outcome delivered by our great Treasurer, I am very pleased to rise today to update the house on yet more substantial progress we are making in removing 50 dangerous, congested level crossings. We have already delivered four level crossing removals in our first 22 months in government; compare that cracking pace to the seven that were removed in the previous decade. And we will have more removed.

Can I just provide a snapshot, Speaker, of the significant work that is taking place right now across metropolitan Melbourne. In Bayswater there is work removing the two crossings at Mountain Highway and

Scoresby Road. At Mitcham we have Heatherdale Road. Across this summer there will be work in earnest at those two suburbs. Over at St Albans — and I know the member for St Albans, along with others, has been working very hard — there is a construction blitz underway — —

Honourable members interjecting.

The SPEAKER — Order! The Chair is unable to hear the minister. Members will respect the minister's statement and allow the Chair to hear the minister. The minister, to continue in silence.

Ms ALLAN — Thank you, Speaker. No amount of shouting will overcome the fact that in their four years they did not fund and remove one single level crossing.

Let me go back to where we were, Speaker. The Caulfield — —

The SPEAKER — Order! The minister will continue through the Chair in silence.

Ms ALLAN — We know well the removal of those nine level crossings along the Dandenong line is underway, and we have called for expressions of interest at another 11 sites. I am really pleased to update the house. This is work that is going on right across Melbourne, creating thousands of jobs, removing dangerous, congested level crossings once and for all; something those opposite did not even do one of.

Advanced Lignite Demonstration Program

Ms SANDELL (Melbourne) — My question is to the minister for industry and resources. With regard to the government's grants for so-called clean coal projects under the Advanced Lignite Demonstration Program, two projects have now fallen over as they failed to get private finance or planning and environmental approvals. However, one remaining project, by Coal Energy Australia, despite failing to meet their deadlines for planning and environmental approvals, was given a six-month extension by the government. Why is this government bending over backwards to try to keep dead-end coal projects alive through giving them deadline extensions rather than investing these millions in public money in creating new jobs and new industries for the Latrobe Valley instead?

Honourable members interjecting.

The SPEAKER — Order! The Minister for Housing, Disability and Ageing will come to order. The member for Essendon has been warned.

Mr NOONAN (Minister for Industry and Employment) — I thank the member for her question. The member, in asking her question, referred to me as the 'minister for industry and resources'. In fact I am the minister for employment as well, and jobs are very important for the valley. The member's question is in relation to the Advanced Lignite Demonstration Program, which indeed was announced by the previous government and three projects were preferred. The member is right: two of those projects have not met the agreed milestones. One fell over last year. That was the Shanghai Electric project, which was a project which was touted to provide export briquettes to China, and no payments were made to that particular project.

In relation to Ignite Energy Resources — a project about upgrading coal products to support steel manufacturing as well as synthetic crude oil — there were a number of extensions provided by this government in relation to that particular project, but they advised us in August that they would suspend that project on the basis that they have not been able to meet their milestones, and no payments have been made.

In relation to Coal Energy Australia, this is a project which is seeking to convert coal to high value in relation to fertiliser, oil and high-value coal used in steelmaking. Extensions have been provided to this project whilst the company seeks approval from the commonwealth government in relation to some research and development tax incentives.

Of course the government is prepared to look at those extensions on the basis that we care very deeply about the people of the valley. We will not abandon, ever, the people of Gippsland and the valley. We will not turn our backs on the people of the valley. In fact we are working very hard, and the member referred to what we are doing in relation to these particular matters. We have committed $40 million to assist in relation to the diversification of the economy in the valley. I was with the Premier last week, along with Harriet Shing in the other place, to announce 73 additional jobs in the valley going to a local abattoir. It was well received by business, who indicated very clearly to us while we were down there that those jobs and that investment of $1.2 million by the company would not have happened in relation to their expansion without the support of the state government.

We will continue to stand shoulder to shoulder with the people of the valley to support industry, to support economic diversification. We are not going to turn our back on opportunities that might present in relation to coal; it is a public asset. And we are not going to be in

the business of making false promises either, and that is why we are looking very diligently at our coal policy.

Supplementary question

Ms SANDELL (Melbourne) — I thank the minister for his explanation, but one element that was not mentioned is climate change. This project by Coal Energy Australia aims to export over 400 000 tonnes of coal and other polluting substances from Corner Inlet.

Honourable members interjecting.

The SPEAKER — Order! Government members will come to order. The member for Melbourne will start again. The Chair must be able to hear the question as put by the member for Melbourne.

Ms SANDELL — Thank you, Speaker. This project aims to export over 400 000 tonnes of coal and other polluting substances from Corner Inlet. Can the minister advise what is the expected amount of carbon emissions and other pollution caused by this project and how does this fit with the government's stated policy of zero emissions by 2050?

Mr NOONAN (Minister for Industry and Employment) — I thank the member for her supplementary question. Look, let us be clear about this last standing project: if it was successful to work its way through the process of assessment, it would create more than 100 jobs in the valley. On the issue of climate change, I think it stands very clearly that this state government — this Andrews government — is setting the pace in relation to renewable energy and diversification of our energy resources and setting clear targets around energy transition. That means that we will continue to work in this particular region to look at the future of coal as a resource and a public asset. We will do that on the basis of this government's clear intended view of where we are going on climate change and the environment to a lower emissions future.

Ministers statements: port of Melbourne lease

Mr DONNELLAN (Minister for Ports) — Federal Liberal and National Party MPs across Victoria are in hiding as Sydneysiders Malcolm Turnbull and Scott Morrison continue to short-change Victorian taxpayers after the sale of the port. You can see the discomfort in their faces. You can very much see the discomfort on their faces with this new alternative recycling policy. We have got the Sergeant Schultz excuse there: 'I hear nothing, I see nothing, I know nothing'. But they should stand up for Victoria about this theft because it is simply not fair to rip that much money off Victoria. The Andrews government has — —

Honourable members interjecting.

The SPEAKER — Order! The minister will resume his seat. The manager of opposition business on a point of order.

Mr Carbines interjected.

The SPEAKER — Order! The member for Ivanhoe is warned. The manager of opposition business, in silence.

Mr Clark — On a point of order, Speaker, I draw your attention to sessional order 5. The purpose of ministers statements is to advise the house about matters relating to the minister's portfolio, not to debate matters. The minister is debating matters, and I ask you to bring him back to complying with sessional order 5.

Mr DONNELLAN — On the point of order, Speaker, I was raising the concern that the asset recycling program has been altered without any reference to the Victorian state government. That is incredibly concerning, and I would have thought that the manager of opposition business would consider that a serious issue, whereby a state and a federal government sign off an agreement and then somehow or other the federal government just swaps and changes along the way — —

The SPEAKER — Order! The Chair does not uphold the point of order at this point. The Chair requests the member to come back to making a statement.

Mr DONNELLAN — It is very concerning that this asset recycling program has been changed on the run, without any reference to the state government and without any renewal of that agreement. Point Piper Malcolm and his happy, clapping Treasurer had agreed to top up the Victorian budget by $1.46 billion, something that we would actually use wisely to create jobs. But they are not on their own, because if you look at the Deputy Leader of the Opposition, the shadow Minister for Ports, you will see that since November 2014 we have only had two press releases on ports. It is as if he has taken a vow of silence — a vow of silence like a Carmelite nun. We have not heard a word.

Mr Clark — On a point of order, Speaker, the minister is again departing from the requirements of sessional order 5. I ask you to bring him back to complying with the sessional order and not debating issues.

The SPEAKER — Order! The Chair upholds the point of order. The minister will come back to making a ministers statement.

Mr DONNELLAN — As we know, Speaker, we got a very good price for this, and because of the way we set it up with price capping and the like and the rail to road proposition, there was a lot of incentive there for buyers to put together $9.7 billion. But we know the Deputy Leader of the Opposition and others would rather play sandcastles down at Hastings with Henry Bolte and relive the dream of the 1960s than really get on with the job of doing what is right for Victoria and using this money wisely by actually putting it into capital investments and creating jobs.

Fire services enterprise bargaining agreements

Mr BATTIN (Gembrook) — My question is to the Premier. Premier, you have waged an unprecedented war against the leadership of Victoria's fire services, with the Country Fire Authority (CFA) CEO, the CFA chief officer, the CFA board, the Metropolitan Fire Brigade (MFB) chief officer and now the MFB deputy chief officer all gone. Premier, why have you put Victorians at risk this fire season because of your actions in pulling out more than 300 combined years of emergency services experience from the top ranks of Victoria's fire services?

Mr ANDREWS (Premier) — I thank the member for Gembrook for his question. Three weeks away from the place but he is back to his old tricks — just make it up as you go along, and if you say it often enough, it will suddenly become true. The question is littered with inaccuracies, littered with what he would like to be true for his political purposes. But sadly for him the question — —

Honourable members interjecting.

The SPEAKER — Order! The Premier will resume his seat. The Leader of the Opposition will come to order. The Chair is on his feet. The Premier to respond and to be heard in silence by all members.

Mr ANDREWS — So I reject this fiction put forward by the angry lot opposite. But the member for Gembrook does raise an interesting issue. He raises the issue of what puts at risk the safety of Victorians, and I am very — —

Honourable members interjecting.

Mr ANDREWS — No. I think cutting the budget of the CFA puts the safety of Victorians at risk.

Honourable members interjecting.

Mr ANDREWS — Were you pointing your finger in the cabinet room — —

Honourable members interjecting.

The SPEAKER — Order! The Premier will resume his seat. The Leader of the Opposition will come to order. I warn the member for Kew. I will not warn the member for Kew again. The Premier, to continue in silence.

Mr ANDREWS — The greatest risk to the safety of Victorians is when the government of the day — —

Honourable members interjecting.

Mr ANDREWS — I wonder, Speaker, did they shout this loudly in the cabinet room? Oh, no.

Honourable members interjecting.

The SPEAKER — Order! The member for Hawthorn is warned, and so is the member for Warrandyte.

Mr ANDREWS — They are never happier than when they are cutting the budget.

Honourable members interjecting.

Mr ANDREWS — Wrong apparently.

> There will be reductions for the CFA and MFB, they will be in the order of the figures that are being talked about, that is so.

That could only be Peter Ryan.

Honourable members interjecting.

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

Mr ANDREWS — Thank you. I was wondering whether I would be able to get that contorted quote on the record, so thank you so very much. The only risk to the fire services, the only risk to the safety of Victorians — —

Honourable members interjecting.

Mr ANDREWS — Again, they only try — —

Honourable members interjecting.

The SPEAKER — Order! The member for Hastings is warned.

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Hastings

The SPEAKER — Order! The Premier will resume his seat. The member for Hastings will withdraw himself for the period of half an hour from the house.

Honourable member for Hastings withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Fire services enterprise bargaining agreements

Questions and statements resumed.

The SPEAKER — Order! The Premier will resume his contribution in silence.

Mr ANDREWS (Premier) — So, Speaker, you can cut the budget — and some are experts at that; there are some who are experts at that — or you can provide more funding than the fire services have ever received, the latest boost of which, some 35 — —

Mr Guy interjected.

The SPEAKER — Order! The Leader of the Opposition has been warned.

Mr ANDREWS — Was he this loud when they cut the budget? He did not say a word. He did not say a word while the minister was off at the tennis and this one was cheering them on.

We will continue to support our CFA volunteers and career staff with strong funding and not the cutbacks for which those opposite are infamous.

Supplementary question

Mr BATTIN (Gembrook) — Given you refuse to guarantee that more senior leaders in the fire services will not resign or be sacked, Premier, how many more senior officers have to go before you finally have the guts to stand up to Peter Marshall and say enough is enough?

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Mordialloc

The SPEAKER — Order! The member for Mordialloc will withdraw himself from the house for the period of half an hour.

Honourable member for Mordialloc withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Fire services enterprise bargaining agreements

Supplementary question

Questions and statements resumed.

The SPEAKER — Order! The Premier is entitled to silence from all members.

Mr ANDREWS (Premier) — Well, what a ridiculous question. Instead of pausing to reflect on many decades of commitment and hard work, those opposite would play politics with the retirements that have been announced in recent weeks. We will not have any of that. I would instead say in relation to those individuals who have decided in recent weeks — —

Honourable members interjecting.

The SPEAKER — Order! The member for Ripon is warned.

Mr ANDREWS — In relation to those who have left after distinguished careers — careers of bravery, careers of service: we are grateful to you, and on behalf of all Victorians — not those opposite, because they would only play games with this — —

Mr Battin — On a point of order, Speaker, just in relation to relevance — —

An honourable member interjected.

The SPEAKER — Order! I call on the member for Gembrook to make a point of order in silence.

Mr Battin — In relation to relevance, I would like to ask the Premier: do you also refer to Joe Buffone when you talk about the distinguished career of people involved in emergency services, about whom the man sitting next to you was absolutely disgraceful in his behaviour on the way out?

The SPEAKER — Order! There is no point of order. The Premier will continue in silence.

Mr ANDREWS — What a nonsense question. Three weeks and that is the best you can come up with? You ought to get up and apologise for the cutbacks you made. That is what they ought to do opposite, but instead, you know, they are never happier than in turning the CFA into a political football. Well, the footy season is over. The fire season will be on us soon, and this government will back our CFA to keep Victorians safe, not this rot from those opposite.

Ministers statements: port of Melbourne lease

Ms NEVILLE (Minister for Water) — Today I am very pleased to provide information about the way that the port of Melbourne lease — the extraordinary outcome that the Treasurer has achieved — will support our regional communities. In fact as a result of the lease we are looking at $970 million going to regional Victoria — our regions and our rural communities.

This is on top of the $200 million Agriculture Infrastructure and Jobs Fund that we announced when we were going through the process of the port lease legislation. This agriculture fund is funding not only things like roads to markets, the Wimmera radar and cattle underpasses but also, very critically, an important project for Gippsland, the Macalister irrigation project, which we are contributing $20 million to. This is a really vital piece of water infrastructure that will add to the already $500 million worth of economic activity in the Gippsland region to help it grow. This is a project that stacks up: $1.47 for every $1 invested. That is the business case. This will modernise 85 kilometres of channel. Thirty-nine kilometres of pipeline and 32 kilometres of automated channels will be built and over 200 jobs created. We are getting on with delivering this project.

Who would say no to this sort of project? Who would stand in the way of regional and rural Victoria getting the funds they need to continue to grow? Those opposite. They got dragged kicking and screaming to try and give a bit of a subtle message to their federal colleagues. There was no sound from the National Party. There was nothing from the National Party saying, 'We need this money from the federal government to ensure our regions are better off' — —

Mr Clark — On a point of order, Speaker, I draw your attention to sessional order 5. Ministers statements should be about advising the house of matters, not about debating issues. I ask you to bring the minister back to compliance.

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

Ms NEVILLE — We are investing in our regions and our rural communities. We are investing in water infrastructure and we are investing in community infrastructure, unlike the federal government, which once again has overstepped Victoria, with only 11 per cent of the National Stronger Regions Fund coming to Victoria. Where are the National Party in this debate?

CONSTITUENCY QUESTIONS

Box Hill electorate

Mr CLARK (Box Hill) — (11 763) My question is to the Minister for Education. What are the government's estimates of the additional numbers of students requiring places in government schools as a result of the high-rise and higher density development which has occurred and which will in future occur in and around central Box Hill, and what plans does the government have to ensure that primary and secondary school places and proper facilities are available for these students?

There are already three high-rise tower complexes with large residential components under construction or with planning approval in central Box Hill, with more likely to follow after the government has slammed the brakes on Melbourne CBD developments. This is as well as other high-density development occurring around Box Hill, with the government trying to push even more high-density development into residential streets across our suburbs. Yet at the same time the government has so far failed to deliver on its promise of upgrade funding for Box Hill High School. It has left Koonung Secondary College with nothing after scrapping the coalition's upgrade funding, and it is leaving the primary schools in surrounding suburbs to face potentially huge increases in student numbers in overcrowded facilities.

The community is entitled to know what the government has done to estimate likely future needs in and around Box Hill and to provide for those needs — —

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

Essendon electorate

Mr PEARSON (Essendon) — (11 764) I direct my constituency question to the Minister for Families and Children in the other place. The state district of Essendon is home to a number of different culturally

and linguistically diverse (CALD) communities. We know that attending kindergarten the year before school gives children the very best start to their schooling. What is the latest information on what the government is doing to address the attendance rate at kindergarten and early years services amongst the CALD community?

Lowan electorate

Ms KEALY (Lowan) — (11 765) My question is to the Minister for Energy, Environment and Climate Change, and I ask: what has the minister done to encourage gas retailers to look at commercial opportunities to foster competition for gas supply in the Wimmera region since making this commitment to Mike Ryan of Horsham in February 2015? The minister is aware that EnergyAustralia is the only supplier of piped gas to the Wimmera region, restricting locals from accessing discounted deals. It is therefore disappointing that the minister has been unable to open up access to gas supply in the Wimmera to improve competition and reduce cost-of-living pressures for local people. To better understand how the minister is working to foster competition for gas supply in the Wimmera region and following her commitment to do so, I ask: what has the minister done to encourage gas retailers to enter the Wimmera gas supply market?

Sunbury electorate

Mr J. BULL (Sunbury) — (11 766) My question is to the Minister for Roads and Road Safety. What are the expected benefits to residents of Gowanbrae from the soon to be constructed noise barriers along the M80 ring-road? Last week I had the great pleasure of joining my friend and parliamentary colleague the member for Pascoe Vale to announce that BMD Constructions has won the contract to build $10 million worth of noise barriers. After extensive consultation, design and planning work can now start. This is fantastic news. I want to thank all residents of Gowanbrae and Glenroy for their tireless efforts in advocating for the project, and I ask the minister: what are the benefits of such a project?

Ferntree Gully electorate

Mr WAKELING (Ferntree Gully) — (11 767) My question is to the Minister for Public Transport and it is in regard to the access to myki services at the Wantirna South newsagency at the Studfield shops in Wantirna South. In December last year I wrote to the minister on behalf of my community requesting that residents could access myki services at that particular newsagency. The minister in her response on 5 February this year acknowledged the fact that the newsagency is in proximity to bus routes 737, 745, 664, SmartBus 901 and 969, yet despite this she has not provided my community with the opportunity to access myki services at that newsagency. My question to the minister is: when will my residents be able to access myki services at the Wantirna South newsagency at the Studfield shops in Wantirna South?

Pascoe Vale electorate

Ms BLANDTHORN (Pascoe Vale) — (11 768) My question is for the Minister for Industry and Employment. How do eligible businesses in the Pascoe Vale district apply for the Local Industry Fund for Transition? As we have heard, on Friday we saw the closure of Ford at Broadmeadows, a decision impacting on my local community, particularly in Glenroy and Hadfield. Not only are there job losses at the car factories but obviously there are job losses in those firms and industries that support auto manufacturing, such as those that supply parts and components. It must be a priority to ensure that retrenched workers are provided with the opportunity to undertake further training and reskilling to give them the best chance to gain employment elsewhere. I ask: how do eligible businesses in the Pascoe Vale district apply for the Local Industry Fund for Transition?

Prahran electorate

Mr HIBBINS (Prahran) — (11 769) My constituency question is for the Minister for Public Transport. I ask: does the government have a plan to improve public transport along the Punt Road corridor? The best way to increase capacity and reduce traffic along Punt Road is through better public transport, not through an expensive, destructive and pointless road widening, which is still under consideration. One proposal is to create an inner city orbital SmartBus incorporating the 246 bus route, which travels then to the northern and western suburbs. The 246 is one of Melbourne's busiest bus routes, with patronage forecast to grow. It would benefit from higher frequencies, real-time information displays and traffic light priority, which was originally proposed under the previous Labor government's *Meeting Our Transport Challenges* plan — however, it was dumped from the subsequent *Victorian Transport Plan*. With 24/7 clearways having been put in place and working well, now is the time to implement this route and look at other ways to improve public transport along the Punt Road corridor.

Bundoora electorate

Mr BROOKS (Bundoora) — (11 770) My question is to the Minister for Education, and I ask: what will be the impact of the federal government's refusal to fund the Gonski school funding agreement on schools in my electorate of Bundoora? Many schools in my electorate were eagerly awaiting the full Gonski funding from the federal government, particularly after the Liberal Party said that it was on a unity ticket with Labor on school funding. Families in my electorate are coming to realise that the federal Liberal-Nationals government is anti-Victorian, and if the minister can detail the impact of the federal government's Gonski cuts on my local schools, I will communicate them directly with these school communities.

South Barwon electorate

Mr KATOS (South Barwon) — (11 771) My constituency question is to the Minister for Roads and Road Safety. When will the minister direct trucks not to use their air brakes in residential areas of Highton, particularly Barrabool Road, to limit noise levels in residential neighbourhoods? I have recently been contacted by Mr Lens of Highton who finds that the trucks travelling along Barrabool Road to access the Geelong Ring Road are using their air brakes, which is contributing to a greater noise level in their neighbourhood. Whilst it is understood the trucks will use this road to gain access to the ring-road, I would imagine that directing trucks not to use their air brakes along this strip is a reasonable request. I am sure the minister would agree that ensuring that the noise level along this road is low both in peak and off-peak times would safeguard the livability of the Highton community. I ask: when will the minister direct trucks not to use their air brakes in residential areas of Highton, particularly along Barrabool Road?

Yuroke electorate

Ms SPENCE (Yuroke) — (11 772) My question is to the Minister for Industry and Employment, and I ask: what information can the minister provide to Yuroke residents on what the Andrews Labor government is doing to assist the former employees of Ford who left the Ford factory in Broadmeadows for the final time last Friday? There are generations of families who live in the northern suburbs, including in the Yuroke electorate, who have relied on the car manufacturing industry and the associated supply chain to provide employment opportunities for many years. For many former Ford workers, they did not just lose their jobs and their livelihood, they lost their connection with mates and colleagues and the camaraderie that they had enjoyed, in some cases for decades and across generations. There are many Ford families in my electorate, and for them and many others Friday was a very sad day and the end of an era. For some it is the start of a new career direction, but for many it is the start of an uncertain future. I know that residents of the Yuroke electorate who are concerned about what Ford's departure means for their families and friends would appreciate the information from the minister.

COMPENSATION LEGISLATION AMENDMENT BILL 2016

Introduction and first reading

Mr SCOTT (Minister for Finance) — I move:

That I have leave to bring in a bill for an act to amend the Accident Compensation Act 1985, the Limitation of Actions Act 1958, the Transport Accident Act 1986 and the Workplace Injury Rehabilitation and Compensation Act 2013 to further improve the operation of those acts and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation of the bill.

Mr SCOTT (Minister for Finance) — The purpose of the bill is to improve the benefits available under Victoria's transport and workplace accident compensation schemes and to improve the operation of the schemes and related legislation.

Motion agreed to.

Read first time.

STATE TAXATION ACTS FURTHER AMENDMENT BILL 2016

Introduction and first reading

Mr PALLAS (Treasurer) — I move:

That I have leave to bring in a bill for an act to amend the Land Tax Act 2005, the Payroll Tax Act 2007, the Planning and Environment Act 1987 and the Valuation of Land Act 1960 and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation of the bill.

Mr PALLAS — I will respond, although there was a measure of anticipation there, Deputy Speaker. A brief explanation is that the purpose of the bill is to maintain the integrity and the sustainability of the taxation system and the land valuation regime.

Motion agreed to.

Read first time.

DOMESTIC ANIMALS AMENDMENT (PUPPY FARMS AND PET SHOPS) BILL 2016

Introduction and first reading

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

> That I have leave to bring in a bill for an act to amend the Domestic Animals Act 1994 to regulate the number of fertile female dogs to be kept by breeding domestic animal businesses, to further regulate the breeding of dogs and cats and the sale of dogs and cats in pet shops, to provide for registration of foster carers and for single-use permits to sell certain animals, to further provide for the administration and enforcement of that act and legal proceedings and to provide for other minor and related matters and for other purposes.

Mr WALSH (Murray Plains) — I ask the minister for a brief explanation of the bill, please.

Ms ALLAN (Minister for Public Transport) — I venture the suggestion that the member for Murray Plains probably does not need much of an explanation of this bill as it is an area he would be familiar with because it is addressing some of the issues that were caused by his previous portfolio of Minister for Agriculture and Food Security. We need to make amendments to the Domestic Animals Act 1994 to provide for better regulation of a really important area that affects people in our community who are rightly concerned about how dogs and cats are bred and then sold to the public. There is a range of measures in this bill to implement what was part of this government's election commitment in the November 2014 election.

Motion agreed to.

Read first time.

TRANSPORT (COMPLIANCE AND MISCELLANEOUS) AMENDMENT (ABOLITION OF THE PENALTY FARES SCHEME) BILL 2016

Introduction and first reading

Ms ALLAN (Minister for Public Transport) introduced a bill for an act to amend the Transport (Compliance and Miscellaneous) Act 1983 to abolish the on-the-spot penalty fares scheme and for other purposes.

Read first time.

TRANSPORT INTEGRATION AMENDMENT (HEAD, TRANSPORT FOR VICTORIA AND OTHER GOVERNANCE REFORMS) BILL 2016

Introduction and first reading

Ms ALLAN (Minister for Public Transport) introduced a bill for an act to amend the Transport Integration Act 2010 to reform the governance of sector transport agencies and to establish the Head, Transport for Victoria as the lead transport agency, to provide for the ongoing public ownership of V/Line's operations, to make related and consequential amendments to the Transport Integration Act 2010 and certain other acts and for other purposes.

Read first time.

PETITIONS

Following petitions presented to house:

Cranbourne West precinct structure plan

To the Legislative Assembly of Victoria:

The petition of residents in the City of Casey draws to the attention of the house that although the Casey council initially supported that the 203 hectares located in Cranbourne West precinct structure plan (PSP) be wholly zoned commercial zone, we residents support the Minister for Planning's decision to progress to rezone the southern portion of land in the Cranbourne West area from the applied commercial zone to general residential zone and also consider making a number of industrial land uses prohibited in the applied commercial zone.

Your petitioners therefore request that the Legislative Assembly of Victoria gives consideration to approve that the southern portion of land boundary that separates general residential zone and commercial zone be implemented along the Central Parkway-Wedge Road boundary.

By Mr PERERA (Cranbourne) (777 signatures).

Equal opportunity legislation

To the Legislative Assembly of Victoria:

Residents in the state of Victoria draw to the attention of the house their concerns that the Andrews Labor government is removing the rights of Victorian faith-based schools to employ staff that share the values of the school community.

The petitioners therefore request that the Legislative Assembly of Victoria call on the Andrews Labor government to withdraw the Equal Opportunity Amendment (Religious Exceptions) Bill 2016.

By Mr CRISP (Mildura) (37 signatures).

Tabled.

Ordered that petition presented by member for Mildura be considered next day on motion of Mr CRISP (Mildura).

Ordered that petition presented by member for Cranbourne be considered next day on motion of Mr PERERA (Cranbourne).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 13

Ms BLANDTHORN (Pascoe Vale) presented *Alert Digest* No. 13 of 2016 on:

Alpine Resorts Legislation Amendment Bill 2016
Births, Deaths and Marriages Registration Amendment Bill 2016
Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Bill 2016
Equal Opportunity Amendment (Religious Exceptions) Bill 2016
Food Amendment (Kilojoule Labelling Scheme and Other Matters) Bill 2016
Lord Mayor's Charitable Foundation Bill 2016
Medical Treatment Planning and Decisions Bill 2016
Traditional Owner Settlement Amendment Bill 2016
Victorian Fisheries Authority Bill 2016
SR No. 47 — Sex Work Regulations 2016

together with appendices.

Tabled.

Ordered to be published.

DOCUMENTS

Tabled by Clerk:

Agriculture Victoria Services Pty Ltd — Report 2015–16

Barwon Region Water Corporation — Report 2015–16

Central Gippsland Region Water Corporation — Report 2015–16

Central Highlands Region Water Corporation — Report 2015–16

Charter of Human Rights and Responsibilities Act 2006 — Report 2015 on the operation of the Act — Ordered to be published

City West Water Corporation — Report 2015–16

Coliban Region Water Corporation — Report 2015–16

Commission for Children and Young People Act 2012 — In the child's best interests — Inquiry into compliance with the intent of the Aboriginal Child Placement Principle in Victoria — Ordered to be published

Corangamite Catchment Management Authority — Report 2015–16

Crown Land (Reserves) Act 1978 — Order under s 17D granting a lease over Richmond Park Reserve

Dairy Food Safety Victoria — Report 2015–16

Duties Act 2000 — Reports 2015–16 of exemptions and refunds under ss 250B and 250DD (two documents)

East Gippsland Catchment Management Authority — Report 2015–16

East Gippsland Region Water Corporation — Report 2015–16

Energy Safe Victoria — Report 2015–16

Environment Protection Authority — Report 2015–16

Financial Management Act 1994:

Reports from the Minister for Agriculture that she had received the reports 2015–16 of:

Murray Valley Wine Grape Industry Development Committee

Phytogene Pty Ltd

Veterinary Practitioners Registration Board of Victoria

Victorian Strawberry Industry Development Committee

Reports from the Minister for Energy, Environment and Climate Change that she had received the reports 2015–16 of:

Barwon South West Waste and Resource Recovery Group

Commissioner for Environmental Sustainability

Gippsland Waste and Resource Recovery Group

Goulburn Valley Waste and Resource Recovery Group

Grampians Central West Waste and Resource Recovery Group

Loddon Mallee Waste and Resource Recovery Group

North East Waste and Resource Recovery Group

Reports from the Minister for Planning that he had received the reports 2015–16 of:

Architects Registration Board of Victoria

Heritage Council of Victoria

Surveyors Registration Board of Victoria

Report from the Minister for Women that she had received the Report 2015–16 of the Queen Victoria Women's Centre Trust

Geoffrey Gardiner Dairy Foundation Ltd — Report 2015–16 (two documents)

Gippsland and Southern Rural Water Corporation — Report 2015–16

Glenelg Hopkins Catchment Management Authority — Report 2015–16

Goulburn Broken Catchment Management Authority — Report 2015–16

Goulburn-Murray Rural Water Corporation — Report 2015–16

Goulburn Valley Region Water Corporation — Report 2015–16

Grampians Wimmera Mallee Water Corporation — Report 2015–16

Interpretation of Legislation Act 1984:

Notice under s 32(3)(a)(iii) in relation to Statutory Rule 114 *(Gazette G37, 15 September 2016)*

Notice under s 32(4)(a)(iii) in relation to Statutory Rules 54/2007, 166/2008, 37/2011, 132/2012 *(Gazette G37, 15 September 2016)*

Liquor Control Reform Act 1998 — Report 2015–16 under s 148R

Lower Murray Urban and Rural Water Corporation — Report 2015–16

Mallee Catchment Management Authority — Report 2015–16

Melbourne Market Authority — Report 2015–16

Melbourne Water Corporation — Report 2015–16

Metropolitan Planning Authority — Report 2015–16

Metropolitan Waste and Resource Recovery Group — Report 2015–16

National Parks Act 1975:

Notice of consent under s 40

Report 2015–16 on the working of the Act

National Parks Advisory Council — Report 2015–16

North Central Catchment Management Authority — Report 2015–16

North East Catchment Management Authority — Report 2015–16

North East Region Water Corporation — Report 2015–16

Ombudsman — Report 2015–16 — Ordered to be published

Parks Victoria — Report 2015–16

Phillip Island Nature Parks — Report 2015–16

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ararat — C35

Bass Coast — C146

Benalla — GC52

Boroondara — C222 Part 2

Brimbank — C120

Casey — C211

Darebin — C136

Greater Dandenong — C122

Greater Geelong — C336

Hepburn — GC52

Kingston — C161

Manningham — C102

Maribyrnong — GC54

Melbourne — GC52, GC54

Mildura — C75

Mitchell — GC52

Moira — C38

Moreland — GC52

Mornington Peninsula — GC52

Monash — C113

Port of Melbourne — GC54

Port Phillip — GC54

Southern Grampians — C14

Stonnington — C241

Surf Coast — C99

Wangaratta — GC52

Warrnambool — C93, C99

Wellington — GC52

Wyndham — C212, C216

Yarra — C221

Yarra Ranges — C153

Port Phillip and Westernport Catchment Management Authority — Report 2015–16

Project Development and Construction Management Act 1994 — Nomination orders under s 6, application orders

under s 8 and a statement under s 9 of reasons for making a nomination order (nine documents)

Recreational Fishing Licence Trust Account — Report 2015–16 on the disbursement of Revenue

Royal Botanic Gardens Board Victoria — Report 2015–16

South East Water Corporation — Report 2015–16

South Gippsland Region Water Corporation — Report 2015–16

Statutory Rules under the following Acts:

Access to Medicinal Cannabis Act 2016 — SR 118

Offshore Petroleum and Greenhouse Gas Storage Act 2010 — SR 123

Planning and Environment Act 1987 — SR 120

Prevention of Cruelty to Animals Act 1986 — SR 122

Racing Act 1958 — SR 116

Subdivision Act 1988 — SR 121

Subordinate Legislation Act 1994 — SR 117

Tobacco Act 1987 — SR 119

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 111, 115, 116, 117, 118, 119, 120, 121, 122

Sustainability Victoria — Report 2015–16

Trust for Nature (Victoria) — Report 2015–16

Victorian Broiler Industry Negotiation Committee — Report 2015–16

Victorian Building Authority — Report 2015–16

Victorian Catchment Management Council — Report 2015–16

Victorian Coastal Council — Report 2015–16

Victorian Environmental Assessment Council Act 2001 — Report on the Historic Places Investigation

Victorian Environmental Assessment Council — Report 2015–16

Victorian Environmental Water Holder — Report 2015–16

Victorian Industry Participation Policy — Report 2015–16

Wannon Region Water Corporation — Report 2015–16

West Gippsland Catchment Management Authority — Report 2015–16

Western Region Water Corporation — Report 2015–16

Westernport Region Water Corporation — Report 2015–16

Wimmera Catchment Management Authority — Report 2015–16

Yarra Valley Water Corporation — Report 2015–16

Zoological Parks and Gardens Board — Report 2015–16.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 24 February 2015:

Access to Medicinal Cannabis Act 2016 — Parts 2, 4, 6, 7, 8 and 14, s 79 and the remaining provisions of Parts 12 and 13 (except ss 99, 121, 122, 124, 127, 128 and 132) — 14 September 2016; Sections 121, 122, 124, 127, 128 and 132 — 21 October 2016 *(Gazette S284, 13 September 2016)*

Crimes Amendment (Sexual Offences) Act 2016 — Part 1 and ss 27(2), 28(2), 28(3) and 28(4) — 26 September 2016 *(Gazette S289, 20 September 2016)*

Crimes Legislation Amendment Act 2016 — Part 2 and Part 3 — 3 October 2016 *(Gazette S296, 27 September 2016)*

Education and Training Reform Amendment (Miscellaneous) Act 2016 — Remaining provisions — 29 September 2016 *(Gazette S296, 27 September 2016)*

Emergency Management (Control of Response Activities and Other Matters) Act 2015 — Sections 26(2) and 27 and Division 4 of Part 3 — 19 September 2016 *(Gazette S284, 13 September 2016)*

Justice Legislation (Evidence and Other Acts) Amendment Act 2016 — Part 3 — 3 October 2016 *(Gazette S296, 27 September 2016)*

Land (Revocation of Reservations — Metropolitan Land) Act 2016 — Whole Act (other than Parts 2 and 3) — 5 October 2016 *(Gazette S300, 4 October 2016)*

Primary Industries Legislation Amendment Act 2016 — Parts 1 and 3 — 29 September 2016 *(Gazette S296, 27 September 2016)*

Witness Protection Amendment Act 2016 — Parts 1 and 4 — 5 October 2016 *(Gazette S289, 20 September 2016).*

ROYAL ASSENT

Message read advising royal assent on 20 September to Livestock Disease Control Amendment Bill 2016.

APPROPRIATION MESSAGES

Message read recommending appropriations for:

Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Bill 2016

Food Amendment (Kilojoule Labelling Scheme and Other Matters) Bill 2016

Victorian Fisheries Authority Bill 2016.

JOINT SITTING OF PARLIAMENT

Senate vacancy

The SPEAKER — Order! I have received the following letter from the Governor:

> I write to advise that I have been informed by the President of the Senate that a vacancy has occurred in the representation of the state of Victoria in the Senate through the recent resignation of Senator the Honourable Stephen Conroy.
>
> Accordingly, I enclose a message to you as Speaker of the Legislative Assembly in relation to this.
>
> I have written to the President of the Legislative Council in like terms and have also informed the Premier of this correspondence.

Further correspondence from the Governor reads as follows:

> The Governor transmits to the Legislative Assembly a copy of a dispatch which has been received from the Honourable the President of the Senate notifying that a vacancy has happened in the representation of the state of Victoria in the Senate of the Commonwealth of Australia.

Legislative Council vacancy and Senate vacancy

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

> That this house meets the Legislative Council for the purpose of sitting and voting together —
>
> (1) to choose a person to hold the place in the Council rendered vacant by the resignation of Damian Drum, and proposes that the time and place of such meeting be the Legislative Assembly chamber on Wednesday, 12 October 2016, at 6.45 p.m.; and
>
> (2) to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Stephen Conroy, and proposes that the time and place of such meeting be the Legislative Assembly chamber on Tuesday, 25 October 2016, at 6.45 p.m.

I will just make a few observations about the motion that I have moved in this house, and I appreciate that the house has granted leave for this motion to proceed immediately. This motion comes at a time and against a backdrop when there has been a range of conversations since the house — —

Honourable members interjecting.

Ms ALLAN — I note that those conversations were not taken with the National Party, who chose not to participate in the discussions that were held between the government and representatives of the Liberal Party to progress a suite of issues — we were discussing a suite of issues — about how this Parliament as a whole can progress a range of matters.

It is fair to say that in the last few months there have been some particular challenges, particularly emanating from the Legislative Council and the way actions that have been taken there, in quite extraordinary terms, have reverberated across the Parliament. So the Leader of the Government in the upper house, who obviously is still sitting outside of that chamber, and I have had a number of discussions with the Liberal Party representatives about how matters of, it is fair to say, joint interest could be progressed. There have been a number of matters around the passage of the legislative program in the Legislative Council, not just in recent weeks but in recent months, that have meant it has been a challenge for the Legislative Council to progress what has historically been an appropriate number of bills but which has slowed somewhat in recent months.

Following those discussions with representatives of the Liberal Party, I appreciate that there has been a spirit of agreement to consider a range of bills in the Legislative Council, and this week it is six bills that are going to be considered by the Council — and obviously considered in the normal way — and parties and individuals in the Council can of course reserve their right to vote accordingly. That is the backdrop against which this joint sitting motion has been moved today, and it requires a joint sitting this week and a joint sitting next week. The joint sitting this week is for the replacement for a member for Northern Victoria Region. The joint sitting next week is for the replacement of a Senator from Victoria.

I also do note — I think I might have even heard it by way of an interjection from a member of the National Party — how quickly this has been progressed. I must say that there is some comparison to be made in noting the timelines of how this joint sitting motion has been moved, because externally, obviously, to this place Senator Conroy announced his resignation on, I think, 16 or 17 September and this week the Labor Party will be going through its internal processes to, as I understand it, select his replacement. That is in stark contrast — stark contrast — to what happened with the National Party when it came to the vacancy for Northern Victoria Region.

Honourable members interjecting.

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

Ms ALLAN — Hypocrisy, thy name is National Party. Between 25 May and 2 July, which was the date of the federal election, there was ample time for the National Party to hold their preselection, but they did not. There could have been a joint sitting to fill the vacancy in Northern Victoria Region in the two sitting weeks in June. When the former member announced back in March that he would nominate for Murray there was ample time for the National Party to get their house in order. They did not for one of two reasons: one, they could not get their house in order; or two, they were leaving it there as a safety net so that should the former member, Damian Drum, fail in his attempt to win the seat of Murray, he could parachute back in here. Now, that is a terrible way to treat the people of northern Victoria. And as a result the people of northern Victoria were left for many months, at the National Party's own hands, with one fewer representative in this place.

I know that they have been agitated and concerned about recent events, but many of these events have been of their own making. They could have moved a lot more quickly. Indeed, as I have just outlined, the Labor Party has shown how quickly you can move to sort these issues out and to ensure that, whether it is in this case the people of Victoria and a senator or the people of Northern Victoria Region and a member, people can have their representatives.

Notwithstanding that, I am, can I say, heartily pleased that we are at this point — that we are seeing joint sittings to both fill the vacancy in northern Victoria and elect a replacement senator for Victoria. I again particularly acknowledge the participation of the manager of opposition business, the member for Box Hill, and his assistance in getting an arrangement put in place that progresses the joint sittings and progresses some of the legislative issues in the Legislative Council. There are no doubt other significant and outstanding issues that this Parliament needs to consider. Unfortunately they were not able to be resolved as part of that conversation, but we have made some progress, it is positive progress, and I hope in that vein we can continue in that positive approach.

Mr CLARK (Box Hill) — Needless to say, the opposition parties welcome the government finally agreeing to hold a joint sitting to fill the casual vacancy in the Legislative Council as well as proposing arrangements for a joint sitting to fill the Senate vacancy that has arisen. Despite all of the attempts at distraction in the remarks by the Leader of the House, it is clear that the government have realised the folly of the course that they embarked on — of obstructing the appointment of Mr O'Sullivan to the Legislative Council and attempting to act in the way that they might have been accustomed to in the union movement of trying to bludgeon people into ceasing to uphold the law and ceasing to insist on others upholding the law — an attempt that has now failed.

I am very pleased to see that the attempt has failed and that now, if this motion is passed by this house and this proposal is agreed to by the Legislative Council, as I expect that it will be, we will be having a joint sitting and Mr O'Sullivan will be appointed at long last to fill the vacancy that has arisen in the Legislative Council, and the people of Northern Victoria Region will have the full representation to which they are entitled.

Needless to say, the many warnings that this side of the house gave to the government about the folly of their conduct as well as the undemocratic nature of their conduct have come to pass. We repeatedly drew to the attention of members on the government side of the house the situation that they would be in with the precedent that they had set in denying Mr O'Sullivan appointment to the Legislative Council, denying the people of Northern Victoria Region their full representation in that house, were a vacancy in the Senate to arise in the ranks of the Labor senators. Lo and behold, what has happened over the break is that a vacancy has arisen in the ranks of the Labor senators. Those on the government side of the house have had to confront the reality of the precedent that they were setting and have come to realise that it was an absolutely appalling precedent indeed and that it was a precedent that should be renounced.

Certainly while we welcome the fact that this joint sitting is now at long last going to be held to fill the Legislative Council vacancy, and there will be a joint sitting to fill the Senate vacancy, the important take-out of this entire episode needs to be that never again should it be regarded as acceptable for a government to use its numbers in either house to deny the voters of Victoria the representation to which they are entitled.

The conduct of the government over past months in this regard needs to stand recognised universally as having been wrong, having been improper, having been a failure, a folly, a travesty of democracy, a shameful episode that should never, ever be repeated. We need to go back, and it needs to be recognised that this house and this Parliament should go back and reaffirm what Mr Lenders said at the time that this legislation was first passed — that it should be regarded as unthinkable that any party in this Parliament should seek to take advantage of its numbers to prevent a joint sitting being held in order to deny someone their place in the Parliament, to deny a party their nominee and their right to have their full representation in the house.

Not only do we need to resolve this current situation by holding this joint sitting but it needs to be recognised that this obstruction of the joint sitting, this refusal to hold a joint sitting, should never, ever have occurred in the first place. Of course in recent times there has been the judgement of Justice Dixon in the Supreme Court in relation to this matter. He decided that the issue involved was not judiciable. There is no need to go into the detail of the case that was advanced on behalf of the plaintiff or to canvass the various submissions that were made in that regard because His Honour held that the entire issue was not judiciable. In essence he did so based on the longstanding constitutional doctrine that the Parliament of Westminster is regarded as the High Court of Parliament, that it is the highest legal body in the United Kingdom, and the primary reason why the dealings and proceedings of the Parliament are not judiciable is because it is expected to behave in relation to matters of regulating its own procedures with the same regard to law as any other court. It is regarded as the High Court of Parliament, as I say, and above the jurisdiction of any other courts of the United Kingdom.

That doctrine does not translate 100 per cent over to Victoria, but it does in very large part by reason of the provisions of the Victorian constitution that give the houses of Parliament here similar rights and privileges to those enjoyed by the House of Commons, and somewhat more generally by virtue of a carryover of some of the approaches to the Parliament in the United Kingdom to the Parliament here in Victoria and indeed to the commonwealth Parliament. But what that means for members of this house, as I have said on a previous occasion, is that it makes it even more important that the question we need to be asking ourselves in matters such as this is not 'What are we able to do and what can we get away with doing?' but 'What ought we do?'. Ultimately the law saying that these matters of internal procedure are not judiciable means that the responsibility is on us — the buck stops with us to do the right thing by the law, to act legally — and the fact that a court cannot order us to obey the law does not make it any less the law. Indeed the fact that we are regarded as having the responsibility and the duty of regulating our own proceedings means that we need to act in a proper manner with regard to the law and not to act in terms of political expediency and not to act on the basis of what we can get away with doing but to act on the basis of what we ought to be doing.

In that regard it is clear that what the government was attempting to do was wrong. It was illegal notwithstanding the fact that Justice Dixon was unable to rule on it because of the fact that courts do not interfere with the internal proceedings of the Parliament. The fact that the Supreme Court did not rule on the issue does not mean that there was not a legal issue that needed to be ruled on. It meant that we have the responsibility to act in accordance with the law. The law is very clear that a joint sitting is obliged by the constitution to be held, and just as every court in this land is expected to abide by the law in its own proceedings, so this Parliament and so this house should abide by the law in regulating its own proceedings. The longstanding doctrines of English and United Kingdom democracy, which we have inherited, should require us to conduct ourselves in that manner.

The Leader of the House in her contribution tried again to stand by the argument that had been raised before, that in some sense the government's conduct was justified because of their grievances about the Leader of the Government in the Legislative Council. Of course there are two responses to that. The first is that there is absolutely no justification for linking those two issues together. Regardless of the merits or lack thereof of the government's complaints about Mr Jennings, that was no ground for refusing to hold a joint sitting to fill the casual vacancy. Secondly, there was in fact no grounds for government members to complain about the treatment of the Leader of the Government, Mr Jennings, because he was in clear defiance of a resolution of the Legislative Council requiring him to produce certain documents to the Council. He could be back in the chamber forthwith if he chose to comply with that resolution of the Council and to submit the documents that were sought by the Council through the processes that are laid down in the standing orders of the Legislative Council.

Over and above that, we on this side of the house have made it perfectly clear to the government on numerous occasions that we are more than happy to listen to any proposals from the government to improve the operation of those standing orders in the Legislative Council that govern the procedures for making documents available to the house, in order to achieve the best possible regime that can be put in place in that regard, and to do so on the basis that it needs to be fair to all parties in the house — to the government party of the day and to the non-government parties of the day. They would be rules that we would be prepared to operate under in government ourselves as well as ones that we would expect the current government to operate under. Both in terms of the ability of Mr Jennings to return to the chamber forthwith and in terms of getting a better long-term regime for the provision of documents in the Legislative Council, there are clear and obvious ways forward for the government to take should they wish to do so.

Finally, the Leader of the House made reference to the legislative program of the government and to the business that is before the Legislative Council. I think members can have every confidence that, with the Legislative Council composition being resolved, that distraction for the Legislative Council will have been removed and with that distraction being removed the Legislative Council will be able to give its full consideration to addressing government legislation and the other business of the Legislative Council, just as it always has in the past.

As I said at the outset, we welcome the fact that the government is now at long last proposing to hold a joint sitting to fill the casual vacancy in the Legislative Council and also a joint sitting to fill the vacancy that has arisen in the Senate. We need to get on and fill those vacancies, but most importantly we need to recognise that what the government has done by refusing for so long to hold a joint sitting is and has been a reprehensible course of conduct, a disgraceful course of conduct, one that should never have been embarked upon in the first place and one that must never, ever be repeated.

Mr WALSH (Murray Plains) — In supporting this motion, which is very long overdue, can I say that the member for Bendigo East never lets the truth get in the way of a good story when it comes to anything she says in this Parliament.

Ms Allan interjected.

Mr WALSH — The member for Bendigo East cannot handle the truth either.

If you look at a bit of the history around the replacement of upper house members, you can see that the Labor Party has form on these particular issues. When Evan Thornley resigned it was 65 days before the Labor Party got around to actually finding a replacement for him. People would remember Evan Thornley as the knight in shining armour who was going to be everything to the Labor Party in the upper house. However, he finally decided that he could make more money in private enterprise than what he was being paid up there, so he decided to ride off on his white charger back to private enterprise. The member for Bendigo East loves to tell a story, but it is always very useful to actually fact-check what she says, because usually it is not quite true.

Martin Pakula resigned from the upper house to come down to the lower house and Cesar Melhem — —

The DEPUTY SPEAKER — Order! The honourable member will refer to other honourable members by their correct titles.

Mr WALSH — He was in the upper house.

The DEPUTY SPEAKER — Order! Mr Pakula.

Mr WALSH — Sorry. Mr Pakula, Mr Martin Pakula, resigned from the upper house.

Ms Allan — The Attorney-General.

Mr WALSH — He is now the Attorney-General, but, as I understand it, in reference to his time as a member of the upper house it is correct to refer to him as Mr Pakula. Mr Pakula resigned so that Mr Cesar Melhem could replace him. It was 44 days before the Labor Party actually chose a replacement for Mr Martin Pakula in the upper house. The member for Bendigo East gilded the lily quite significantly in her contribution to the debate on this particular motion before the house.

The other thing I would like to comment on is the second part of the motion, and that is the selection of a replacement for the Honourable Stephen Conroy. Senator Stephen Conroy had just been re-elected for a six-year term in the Senate, as I understand it, and three months into that term he abandoned the people of Victoria. He just walked out on the people of Victoria after having stood for election. He deserted the people of Victoria three months into a six-year term, and that is the reason for the second part of this motion that we are dealing with.

We have had a number of debates in this place around this particular issue since the Labor Party broke all precedents by not allowing a joint sitting to choose a new member for Northern Victoria Region. As we go through that debate I would just like to reinforce some of those issues. The suspension of the Leader of the Government in the upper house, Gavin Jennings, and the appointment of the new member for Northern Victoria Region are two totally unrelated issues. The suspension of the Leader of the Government in the upper house is an issue that could have been dealt with by the leader and by the government if they had produced the papers that were being asked for by members of the upper house — motions were passed by the upper house — or if they had agreed to go through a process where an arbiter was put in place who could decide which of those papers should be tabled and which should not for reasons of cabinet in confidence or commercial in confidence. There was a process that could have been followed in order to have

Gavin Jennings come back to the upper house, and the government chose not to pursue it.

I suppose there would be a view by many around this place that government members have actually deserted the Leader of the Government in the upper house and that they do not really care whether he comes back.

Mr Pearson interjected.

Mr WALSH — I will come back to the member for Essendon in a minute. Government members do not really care whether the Leader of the Government in the upper house comes back, and the thing that has hurt him the most is that those on his own side do not really care whether he comes back. That is the key issue. He is hurt by the lack of care of those on his own side about whether he comes back to the upper house. The issues around having the Leader of the Government in the upper house come back are very much issues that could have been resolved. There is a process there as to how that can be resolved, and it is disappointing that the government chose not to do something about that.

It is an issue totally unrelated to what we have been debating a number of times, and this motion is finally going resolve it through the appointment of Luke O'Sullivan to the vacant position in Northern Victoria Region. I have listened with interest to some of the debate from the other side. I note that the member for Essendon is probably going to follow me in this particular debate, and I have listened with interest to the contributions that he has made. He made a previous contribution about joint sittings and the replacement of people and how the house actually worked well — and then what did he do? He stuffed it right up by performing the way he did in this particular debate over time. There was absolute ranting from the member for Essendon, saying 'Give us back our leader!'.

There was this constant rant from the member for Essendon, who was also stating that you just cannot have a joint sitting unless the Leader of the Government in the upper house is there to move the motion. According to the member for Essendon, you just cannot have a joint sitting unless the Leader of the Government in the upper house is there to move the motion to have the new member for Northern Victoria Region sworn in. Well, I say to the member for Essendon: we are going to have a joint sitting, obviously, as a result of this motion. Obviously someone else can actually move that motion, and we can finally move on and have the member for Northern Victoria Region sworn in in this place.

I also note in the contribution of the member for Bendigo East there was talk about the operation of the upper house. It is the responsibility of the government of the day to make sure the Parliament performs well. Last time I looked, tragically the Labor Party was the government. It is responsible for the operation of both houses of the Parliament. The operation of the upper house is very much an issue for the Labor Party, and any conversations about trying to have a quid pro quo to resolve this issue, saying 'We will give you a joint sitting if you will guarantee you pass this many bills each week coming up to Christmas time', I think again is a travesty of justice and of the etiquette of this place. To be saying 'We will only have a joint sitting if you guarantee to pass so many bills' I think is just plain wrong. It just shows that there is no respect for this place by those who sit on the other side of this house.

We have finally got to the position where we will have an outcome for those people in Northern Victoria Region, with the new member sworn in. I look forward to that happening. As are the normal etiquette and processes of this place, we will obviously also be supporting a joint sitting on Tuesday, 25 October to find a replacement senator for the Honourable Stephen Conroy. Can I just reinforce, in finishing off, that the Honourable Senator Stephen Conroy was only three months into a six-year term. He stood for election in early July and he walked out on the people of Victoria within three months. I think that just shows the lack of respect and the hypocrisy that the senator had for the people of Victoria, by resigning so quickly into a six-year term. I look forward to tomorrow night, at 6.45 being in this house when Mr O'Sullivan can finally take his rightful place in the upper house.

Mr PEARSON (Essendon) — I will be brief. The Leader of The Nationals thinks so fondly and so highly of Mr O'Sullivan that he absented himself from the negotiations for this joint sitting. He absented himself from those discussions to try to facilitate his former chief of staff taking his rightful place in the Council. That is his form. The reality is that we are only meeting tomorrow in a joint sitting because of the work of the manager of opposition business. That is the only reason why. I will say in relation to the manager of opposition business that he did make one interesting observation. I paraphrase him, but it was that it should never be repeated that an elected representative be prevented from taking their seat in Parliament, and I absolutely agree.

That is exactly why we want the Leader of the Government back in the Legislative Council. It is just outrageous that you could have a situation where the Leader of the Government in the other place is denied

his opportunity to represent his constituency in that place. I am mindful of the fact that there has just been the Grand Final, the end of the footy season — go, Doggies!— and I recall that fabulous Phil Carman head-butted an umpire, and fabulous Phil got 20 weeks. The Leader of the Government does not produce documents, and he gets six months! Those people opposite think that is fair and reasonable and appropriate — and it is an absolute disgrace.

Ms Thomson interjected.

Mr PEARSON — And he produced most of those documents, as the member for Footscray said.

It speaks volumes that we on this side of the house and the Labor Party will be in a position to have a preselected candidate to replace Senator the Honourable Stephen Conroy, who has made an outstanding contribution to the state over 20 years, far more quickly and efficiently and effectively than the National Party have been. The National Party have dragged their heels throughout this process, which is why we found ourselves in this situation, as the Leader of the House has commented.

I also note that the manager of opposition business said that by this house not agreeing to a joint sitting previously we have somehow committed an illegal act. When I interjected, asking the manager of opposition business what law was broken, he could not answer that question. I am somewhat surprised that the former chief law officer of the state can make these allegations that some law has been broken by this place but cannot refer to the statute in question. Anyhow, be that as it may, the joint sitting will occur tomorrow, and I think that is a good thing. I hope that we can put this behind us — —

Mr D. O'Brien interjected.

Mr PEARSON — I would have preferred that this happened some time ago, as would some others on this side. I would also have preferred that the Leader of the Government took his place rightfully back in the Council. Sadly, that has not occurred, but we will just tie the yellow ribbon around the old oak tree and wait for our leader to be returned to us in due course. I commend the Leader of the House's motion for the joint sitting tomorrow evening.

Mr HIBBINS (Prahran) — I rise to speak briefly on this motion, and certainly we welcome this motion to fulfil our requirement, which is, as stated in the constitution, to hold a joint sitting to fill a casual vacancy both in the upper house here in the Parliament of Victoria and in the Senate in the federal Parliament. We have been deeply concerned about the government's actions in regard to this matter — using its majority in the lower house to prevent a joint sitting. We do hope that this does not set a precedent.

I was just reading a book recently about constitutional conventions in Westminster — just a bit of light holiday reading. There were a number of examples of subnational governments over the course of history that have acted outside of the Westminster conventions, and I do hope that this particular action taken by this government does end up as one of those footnotes where a government has acted outside the constitutional conventions and that it does not become a convention in itself.

Mr Pearson interjected.

Mr HIBBINS — We are deeply concerned. We hope this sort of action of not upholding and essentially trashing the constitution — not holding a joint sitting and not filling this vacancy as outlined in the constitution — does not occur again. So we will be supporting this motion.

In relation to the interjections from the member for Essendon about the documents motion, the process for when there is a dispute over documents is outlined in the standing orders of the upper house. We would certainly welcome the government negotiating with us in terms of the release of the documents that were requested, in particular the grand prix contracts. Of course the motion to request the release of these documents is, on my understanding, to the satisfaction of the house. So if there are particular elements within that contract that the government do not feel should be made public — perhaps certain figures that might cause the state to get out of that contract — and if they do not want to have those figures released to the public, then we are certainly open to conversations about how the government can fulfil the requirements of that motion to release those documents to the house. Certainly we would be open to discussions about how the government can do that to the satisfaction of the upper house.

Now that this issue, we hope, will be resolved in terms of the joint sitting, we certainly hope that the government now takes an approach to the documents motion that looks to provide those documents, and then of course the Leader of the Government in the upper house will be able to take his place. We will be supporting this motion.

Motion agreed to.

Ordered that message be sent to Council informing them of resolution.

BUSINESS OF THE HOUSE

Program

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

> That, under standing order 94(2), the orders of the day, government business, relating to the following items be considered and completed by 5.00 p.m. on Thursday, 13 October 2016:
>
> Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Bill 2016
>
> Food Amendment (Kilojoule Labelling Scheme and Other Matters) Bill 2016
>
> Lord Mayor's Charitable Foundation Bill 2016
>
> Take-note motion on the report of the Royal Commission into Family Violence
>
> Traditional Owner Settlement Amendment Bill 2016
>
> Victorian Fisheries Authority Bill 2016.

There are a number of bills that I hope will be considered positively by the house and progressed by 5.00 p.m. on Thursday to the upper house. We have obviously just had an extensive conversation about joint sittings, which I most certainly do not plan to revisit other than to note that the addition to the program will be the joint sitting tomorrow evening at 6.45 p.m. to elect a replacement for the member for Northern Victoria Region in the Legislative Council.

The only other comment I wish to make on the government business program motion is to draw to the attention of the house that on the program is the take-note motion on the report of the Royal Commission into Family Violence and, I guess, to remind those members who have not spoken on this item. I would encourage them to express their desire to do so well before 5.00 p.m. on Thursday so their speaking can be accommodated if that is possible during the progress of the sitting week. With those comments, I commend this program to the house.

Mr CLARK (Box Hill) — This week's proposed legislation consists of a number of significant bills — probably not necessarily contentious bills but ones that will deserve, as most bills do, careful consideration by this house. They are probably ones that will not attract a huge amount of controversy, although there are some issues in respect of most of them that this side will want to raise and explore with the government.

One aspect that I think does remain a little bit unresolved is in relation to the issue of consideration in detail, as members opposite have anticipated. There has been some suggestion that the government might be prepared to give some further consideration to its approach to this issue.

The point that all members of the house should bear in mind is that sometimes it can be advantageous for governments, as well as for oppositions, for bills to be considered in detail in this house. It provides an opportunity for matters to be examined here, even if amendments are not involved, where there are issues or concerns or queries that members, particularly from non-government parties, may have about a bill. They can be raised and responded to in this house so that hopefully they can be resolved or considered. Indeed from the point of view of government ministers, if issues are raised in this place, it is always open to a minister responding in the consideration-in-detail stage to say that they will take that matter on board and it can be considered between the houses. That can provide an opportunity for government ministers, without loss of face, to have a matter addressed and then respond with an amendment in the Legislative Council to address the concern that has been raised, an amendment that the government itself can introduce.

On top of that of course if bills are considered in detail in this place, that can often remove the need or abridge the amount of time that is taken for the committee stage in the Legislative Council. Clearly if ministers in this house, in particular when the responsible minister is in this house, do not take advantage of the opportunity to have their bills considered in detail, that can add considerably to the workload in the other place and slow down its legislative program. It can result in a committee stage lasting far longer than a consideration-in-detail stage would because the minister handling the bill in the other place is not the minister responsible for the bill and therefore has to spend a lot more time taking advice from advisers and cannot necessarily give the most succinct and accurate response, thereby leading to further questions being raised in the house.

There are a number of very sound reasons a sensible government would be willing to have bills considered in detail in this place rather than leaving it all to the other place, and that is of course on top of the government's election commitment which, as I have remarked on many occasions, was that consideration in detail would be a standard part of the procedures of this house. I cite by way of example one bill on the current business program, the Traditional Owner Settlement Amendment Bill 2016. The Traditional Owner Settlement Act 2010 is one that enjoys bipartisan support, nonetheless there are a number of issues and concerns about that bill that we would like to raise and

have the opportunity to clarify during consideration in detail in this house, and that would seem to be sensible since the responsible minister is here and those matters might be able to be resolved. We certainly hope that the government will take these matters on board. There has been some suggestion that it might, and in the interests of goodwill, and as a sign of the opposition's goodwill in that regard, we do not oppose the government business program.

Mr CARBINES (Ivanhoe) — I am pleased to hear the manager of opposition business, the member for Box Hill, indicating support for the government business program. I also commend the Leader of the House on the negotiations and discussions that she has had with the manager of opposition business, particularly given the National Party's lack of involvement in the resolution of matters, that will allow a joint sitting to occur at 6.45 p.m. tomorrow in this place to officially choose a representative from the National Party to fill the vacancy in Northern Victoria Region in the Council.

I also pick up on some of the debate and discussion in relation to that joint sitting. I note that the court did affirm that it does not have jurisdiction to deal with these matters. This has been a way of focusing the attention of those opposite on the way these matters get resolved — it is through negotiation and discussion with other members of the Parliament and members of the government, not scurrying off in a crab-like way to the court and the judiciary, where they were essentially smacked back over the fence to resolve those matters in the people's Parliament. That is where these matters are dealt with effectively and that is what has brought about the opportunity for these matters to be resolved tomorrow evening.

Also I note there is an opportunity to fill a Senate vacancy by appointing a replacement for the departing Labor Party representative in Canberra at a joint sitting to be held at 6.45 p.m. on 25 October. I, certainly on behalf of everyone on this side of the house and the Victorian Parliament, place on the record that there will be an opportunity for people to note and acknowledge the significant contribution made in the federal Parliament over two decades by Senator Stephen Conroy.

We also note that there has again been a call from the manager of opposition business for consideration of matters in detail. We know full well, while the member for Box Hill is quoting election commitments of the government, that an absolute priority of the government is to deliver on its election commitments. That is why the National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015 was one bill in particular that was not only an election commitment that we delivered on but was also a matter that was given consideration in detail in this Parliament, again affirming our commitment to provide that greater scrutiny and opportunities for those opposite to debate and investigate legislation. I say to the manager of opposition business that that was a double whammy in terms of delivering on our election commitments in relation to those matters: not only were grazing cattle kicked out of alpine national parks but we also made sure there was consideration in detail of that bill. That was a daily double in terms of delivering on our election commitments in relation to those matters.

I say also that the government remains firm in its desire, affirmation and commitment to making sure that Mr Jennings, as a member for South Eastern Metropolitan Region, has the opportunity to return to represent his constituents in the upper house as soon as possible. No member of Parliament should be above the standing orders that apply in this place in terms of appropriate behaviour and in relation to documents being provided, but denying the government its full representation in South Eastern Metropolitan Region also means denying the constituents of that region an opportunity to be represented across their constituency.

In relation also to the Greens party on this matter, I know that they might like to think that governments are made and unmade in the Legislative Council, but that is not the case. Governments are made and unmade here, in the Legislative Assembly. I have certainly not seen the behaviour we have seen in the Legislative Council in relation to banning members of Parliament for month after month on the basis of some esoteric misadventure in relation to documents that those opposite seemed to be keen to pursue.

We remain firm in our resolve to see a member for South Eastern Metropolitan Region, the Leader of the Government in the upper house, return to the Parliament. We have again seen the misadventures of those opposite, who have traipsed off to the courts and been sent back to the Parliament to resolve matters in relation to filling the vacancy for the Northern Victoria Region. Through the negotiations — in the absence of the National Party — between the manager of opposition business and the Leader of the Government we have been able to resolve those matters and also deal with the matters of the Senate vacancy from Victoria in the coming weeks, on 25 October. I commend that work, I commend the government business program and I look forward to those debates.

Mr KATOS (South Barwon) — I rise to make a contribution to the debate on the government business program. We have five bills before the house this week. I would probably take particular interest in the Victorian Fisheries Authority Bill 2016, having had 20 years experience in the commercial sector of the fisheries industry in Victoria.

As the manager of opposition business said, consideration in detail was an election commitment of this government, and so far only two bills have gone into consideration into detail, being the alpine grazing and also the move-on laws. So out of all the bills that have been before us, only two have gone into the consideration-in-detail stage. The government should start to honour its commitment to make the consideration-in-detail stage standard practice in this house.

It is good to see that the government is finally seeing sense with regard to the joint sitting so that Luke O'Sullivan can take his rightful place in the Legislative Council.

Just one thing I might add is that on the notice paper we have the budget papers take-note motion. Many members of this house, both on this side and on the government benches, have yet to make a contribution on what really is one of the most important bills for the government this year, that being the budget bill. I certainly have members here on the opposition benches who want to make a contribution on the budget, so I would certainly welcome a government member letting us know when we are going to actually go back to the take-note motion on the budget bill so that members on this side of the house can do that — and I am sure there will be government members who want to make a contribution on the budget. It is a very important bill as it affects all the machinations and working of government.

With that, I add that as the manager of opposition business said, we will not be opposing the government business program.

Mr DIMOPOULOS (Oakleigh) — It gives me great pleasure to speak in support of the government business program. Here we go again: yet another comprehensive agenda from this side of the house. We are coming up to two years in government in this place, and we are consistently performing according to our election commitments and according to the trust the community has placed in us.

As other speakers have mentioned, the government business program this time round has the Traditional Owner Settlement Amendment Bill 2016, which I have an interest in contributing to. It makes some important changes so that the principal act continues to be an alternative to the federal Native Title Act 1993, and it makes important amendments relating to the definition of public land, grants of Aboriginal title, land use activity agreements and natural resource agreements.

We also have the Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Bill 2016. This is yet another important step in helping to protect the welfare of vulnerable children in Victoria. It will provide oversight and management of and compliance with the child safe standards, and it provides the Commission for Children and Young People with more enforcement powers.

We also have the Food Amendment (Kilojoule Labelling Scheme and Other Matters) Bill 2016, which again was a commitment of this government and one we are delivering on. This bill seeks to provide for the appropriate labelling of food products at chain food outlets and major supermarkets for ready-to-eat food. It also seeks to provide that the appropriate kilojoule content is shown to enable people to make informed and clear choices about what they consume.

We also have other bills — the Lord Mayor's Charitable Foundation Bill 2016 and the Victorian Fisheries Authority Bill 2016, which the previous speaker talked about. I am very pleased to support this important government business program.

I acknowledge that the opposition will not obstruct the government business program. It is a good thing. I do, however, think it is convenient, because of the arrangement — the fact that we have tied up the joint sitting with the business program — so it is their interests, I imagine, to support the government business program.

I was not here during the time of the previous government — I was not in this place — but I am reliably assured that it was a regular snooze fest. Talk about four years of wasted opportunities! If being in government is about doing things — doing things and getting things done — those opposite have failed miserably. You see them every night on the news, standing just outside the Parliament, not 50 metres from where I am now, with their regular, whiny opposition to the things we are doing as a government and the things the people of Victoria entrusted us to do. It is almost the same talking points night after night. On many of these occasions Parliament is not even sitting, but they are still out there — they duck out there — for their quick doorstop. You can almost see their speaking notes:

'Yadda yadda yadda', then 'insert issue here'. That is the way this opposition constructs itself with every government business program — almost every one — with today's exception, although the manager of opposition business did have a whine about lack of opportunities for consideration in detail. There is always a whine somewhere.

It reminds me: do you know the series *Days of Our Lives*, Acting Speaker? You know: 'sands through the hourglass'. You could stop watching it for five years and come back and nothing has changed: it is exactly the same. Some characters have changed, but the storyline is no different. I used to pick it up five years later, and it was like, 'Yeah, nothing has changed'. Unfortunately that is the state of the Victorian Liberal-Nationals opposition.

On that note, I do at least give them some commendation for not calling a useless division on this government business program, because it is a good government business program, as my colleague the previous speaker just said. I support it wholeheartedly and look forward to delivering on the commitments that we have made to the Victorian people.

Mr HIBBINS (Prahran) — I rise to speak on the government business program. There are five bills on the government business program this week, and of course the take-note motion for the Royal Commission into Family Violence. We will not be opposing the government business program in this instance because we are glad to see the joint sitting finally being supported and occurring this week.

We have not yet requested to go into consideration in detail or proposed any amendments to any of these pieces of legislation, but that should not necessarily be a prerequisite for going into the consideration-in-detail stage. It was the government's commitment to make this a standard feature of bills. We have the vast majority of ministers here; I am sure they would be more than happy to answer questions in regard to their bills. I am sure they are across their briefs; I am sure they are across the detail of the legislation that they are bringing before this house. I think it would be more than appropriate to give those ministers an opportunity to answer questions in regard to their bills. Maybe even some government members have some questions in regard to these bills, as they have had previously.

I note that the member for Ivanhoe pointed out that the government have fulfilled their commitment because they have gone into a consideration-in-detail stage for the alpine cattle grazing bill. I am not really sure how he said that with a straight face; it is not mission accomplished for this particular government promise. I think there are plenty of opportunities to go into a consideration-in-detail stage. I would certainly welcome conversations with the manager of government business to see if there were opportunities to look at reducing speaking lists for technical bills that are not necessarily controversial and open up further time for more detailed discussion regarding bills that members would like to go into a consideration-in-detail stage. There are plenty of opportunities to look at how the sitting week goes. Certainly I think there is plenty of time to go into consideration in detail. We have a legislative guillotine so there is really no chance to filibuster. I think there is an opportunity for members to ask questions of ministers on the bills that they bring before this house.

I also note that the member for Ivanhoe seemed to indicate in his contribution that the Greens consider that government is formed in the Legislative Council. It was a curious argument. I will just let the member for Ivanhoe know that we have other plans in regard to that matter. We have different ideas in regard to where and how government will be formed, so he does not need to worry about what we think is happening in the upper house. We will be supporting the government business program in this instance.

Motion agreed to.

MEMBERS STATEMENTS

Campaspe crime

Mr WALSH (Murray Plains) — The crime wave and law and order crisis that is spreading right across Victoria is not just a Melbourne issue. I draw the house's attention to the small town of Lockington, where the Pentreath's Foodworks business had a staff member, the baker, held early in the morning at crossbow point and tied up while the shop was robbed. That was in May. That particular business also had a break and enter on 25 September. The front window was broken again after another break and enter on 2 October and an attempt to break through the door occurred on 3 October. Leanne Pentreath, who is a partner in that business, has told me that for the last week they have had to sleep overnight at their business. They have now replaced the front sliding door and the three front windows that were damaged in the previous break and enters.

Worse still, the thieves took the keys to their motor vehicles out of their office, they stole cash, cigarettes and much more, and they trashed the office. They pulled all the drawers out, and threw their paperwork all

over the office. It was more than just a robbery; it was also a trashing of their shop. Leanne says that the worst part is knowing that they are going to come back.

There is only one police vehicle in the Campaspe shire to cover Echuca, Kyabram, Tongala, Rochester, Rushworth and Stanhope after 11.00 p.m. There has been a 20 per cent increase in crime in the Shire of Campaspe and there is only one police car at night.

Shimon Peres

Ms THOMSON (Footscray) — Former Israeli President, Prime Minister and Nobel Peace Prize winner Shimon Peres passed away on 18 September at the age of 93. He was a giant amongst giants and a leader amongst leaders. In a career spanning seven decades Peres held nearly every major office in Israel.

Born in Poland in 1923, Peres emigrated when he was 11 to what was then the British Mandate for Palestine. He joined the Zionist struggle in the 1940s and met David Ben-Gurion, who would become Israel's first Prime Minister and Peres's mentor. Elected to Parliament in 1959, Shimon Peres served almost without interruption, becoming president in 2007. Peres was seen as Israel's last remaining founding father. He was one of the architects of the Oslo peace accords and never lost faith in the two-state solution. Shimon Peres was not only a champion of peace. He was also credited with having laid the economic foundation for Israel's start-up economy — he was passionate about technology and innovation.

I, together with a number of state Labor MPs, had the honour of meeting Shimon Peres in 2013, when he was President of Israel. His ability to maintain an optimistic outlook for young people and to help prepare them for the future that they would have to face was inspiring to all of us. In fact Shimon Peres said:

> We will prove that innovation has no limits and no barriers. Innovation enables dialogue between nations and between people. It will enable all young people — Jews, Muslims and Christians — to engage in science and technology equally.

May his memory be a blessing.

State Emergency Service Emerald unit

Mr BATTIN (Gembrook) — I would like to pass on my thanks to the Emerald State Emergency Service (SES) unit and to state emergency services throughout my area, which have had a very difficult time over the last few days with the winds. Most people will know that if you go up through the Dandenong Ranges one thing you will find is plenty of trees. Those trees through there come down quite regularly. The Emerald SES, the Clematis Country Fire Authority (CFA), the Gembrook CFA and the Cockatoo CFA have all done a fantastic job.

It was interesting because just on Friday I was at the Emerald SES's awards night. It was fantastic to be with such a great group of people who do so much in our community, and I thank them. They had two awards for the first time this year. One was the John Reed award. John Reed passed away from motor neurone disease in the last couple of years. He had given 32 years of service to his community. The other was the Hayden Davies award, which was presented to a person who has attended multiple car accidents and who has been in a position to help out as often as they can, particularly around road safety. I spoke at the awards ceremony.

Hayden's funeral was the first time I officially went to a funeral as a member of Parliament. Hayden had such passion for talking about road safety. The saddest part was that Hayden's life was taken whilst he was on a motorbike when a vehicle came up and hit him from behind. He lost his life because of a lack of road safety. It is so important that these awards continue.

Can I say to the Emerald SES: thank you very much for what you do. I congratulate you on the awards that were presented on that night.

Lance Eddy

Mr J. BULL (Sunbury) — Every weekend thousands of Victorian men and women choose to give up their valuable time so that sports can be played by people of all ages and all abilities. They run water, clean change rooms, time-keep, umpire, work in the canteen, fundraise and do countless other essential tasks that allow games to be played each and every week. The Andrews government recognises the invaluable service and contribution of these people, and that is why we took the opportunity to thank them. Lance Eddy from the Diggers Rest Football Club was on AFL Grand Final Friday recognised as our local champion of the code for 2016. He and his wife, Dawn, attended a fantastic morning at Government House for an official reception. Congratulations, Lance, and thank you for all your years of hard work.

Diggers Rest Football Club

Mr J. BULL — Lance also has another reason to smile, because on Sunday, 18 September, the Diggers Rest seniors and reserves both won Riddell District Football League premierships in amazing style. The senior side had not won the flag since 1992, and in a game that I would describe as the most exhilarating

game of local football I have ever seen Diggers Rest came away victors. When the final siren blew the scoreboard showed Diggers Rest was up by a point, but celebration soon turned to confusion when it turned out the scoreboard was actually wrong and the game was in fact a draw. After players, supporters and officials pulled themselves together, 5 minutes of extra time was played at each end. The Diggers Rest Burras had played in six losing grand finals up until now, and players like Cole Laurie, Jeff Heritage and Shaun Sims had played in them all. Nothing was going to deny the Burras the premiership. However, Riddell were up by 7 points with just a couple of minutes to go. Despite the odds, Diggers Rest climbed out of the grave and won an epic game. Congratulations to all players and supporters.

Shimon Peres

Mr SOUTHWICK (Caulfield) — As the co-convenor of the Victorian Parliamentary Friends of Israel with the member for Footscray, and on behalf of the coalition, I wish to pay tribute to one of Israel's great leaders, Shimon Peres, who was part of every major development from the country's founding in 1948. In nearly 70 years of public life he served twice as Prime Minister, was President of Israel from 2007 to 2014 and served in multiple cabinets and governments as foreign affairs and defence minister. Shimon Peres was a fierce defender of Israel's security and ability to defend itself, and he was an equally tireless advocate for peace.

One of his legacies is the Peres Centre for Peace, which he founded in 1996 and is now chaired by his son, Israeli venture capitalist Chemi Peres, who has followed in his father's footsteps of championing innovation. Some of the centre's work has included the AFL Peace Team, which has visited Melbourne and has been an opportunity for Palestinians and Israelis to play football together — sport again championing the message of peace. Peres was awarded the Nobel Peace Prize for his efforts in the Oslo accords, and he continued to pursue peace for Israel with its neighbours. A fond memory was my attending the Maccabiah Games in 2012 with then Deputy Premier Peter Ryan and meeting Peres and talking about peace. The Australian Jewish community, who have enjoyed a great friendship with Peres spanning many decades, is grateful for his tireless work for Israel. The coalition and I extend our condolences to Shimon Peres's family.

Northern Football League

Mr CARBINES (Ivanhoe) — I want to congratulate the Northern Football League on another successful season and finals series. Heidelberg won the flag this season 12.13 (85) against Macleod 9.15 (69). I congratulate Heidelberg, where I had the opportunity to play some junior footy a very long time ago, and of course my commiserations go to the great Macleod side, which won the division 1 flag last year for the first time in 44 years. To Mark Lynch, the president, and to the committee at Macleod Football Club, my congratulations on a great year — six players made the Northern Football League division 1 team of the year and Garry Ramsay won coach of the year for 2016, an overdue acknowledgement of his achievements at senior level and his stature in the game. In fact he said just recently in the local newspaper:

> There was a lot of people that had kids, started businesses, went well with their studies and work, so it has been a real positive environment and that is what we want to create at Macleod.
>
> We just don't want to be a good football team, but we want to have good people and create a good environment where it is a high achieving place.
>
> …
>
> What's happened is we have played ourselves into a situation where it is only going to be a premiership that totally satisfies us …

I commend those comments from coach Gaz. I also say that the captain of the division 1 team, Kane Shaw, played his 250th game in the grand final, and I wish him well in his endeavours overseas. Next year they will miss you at Our Lady of Mercy College in Heidelberg while you are teaching in Japan. My congratulations also to Lucas Hobbs, the best and fairest winner of the Tom Melican medal.

Metropolitan Fire Brigade enterprise bargaining agreement

Mr WELLS (Rowville) — This statement is to condemn the Andrews Labor government for its double standards on bullying and in particular the aggressive bullying tactics employed by United Firefighters Union secretary Peter Marshall against respected former chief fire officer of the Metropolitan Fire Brigade (MFB) Peter Rau. After Mr Rau's recent resignation because of abuse and bullying by Peter Marshall during MFB enterprise bargaining agreement (EBA) negotiations, the acting Minister for Emergency Services, now the Minister for Police, falsely claimed Mr Rau had resigned because he was gravely ill. The minister's lie was bravely exposed by Mr Rau's wife, who publicly denied the minister's claims, describing the awful situation of needing to reassure upset friends and family about her husband's health following the minister's false claims. Mr Rau's wife stated that the minister was trying to 'distract from the truth'. Minister Neville has

now been forced to apologise to Mr Rau and his family. The minister even tried to blame the MFB for supplying her with incorrect information.

The truth is that, instead of appropriately supporting Mr Rau and his claims of bullying against Mr Marshall, the minister deliberately tried to mislead Victorians into thinking Mr Rau had resigned because of serious health problems. When both the chief officer of the MFB and a former Minister for Emergency Services have complained about Peter Marshall, why has the Andrews government not investigated or taken action to sanction Mr Marshall for his aggressive behaviour or sought Mr Marshall's removal from the MFB and Country Fire Authority EBA negotiations?

Postcodes of hope

Mr McGUIRE (Broadmeadows) — On the eve of the end of the line for Ford's local car manufacturing the leader of the Australian Labor Party, Bill Shorten, and the director of the Australian Industry Group, Tim Piper, joined me in Broadmeadows, the community hardest hit and most vulnerable as a result of this closure. I unveiled a strategy to help so-called 'postcodes of disadvantage' become 'postcodes of hope' following the reverse Robin Hood funding redistributions of the one-term Victorian coalition government and the managed decline strategies of its federal counterparts. Their convergence left unemployment in communities I represent equal to the rate in Greece and youth unemployment at more than 40 per cent. The Australian government's attitude to Melbourne's north echoes former British Prime Minister Margaret Thatcher's managed decline that proved disastrous for England's north. Gaming of the political system must change given the social impact of deindustrialisation in a time of terror. Challenges are daunting and threats are dangerous if wilful blindness, political bias and the lack of a coordinated plan prevail.

My call is for a return to the politics of responsibility and not simply of ultimate ends. Mutual obligation requires a coordinated strategy to turn adversity into opportunity — beyond partisanship, regret and the electoral cycle. Postcodes of disadvantage are increasingly complex and bearing a greater burden. We are witnessing the end of Australia's postwar industrial settlement in which the challenge was to populate or perish, multiculturalism was forged on the factory floor and employment awaited families with the imagination to dream of a better future and the courage to cross the world to pursue it. My family arrived in Broadmeadows in 1959 when it was a raw fringe at the end of the line. It was the year Ford opened. The accents have changed but not the aspirations, as Broadmeadows has evolved into a cultural United Nations in one neighbourhood.

Coal-fired power stations

Mr HIBBINS (Prahran) — The Victorian government continues to shirk addressing the issue of phasing out coal-fired power stations. Labor's response to the reported closing down of the Hazelwood power station was woefully inadequate. No plan to tackle global warming can have any credibility if it does not include the end of coal. Labor wants to take the kudos for setting a target to be carbon neutral by 2050, but it does not want to take political ownership of the closing down of Hazelwood and other coal-fired power stations. It wants to swoop in as the saviour, despite having left the Latrobe Valley workers in the lurch, without a real plan to transition their workforce and support alternative industries. If it was fair dinkum about becoming carbon neutral and serious about supporting the Latrobe Valley it would plan for the closure of Hazelwood and other coal-fired power stations, not just sit back and wait for the inevitable.

The Greens have a plan to phase out coal-fired power by 2030 and transition that workforce to renewable energy, manufacturing and other industries. It is a plan Victorians can trust. If Labor does not plan for the end of coal and stop supporting a coal export industry, then Victorians cannot trust it to tackle global warming.

Emergency services volunteers

Ms WARD (Eltham) — Grand Final weekend did not just see an amazing footy game and deserved Western Bulldogs victory. It also saw another example of wonderful work undertaken by Country Fire Authority (CFA) and State Emergency Service (SES) volunteers. Leaving on the Grand Final Friday public holiday, volunteers from the Research, Wattle Glen, Diamond Creek, Yarrambat, Plenty and Hurstbridge CFAs drove to Two Wells in South Australia to give needed help and assistance.

Those CFA crews worked alongside members of the Victorian SES, including Nillumbik SES; the South Australian SES; the Australian Defence Force; the South Australian Country Fire Service; and SA Parks. Over two days they filled sandbags, assisted locals with sandbag collection and sandbagged around homes and vital infrastructure as rising waters approached. As crews returned to Melbourne on Sunday evening, new crews flew over to continue this greatly valued help from local SES and CFA crews.

Nillumbik SES helped not only in Two Wells but also in Adelaide, with Brett, Luke and Paul driving a Nillumbik SES vehicle to South Australia and coming back only last Friday. Nillumbik SES's efforts did not stop there. Over the weekend just passed we had 68 requests for help in Nillumbik, including for 14 trees on houses. We have had damaged homes and fences, some flood damage and trees over paths, all addressed by our SES volunteers — who found a home for a possum. They also helped out in Broadmeadows and Brimbank.

We have a terrific culture of volunteerism in my community, with lots of people with big hearts always willing to lend a helping hand, and I thank them for their work.

Eltham Wildcats Basketball Club

Ms WARD — Grand Final Friday might have signalled the start of footy festivities, but it was also the day when the Eltham Wildcats Basketball Club hosted a record 79 3x3 teams at Eltham High School. It was a fantastic event, held in part thanks to the leadership of 15-year-old James from St Helena Secondary College and 20-year-old Sean, who coordinated everything from registrations and payments to the fixtures and organised referees, music and prizes. Well done!

Timber industry

Mr T. BULL (Gippsland East) — Timber industry contractors have been left in the lurch following the release of the timber industry task force's long-awaited statement of intent which provided only more uncertainty. The task force was to have outlined a way forward for the sector by July when the statement of intent was originally due. Now we hear that it has not reached any consensus or pathway forward at all. The inability of the task force to reach consensus and the minister hiding behind this and refusing to allow important decisions to be made are creating enormous uncertainty in the sector. I call on the minister to step in and make some decisions to provide certainty to the industry.

Wild dogs

Mr T. BULL — Given the recent statistics on the number of wild dogs caught by government trappers, which is showing an increase, I hope this is enough evidence for the minister to reinstate the wild dog bounty. Labor came to office and without any explanation scrapped the successful wild dog bounty when it was accounting for more dogs annually than trappers were and at the cost of less than one dogger. The bounty was a Liberal-Nationals initiative which gave hunters an incentive to help with wild dog control and it saw over 1500 pelts collected over three years on top of the trapping done by government trappers.

Gippsland East electorate police numbers

Mr T. BULL — The release of the latest crime statistics revealed that the number of offences in the two local government areas in my electorate had risen quite substantially. It was disappointing to see that since December 2014 there had been spikes of 9.96 per cent and 18.33 per cent across the East Gippsland and Wellington shires respectively. It is obvious that there is a need for a greater police presence and it is shame that police levels are not increasing in line with population growth.

Frankston Football Club

Mr EDBROOKE (Frankston) — My members statement is concerning the ongoing fight to save the Frankston Dolphins VFL club. It is the only independent VFL club left in Victoria and has a proud history dating back to 1887. In that time many players have gone on to play in the AFL. On the very day the state government backed the club in, in the shadow of the Brownlow Medal and the Grand Final, AFL Victoria made a terrible decision in terminating the club's VFL licence for this season, severely limiting its capacity to rebuild with a new team at the helm.

I know what this club means to my community and I am not willing to entertain any other option but saving this club. What our community needs now is some reassurances from AFL Victoria that, if certain licensing requirements are met, the club will be given its VFL licence back for the 2018 season. The AFL needs to put to rest any rumours that this is a precedent for a larger strategic move and a sign of things to come for clubs like Williamstown and Coburg.

This club is more than a footy club for our community. It is an elite sporting club that Frankston is proud of and it is part of who we are. It provides a group of fantastic young role models that our youth in Frankston can aspire to be like and it gives our diverse community a common focus, which makes our community stronger. Ultimately, this club is part of the fabric of our community and we just cannot afford to lose it.

I think the senior Dolphins coach, Pat Hill, put it best in his speech at the Dolphins presentation night when he said about the Frankston Football Club:

> What they also fail to understand is what it is our purpose really is. Producing elite footballers is only one step in the

> journey. But what we pride ourselves on is producing elite people, and it's work in this area, social and behavioural development that gives me the most satisfaction and fulfilment.
>
> They say you can't change the world but you can change your part. My opportunity as senior coach at FFC is to help mould 68 young men …

The Frankston Dolphins VFL club is a club worth saving.

Yarra Valley emergency services

Mrs FYFFE (Evelyn) — Sunday's severe storms created havoc across the Yarra Valley, leaving many towns without power. Our fantastic Country Fire Authority and State Emergency Service (SES) units worked tirelessly to clear roads and driveways blocked by fallen trees. They cleared debris and assisted households. A big shout out to our amazing Lilydale SES members who this morning reported they have cleared all outstanding tasks from Sunday, 131 jobs in total. It was a mighty effort. Thank you.

Parental choice in schools

Mrs FYFFE — I am concerned that this Labor government is eroding the rights of parents. Parents with children in government schools have no say in whether their children participate in the controversial Safe Schools program. Parents are confused about the Doctors in Secondary Schools program. It is not clear if they will be consulted if their 12-year-old daughter is requesting birth control pills. The introduction of the inherent requirement test by this Labor government upsets a sensible balance between the right to religious freedom and the principle of equality before the law in independent schools. When a parent chooses to send their child to an independent school, they have an expectation that staff believe in the values that reflect the school.

The Premier is attacking parents' choice by forcing religious schools to hire people who might be hostile to their values and ignoring the concerns of parents who rely on the state school system in regard to the Safe Schools and Doctors in Secondary Schools programs.

African ministerial working group

Mr PEARSON (Essendon) — I was delighted to be invited to participate in the African ministerial working group last week with the Premier and the Minister for Multicultural Affairs. The African ministerial working group will meet on a quarterly basis and allow representatives of the various Afro-Australian communities to discuss those issues that are most relevant and important to them.

I was particularly pleased that funding has been specifically allocated for employment programs. The sad reality is that many Afro-Australian communities have a far greater unemployment rate than other communities. This should not be accepted as a reality, nor should it be condoned. Instead we must use the power of the state to identify opportunities for these communities to participate in real and meaningful employment. Participation in stable employment with good wages and conditions will better enable significant wealth creation to occur in these communities and will increase the capacity for members of these communities who are living in public housing to leave and enter the private housing market and thereby create their own wealth and affluence.

State Emergency Service Essendon unit

Mr PEARSON — A big shout out to the Essendon State Emergency Service, which was out until midnight on Sunday night cleaning up after the recent storm that hit Melbourne on the weekend and out again last night to finish the job. I would like to thank all the volunteers who worked so hard to protect our community and help people to protect their property.

New Somali Kitchen

Mr PEARSON — I was delighted to visit the New Somali Kitchen in Racecourse Road, Flemington, recently for their first birthday. This is a fantastic restaurant that showcases the best of Somali cuisine and is the harbinger for Somali-Australian enterprise and all the benefits that can be generated for the Somali-Australian community.

Victorian Public Tenants Association

Mr PEARSON — I was delighted to attend the Victorian Public Tenants Association (VPTA) sausage sizzle down at the Wingate Avenue Community Centre. A big shout out to Raoul Wainwright for organising this great event. It was fantastic to meet with the VPTA and many constituents on the estate.

Donald Trump

Mr PEARSON — Finally, Donald Trump should not just be criticised for his appalling statements; he must be condemned for indicating that he has sexually assaulted women. He is an absolute disgrace and unfit to be President of the United States of America.

Country Fire Authority Noojee brigade

Mr BLACKWOOD (Narracan) — On 25 September I attended the 70th anniversary of the Noojee Country Fire Authority (CFA). It was a fantastic celebration of the proud history of the dedication and commitment of the Noojee brigade over 70 years of keeping their community safe. I have a very special connection to the Noojee CFA as my grandfather, father and uncle were all members of the brigade in 1948.

Congratulations to all involved in the organisation of this very successful event, especially brigade captain Peter Skinner and second lieutenant David Blacker, and special thanks to all of the volunteers, past and present, for their selfless commitment.

Blue Ribbon Day

Mr BLACKWOOD — On 29 September I attended the Blue Ribbon Day memorial service in Morwell to remember those brave men and women of Victoria Police who have lost their lives while upholding the rule of law and protecting their communities. The memorial service was very well attended and supported by former and serving members, their families and the families of those who lost their lives while serving.

It is extremely important that this day continues to be set aside as an opportunity to remember the extraordinary commitment and dedication of Victoria Police and also to ensure that the memory of their sacrifice is never forgotten.

Nilma North Primary School

Mr BLACKWOOD — Last Sunday the 20th anniversary of the closure of the Nilma North Primary School was held. I had the honour of presenting an award to the oldest former student present, Nancy Pattinson, who at the age of 87 is living proof of the excellent education delivered at Nilma North Primary School over 57 years. Congratulations to Jenny Gray and Janice Swan and their committee for organising a very successful reunion for their community.

Ivan Couzens

Ms COUZENS (Geelong) — I want to honour and acknowledge in this place an extraordinary Aboriginal elder, Uncle Ivan Couzens, who passed away on 18 September, aged 84. Just some of Uncle Ivan's achievements include the establishment of the Wathaurong Aboriginal Co-operative and the Deakin University Institute of Koorie Education, serving on the board of the Victorian Aboriginal Corporation for Languages and his work to preserve his Gunditjmara language. Uncle Ivan also proudly wore a cloak of possum skins made by his daughter Vicki at the opening ceremony of the 2006 Melbourne Commonwealth Games.

Uncle Ivan told stories of his childhood growing up at Framlingham Aboriginal mission, where their housing was mainly humpies in the bush, hunting for food, doing farm work and making a run for it when the government cars arrived. I, along with hundreds of others, attended the traditional funeral service for Uncle Ivan, held at the Framlingham cemetery. Vale Uncle Ivan Couzens.

Ford Geelong closure

Ms COUZENS — On another matter, last Friday Geelong saw the end of manufacturing at Ford. This was a sad and emotional day. Over 91 years Ford has been a major employer in the community I grew up in. Family, friends and neighbours worked at Ford, enabling them to provide a home, put food on the table and educate their kids.

The Andrews government established the Geelong auto transition task force, which I chair, to support and assist Ford workers and industry. I congratulate the task force members, particularly the Australian Manufacturing Workers Union, the Electrical Trades Union and Ford, for their hard work and dedication so far. I also congratulate the minister and the Premier for their commitment to Ford workers. I am very mindful that when workers walked out the gate for the last time on Friday and the reality set in — —

The ACTING SPEAKER (**Ms Thomson**) — Time!

Sarah Gill

Mr GIDLEY (Mount Waverley) — Today in the Parliament I rise to congratulate Sarah Gill on attaining the Queen's Scout Award. The Queen's Scout Award is the highest youth award achievable in the scouting movement in the commonwealth realms, including the United Kingdom, Canada, Australia and New Zealand, where scouts operate under the patronage of Queen Elizabeth II. Sarah has been involved in scouts since she was around 10 years old. During that time she has worked hard to achieve high levels of proficiency in a range of scouting disciplines.

On Sunday, 2 October, that proficiency was recognised as Sarah was presented with the Queen's Scout Award

at the Waverley Valley scout group. Sarah's attaining of the Queen's Scout Award is also a great credit to those who have supported her over those years, including her family, the Waverley Valley scout group, the scouting movement and friends. I congratulate Sarah and all who have supported her in reaching the significant milestone of attaining the Queen's Scout Award.

Waverley Chinese Senior Citizens Club

Mr GIDLEY — I rise in the Parliament today to congratulate the Waverley Chinese Senior Citizens Club on their 27th anniversary and recent moon festival celebrations. I thank the club's committee and members for all their efforts in running such a large and successful club, and I look forward to continuing to support the Waverley Chinese Senior Citizens Club wherever I can.

Government performance

Mr GIDLEY — Whilst households and families endure record low income growth, this government continues to flush billions of dollars down the toilet, whether it is $1.2 billion not to build a road or around $1 billion for a grand final public holiday that nobody asked for — money that could have been used to reduce record levels of taxes and charges on family and household budgets. Shame on this government and its members for being so out of touch with the needs of ordinary Victorians.

Western suburbs roads

Ms SULEYMAN (St Albans) — Last week we saw a hat-trick of wins for Melbourne's west. We started the construction blitz to remove the dangerous level crossings at Main Road and Furlong Road in St Albans. We are getting on with the job of removing these dangerous level crossings. I would like to thank Sri and Naveen, two Metro Trains Melbourne staff members who were out in the wind and rain all day on Sunday helping commuters with replacement buses. At the last election we promised to remove these level crossings, and we are delivering on our promise.

We have also seen the commencement of the upgrading of the ring-road by doubling the number of lanes between Sunshine Avenue, Keilor Park Drive and the Calder Freeway. We are also adding extra lanes on the E. J. Whitten Bridge as well as upgrading safety barriers similar to the West Gate Bridge.

Western Bulldogs

Ms SULEYMAN — And how can we mention anything E. J. Whitten without mentioning the Doggies? After a lifetime of anticipation, two weekends ago the Doggies won the AFL Grand Final. It was a fantastic result. It has been a long and painful six decades in the making, but it was well worth the wait.

Sunshine North Primary School

Ms SULEYMAN — On another matter, I would like to congratulate Sunshine North Primary School for their successful participation in the Victorian Premiers' Reading Challenge. Thank you to the principal and teachers for all their hard work.

Grand Final Friday

Mr PAYNTER (Bass) — The government proceeded with this year's grand final eve parade again to the detriment of small and medium business owners and the many thousands of casual workers who missed out on a day's pay. Last year's public holiday, which was declared by this Andrews government, cost the economy over $850 million, and no doubt this year's figure will be even greater. This Andrews government is antibusiness and does not support the youth of our state who work as casual employees.

If you need proof, then look no further than the Minister for Industrial Relations, who stood up recently at a union-organised rally to condemn a local business and major employer of hardworking Victorians. What message does it send to other businesses when this government and its ministers make such public displays of antibusiness behaviour?

Whilst this Andrews government gloats about the number of people attending the parade and 'being able to spend extra time with the family' nonsense, we are closing the door on our car industry. Businesses in our community are losing millions of dollars as a result of this public holiday. Victoria needs a government that supports business, and this public holiday should be scrapped before next year's grand final comes around — which Richmond will be playing in.

Oakleigh Pink Ribbon Breakfast

Mr DIMOPOULOS (Oakleigh) — Last week I was proud to host a Pink Ribbon Breakfast in the Oakleigh community to help raise funds for and awareness of breast cancer. This great event was started by my predecessor, Ann Barker, and has become a bit of a tradition in our community. Each year we host a

breakfast function at the Oakleigh-Carnegie RSL, with great food provided by the Onion Patch bistro.

This year was again a fantastic success, and I would like to thank everyone for attending to support this worthwhile cause. The more awareness and the more funds we raise, the greater likelihood we can beat this terrible disease. I want to acknowledge Oakleigh Grammar, South Oakleigh College, Sacred Heart Girls College Oakleigh, the Oakleigh and District Historical Society, the Oakleigh Centre and the Oakleigh Cricket Club for all attending.

Barry Alexander

Mr DIMOPOULOS — Every weekend thousands of Victorian men and women choose to give up their valuable time so that sports can be played by people of all ages and abilities. They run water, clean change rooms, time keep, umpire, work in the canteen, fundraise and do countless other essential tasks that allow games to be played each and every week.

The Andrews government understands the invaluable service and contribution of these volunteers and recently provided a reception at Government House on grand final eve for a dedicated person from each electorate. The Champion of the Code, as they call it, for our community is the incredible Barry Alexander from the Oakleigh Krushers amateur football club. To Barry, thank you for all the work that you do, and thank you to all the volunteers both at the Oakleigh Krushers and across all sporting clubs in my community. You are the lifeblood of that community.

Western Bulldogs

Mr NOONAN (Minister for Industry and Employment) — I have run out of time. I was going to congratulate the Western Bulldogs of course. I do not think anyone would dispute that, not least you, Acting Speaker Thomson.

TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2016

Second reading

Debate resumed from 31 August; motion of Mr PAKULA (Attorney-General).

Ms VICTORIA (Bayswater) — Before I begin my contribution on the Traditional Owner Settlement Amendment Bill 2016, I would like to pay my respects to and acknowledge the people of the Kulin nation, to those that have come before us. Of course our Parliament stands on their very land. As I said, I pay my respects to them, to the elders, past, present and of course those who are in the making, if you like; the future leaders of the Aboriginal community are extremely strong here in Melbourne and right across Victoria.

Today I rise to speak on the Traditional Owner Settlement Amendment Bill 2016. This will amend the Traditional Owner Settlement Act 2010, which has been a really vital piece of legislation and one that is unique to Victoria. Of course it was introduced — and I will get onto the feds a little later — to make life a bit simpler, because obviously the way the federal legislation deals with traditional owner issues has been quite complex and expensive. This is something that was brought in to hopefully circumvent that and, I have to say, until now it has worked fairly well.

The Traditional Owner Settlement Act 2010, which is the legislation that is being amended, provides for out-of-court settlement of native title issues. It allows for the government to recognise traditional owners and certain rights on Crown land. The principal act allows for, as I mentioned before, faster resolution of native title claims in Victoria, and it offers an alternative to the federal Native Title Act 1993. What it does is it gives us something, as I said, that is unique and exclusive to Victoria. It has definitely become the preferred approach for resolving native title claims here in our state.

Under the act a settlement package can include a recognition and settlement agreement which acknowledges a traditional owner group and certain traditional owner rights over Crown land. It can also include a land agreement which provides for grants of land in freehold title for cultural or economic purposes or as Aboriginal title to be jointly managed in partnership with the state, which of course is something that a lot of people like the idea of. A land use activity agreement is also something that can be included and allows a traditional owner group to comment on or consent to certain activities on public land.

There is also scope for funding agreements which enable traditional owner corporations to manage their obligations and undertake economic management or economic development activities on the land. Then there is a natural resource agreement which recognises traditional owner rights to take and use specific natural resources — and that is something I will talk about a little bit later — and also provide input into the management of land and natural resources as they have done for tens of thousands of years, if not more. There are currently five land agreements with traditional owner groups, and may there be many more. The act

has helped to facilitate grants of freehold title and grants of Aboriginal title to allow joint management of parks and reserves. It has also provided simplified mechanisms and administration of activities that affect native title.

If I may provide one example of a successfully negotiated land agreement, I want to point out something that the coalition did when we were in government. We facilitated a land agreement with the Dja Dja Wurrung in 2013. That consisted of just over 266 500 hectares of Crown land in the Greater Bendigo area. The financial value of the settlement package at the time was just under $10 million, with funding to enable the Dja Dja Wurrung Clans Aboriginal Corporation to meet its settlement obligations and advance not only the cultural but also the economic aspirations of its people. This agreement is going from strength to strength.

The Dja Dja Wurrung have now been granted title to six parks and reserves within the native title settlement area — Greater Bendigo National Park, Kara Kara National Park, Hepburn Regional Park, Kooyoora State Park, Wehla Nature Conservation Reserve and Paddys Ranges National Park. They have established a land management board, which is certainly a great step forward. They not only have been given the ability to do this but have taken it and really run with the concept of pursuing this to the best of their ability. A land management board has been set up to jointly manage the six parcels of land. The board consists mainly of Dja Dja Wurrung members and has been operating for just over 18 months. The key piece of work that this board will now engage in is the production of a joint management plan for all six pieces of land — that is, the land that has been appointed to them.

The board submitted its first annual report to Parliament in 2015, and if you have a good read through that, it demonstrates their vision, their mission and their values. I have got to say all strength to them; they really have done a fantastic job. For the Dja Dja Wurrung people their culture is a priority which they want to incorporate into the management of all of their appointed lands. They are certainly going down the right path for that.

It is expected that other similar boards will soon be developed, and again I wish everybody in that process the best of luck with their intentions. These agreements not only provide traditional owners with rights to their traditional lands but they also allow them to create economic opportunities and help support good governance. That is something that I know is most important in that process of self-determination that we talk about constantly, as is of course financial sustainability. It helps to foster that. Connection to country is at the very heart of recognising traditional owners. It provides for self-determination and the connection to culture, to history, to the traditions and to the past, all of which are vital.

The way we now consider our national parks and reserves needs to be incorporated in this. Certainly that is what has happened up until now, and there is some tweaking being done in this bill. This bill seeks to provide a smoother and more efficient process of negotiating settlement arrangements with traditional owner groups. However, it is vital that we get this process right from the outset so that all relevant interests are given certainty and a simplified process which can best help facilitate effective outcomes.

The purpose of the bill is to further provide for grants of Aboriginal title under land agreements under part 3 of the principal act, to revise the operation of land use activity agreements and to provide for the Victorian Civil and Administrative Tribunal (VCAT) to take a greater role in compliance with the agreements. I will get back to VCAT and its role in a minute. The bill will also revise the operation of natural resource agreements and provide for new provisions that will affect the operation of prospective natural resource agreements that relate to land owned by traditional owners. It will also make amendments to other relevant acts, which I will not necessarily go into; they are all there to be seen.

If we have a look at the main provisions of the bill, clauses 4 and 6 amend and insert new definitions. In particular there is a new definition of ‘alpine resort’ and ‘Alpine Resort Management Board’. I want to read to the house from the front page of the *Mansfield Courier* of 7 September. The headline on page 1 is ‘Indigenous changes raise “cost” concern’. I want to read to you a piece from the paper that takes into account the practical side, if you like, and the commercial side of the ramifications of this bill. I note that the Minister for Aboriginal Affairs is at the table, and I look forward to her being able to perhaps allay those fears for industry. It says:

> … if passed, this bill may have huge repercussions on existing and future lessees in the ski fields including Mount Buller.
>
> President of the Victorian Snowsports Association, Rob Anderson, believes the government will destroy the snow sports industry by taking the benefits but giving nothing back.
>
> ‘This industry is on its knees and we do not need any more cost pressures indicated in this legislation’, Mr Anderson said last week.

> 'The alpine exemption under the Traditional Owner Settlement Act 2010 currently for land within the boundaries of an alpine resort will be removed'.
>
> Mr Anderson explained that at present alpine resorts work on total cost recovery and these costs are getting greater.
>
> He believes this amendment is just a way for the Indigenous people to claim more compensation, with the Department of Environment, Land, Water and Planning (DELWP) passing on these costs to the users — in particular the snow sports users.
>
> 'Snow sports should bear its legitimate cost but not have DELWP cost shift to alpine resorts without justification or discussion', Mr Anderson said.
>
> 'I'm extremely disappointed by the lack of interest shown by the minister — this is war against Daniel Andrews and the government'.

The article goes on to say:

> Mr Anderson said that there had been presentations made on this issue and the impending increase in cost to the users, but nothing seems to have been taken into account.

He said:

> It is taxation without representation.

The article further says:

> He said there had been little discussion on this issue and the bill has been rammed through the house and is now passing its second reading.
>
> …
>
> 'It has the potential to stop development in the alpine areas and threatens the viability of a great tourist industry', Mr Anderson said.

Of course I take that to heart, wearing the shadow role not only for Aboriginal affairs but also for tourism. It is a fact that we have very short snow seasons here in Australia, especially in Victoria, and they can be good ones or they can be bad ones. In fact about every five or six years they have a good ski season and they do have to look at the viability of the industry, and if further costs are imposed upon the operators of an area, that is obviously going to lead to fewer people wanting to invest in infrastructure. The great concern of course is for those who have current leases. When the leases are up and are going to be renegotiated, what is going to be the added cost? But also for those coming in with new leases for potential new development, what will be the cost to them? There is a lot of concern out there and operators do not believe that in fact their fears have been allayed in any sort of way or indeed addressed or covered in this particular bill.

If I go on, clause 7, which repeals section 19(3) and amends section 19(5) of the principal act, ensures that all existing statutory authorities, contracts, arrangements and agreements relating to public land survive a grant of Aboriginal title. I do not know about the word 'survive', but that is the term the people who have drafted this have chosen. It also enables the granting of Aboriginal title over land which is depth limited. This allows for the granting of Aboriginal title over parks while enabling the possibility for underground mining to occur.

When I spoke to the representatives of the department who gave us the bill briefing, which we had quite some time ago, they absolutely assured us that this was prospective and that there would be no implications for those who have land rights at the moment. This includes the Greater Bendigo National Park, which as I said before is currently subject to a grant of Aboriginal title for the Dja Dja Wurrung Clans Aboriginal Corporation, and it fulfils a commitment in that corporation's recognition and settlement agreement of 2013, which we facilitated when we were in government.

Clauses 8 and 10 amend sections 20, 22 and 22A of the principal act. They clarify that the state is only able to lease or license Aboriginal title land in a way that is consistent with the act under which the land was occupied, used, controlled or managed immediately prior to the grant of Aboriginal title. The government has a good safeguard in that provision. These clauses also ensure that any pre-existing leases, arrangements or agreements survive the grant of an Aboriginal title, and that is different to what we were talking about with the Alpine resorts and pre-existing leases. Again, as I said, that is a different issue altogether, but it has certainly been covered here in relation to pre-existing leases, and I think we need to go back and have a look at the Alpine clauses.

Clause 12 clarifies that grants of Aboriginal title are excluded from the definition of land use activity, while grants of fee simple under section 14 are not. That is a clear differentiation there.

Clause 16 inserts new sections, and it is another one that has raised some eyebrows, if you like. It inserts new sections 57A to 57D, and these relate to VCAT's involvement in making determinations relating to land use activity agreements and issuing enforceability and compliance orders in relation to those agreements. Of particular interest to me is VCAT's function of making determinations on negotiations related to land use activity agreements and determinations related to the correct classification of land use activity agreements. This function is restricted to resolving ambiguity

through interpretation and application, if you like, of these agreement classifications.

VCAT can also make determinations in relation to calculations of reasonable costs. I am always worried about any legislation that has the word 'reasonable' in it because one man's reasonable is not reasonable to another. The proof will be in the pudding when those cases come before VCAT. We will watch those outcomes. It will also determine who will pay those costs, so again we will watch that with great interest.

Of course, as I said, some have raised their eyebrows or perhaps even raised concerns and have said that it is all very well and good to have VCAT being able to do all of this, but we know that VCAT often has a large backlog. Is this just a way for somebody to hamper the process of development? It is certainly something that can be strung out for an awfully long time. If they do not believe they are going to win, perhaps even at the last minute they can withdraw their claim at VCAT. But that would not stop them from spending many months hampering a process of development, potentially costing somebody many thousands of dollars. What I am trying to say is: is this a tactic that can be used? If so, again, we will have to wait to see whether this works or whether this is actually used by somebody as a tactic to hamper a decision or delay a decision if they are not particularly fond of it. I do not believe the safeguards are there for those who are legitimate in what they want to achieve. They could literally be stalled, stymied or hampered because of somebody's whim.

Clause 17 inserts new subdivision 4. This contains mechanisms to ensure compliance with land use activity agreements. These new provisions will allow traditional owner groups to make applications for enforcement or interim enforcement orders to stop or not start land use activities and also to cancel or suspend the land use activity agreement in question. Third parties subject to these applications will be able to make objections. This is quite good; it has checks and balances in place.

I want to touch briefly on clauses 18 to 25, which relate to natural resource agreements. Under this bill, authorisation orders will be repealed and a new mechanism will allow for the taking and using of natural resources allowed for under the principal act. Natural resource agreements will now be made directly between the government and the traditional owner groups, who can set the scope, limit and agreed activities that will be allowed under the agreement. The minister will have to consult with relevant ministers. Again, having sat around the cabinet table, I know there is an awful lot that you can say to your colleagues, but if they do not believe it is in their portfolio's best interest, hopefully they will speak up. We know that that may not always be practical, so with the minister having to consult with other relevant ministers in getting their consent, there may in fact be a few hiccups there. This will replace the current consultation requirement. Obviously the minister is going to have to adhere to principles of sustainability. I do not know that that is enshrined well enough in this bill. I think it is great to have that sentence, but let us see how that plays out in terms of practicalities.

An issue that is particularly worrying to me in these clauses is that the new sections allow for subsidiary decision-making powers and discretionary authority under these agreements. When I brought this up at the bill briefing some of the departmental staff looked at me quite quizzically, as if to say, 'Well, that won't happen', but as lawmakers we have to think of the unintended consequences of the legislation we are considering or even the way that people could manipulate the laws therein.

What worries me in this case is that the minister could delegate her responsibilities off to a member of the department and also that the traditional owners could delegate their powers to a particular person. For example, say that with all good intentions an agreement were reached and it was fairly inconsequential, fairly small, but that the minister happened to be on annual leave — which of course she is allowed to take — and the head of the traditional owner corporation or its designated person happened to be away on leave or at a conference or something like that and they had both delegated off to far less senior people. What is to stop those far less senior people coming to some sort of an agreement that would actually have a detrimental effect further down the track?

This is one of those issues that is a real sticking point for me. Hopefully people are not going to do that, but as lawmakers we always have to look to the future and we always have to look at what is possible. The wording of these clauses makes possible that sort of delegation and those sorts of problems could arise. I think that needs to be tightened up considerably.

Clauses 27 to 36 amend the act to ensure that traditional owner groups are exempt from specified offences under the various acts, but for me anything that is going to give Aboriginal people and traditional owner groups more power, more ownership of the land from which they came, to which they have that centuries-old, generations-old commitment and which they love and to which they are bound, is a good thing overall. It is a

good step forward, but I do think that there are a couple of things within this bill that have not been thought through as well as they could have been. I do not believe that all of the consultation that should have happened has happened. I certainly support fair and timely settlement of native title claims through negotiated native title settlement agreements, but we need to ensure that these processes are conducted with certainty for all stakeholders involved. Again, I stress the word 'all' so that the process and transition is smooth and efficient from the outset for all parties involved.

While we will not be opposing this bill, we do feel that there are some areas of concern, and I would certainly be very welcoming of the minister's input into some of the concerns that I have raised, and hopefully some of the stakeholder considerations can be taken into account at this stage. It is never too late to amend — it certainly has not gone through yet — and some of the safeguards need to be put in, particularly those relating to the enforceability and compliance of the land use activity agreements and also around that opportunity for traditional owner groups to take third parties to VCAT.

Any of these areas that create uncertainty are not good for business, but even more importantly they are not good for the smooth running of the intention of these agreements. I would like, between now and the bill being before the upper house, for the minister and her staff to have a look at some of these concerns. Certainly the delegation of decision-making is of concern to me, as are the VCAT possibilities, and I think there are some added safeguards that are warranted. I would certainly hope that the government would take seriously concerns that have been passed on to me that I am now passing on to the house. I know that most of what happens in this place to do with portfolios such as Indigenous affairs does happen in a bipartisan way, and I certainly mean all of this with the best possible intentions. However, I do think as a Parliament we have the responsibility to make sure that these unintended consequences do not come back to bite us. If we can nip them in the bud before we pass the legislation once and for all, we could be saving a lot of people a lot of grief in the future. I do hope that that will be looked at while the bill is between this house and the other place.

Ms HUTCHINS (Minister for Aboriginal Affairs) — I rise to speak in support of the Traditional Owner Settlement Amendment Bill 2016, and I wish to begin by acknowledging the traditional owners of the land on which we meet, the Kulin nations, and I pay my respects to their elders past and present.

The Victorian Traditional Owner Settlement Act 2010 provides for out-of-court settlements of native title as an alternative to using the commonwealth Native Title Act 1993. In essence, traditional owner groups can receive recognition and certain rights over Crown land, including grants for land for freehold, cultural or economic purposes, land use agreements over public land and natural resource agreements in exchange for not pursuing native title claims. This process, and these outcomes, are of immense importance to traditional owners. Since its was passed in 2010, the government has reached settlements with the Gunaikurnai people of Gippsland and the Dja Dja Wurrung people of the Loddon Valley.

I have had the pleasure of meeting with both corporations that incorporate those people, but also just a few weeks ago I had the opportunity to meet with Loddon and Campaspe councils to talk about the implementation of the agreement in their areas. I am pleased to say that after a full working group, where they were informed and were provided with additional information from both Aboriginal Victoria and Local Government Victoria, the councils were in a much better position to be able to talk directly with the Dja Dja Wurrung people around the management of land that they had in their catchment areas and also around the really important recognition aspects that are delivered under these agreements, such as acknowledgement of country at council meetings and raising flags and improving communications between planning departments within the councils and the Dja Dja Wurrung people.

In speaking in support of the amendments to this act, I want to reflect on how it fits with the Labor Party's longer term agenda in Aboriginal fares, in addition to commenting on how these amendments can make the primary act even better than it is. This bill seeks to make four broad changes, the first of which is ensuring that the grants of Aboriginal title made under part 3 of the act do not have any adverse impact on existing interests. I note that there were some issues raised by the previous speaker in regard to clause 6, in particular, and there are some concerns that have been released in the media about Mansfield and the alpine resorts. I do want to clarify that the change to the definition will not alter in any way the alpine resorts land and how it is treated under the Traditional Owner Settlement Act, and it certainly will not increase costs.

I saw firsthand when I met with the Loddon and Campaspe councils that there is a process that needs to take place around information and in a sense education to councils and those landholders in the regions in which agreements are struck. Secondly, the

amendments to the bill enhance the operation of land use activities agreements, under part 4 of the act, including providing for formal measures to resolve instances of non-compliance within those agreements. Thirdly, they will streamline the operation of natural resource agreements — referred to in the act amendments as NRAs — under part 6 of the act, to provide for access to and use of natural resources to be authorised directly by an NRA, rather than by a natural resource authority order, and to extend the operation of the NRA to land owned by traditional owner group members or traditional owner group entities.

Finally, the fourth broad change goes to providing for other minor and related matters, including taking into account the recent amendments we made to the Aboriginal Heritage Act 2006. It is good to know that the Attorney-General has, along with his department, arrived at these changes after lots of hard work and discussions with the Aboriginal Victorian community.

As I have already mentioned, I also want to reflect on how this bill fits with our broader agenda. Earlier this year in Parliament there were changes made to the Aboriginal Heritage Act 2006, and I am so pleased that they passed through this place without opposition. That act and the Traditional Owner Settlement Act 2010 represent the architecture through which the government of Victoria respects the rights of the first inhabitants of this land in Victoria and how we manage our relationship.

Land and culture are two issues that are intertwined for the Aboriginal community and for all community. Any Aboriginal story that you listen to will show this. I have found that recognition of the rights of the first inhabitants of this land can occur in many, many ways, a lot of which are deeply symbolic in nature. The presence of the Aboriginal flag on this building is an excellent example of that. If we are serious, these symbolic acts need to be matched or built on with actual change and changes to the law, because these are changes that last from government to government.

That is why the amendments to the principal act and to the Aboriginal Heritage Act are so important. They show a maturity in this Parliament's treatment of the rights of Aboriginal Victorians. The changes to both laws are based on the successive operation of various primary acts over many years, and I am proud to say that Victoria continues to lead the way in comparison to other states.

These changes are underpinned by a policy of self-determination. They pass control of land over to traditional owners, and they allow them to control not only their land but also how the culture and cultural activities of more newly arrived people impact on them. Our approach to these issues of treaty at the moment is another expression of how our policy underpins both the commitments of this act and our broader commitment to self-determination.

After a two-day meeting of the Aboriginal community in May I said that the Victorian government understands that it is not for us to decide what treaty or self-determination should look like. We need to know what actions need to come from Aboriginal Victorians before we take further steps. So to progress the issue an Aboriginal treaty interim working group has been established out of that forum. Its role is to provide advice on the process and timing for treaty and guidance on community engagement.

There are so many options for a permanent Victorian Aboriginal body being considered. The working group will report back to me and to the broader Aboriginal community in December. This stands in stark contrast to the process set up by the federal government — a process that seems to outline the outcome before genuine discussion and consultation. As a result of that, the very good aim of constitutional recognition has been set back somewhat and we now see Aboriginal people demanding to drive the process. Here in Victoria the priority for that is through treaty.

It is worth noting that I have received a number of questions about the relationship of treaty with the traditional owner settlement laws. They are of course related, but a key difference is that the settlement laws are in operation and are delivering successful outcomes now, whereas the treaty process is very much in its infancy. Suffice to say, I encourage all traditional owners to continue to use settlement laws whilst we are in discussions about other ways to determine and advance self-determination.

I look forward to bringing the outcomes of the processes back to this house at the appropriate time, and I will do so safe in the knowledge that the maturity that has been shown in the approach to the heritage and traditional owner laws will ensure that the outcomes build respect and successfully deepen our relationships towards the eventual aim of true recognition. I commend the bill to the house.

Mr McCURDY (Ovens Valley) — I rise to make a contribution on the Traditional Owner Settlement Amendment Bill 2016. Before I do so, I would also like to acknowledge the Kulin nation, the traditional owners of the land on which we are meeting today, and acknowledge their elders both past and present.

This bill, as we have heard from previous speakers, will amend the Traditional Owner Settlement Act 2010 that was brought in to fundamentally streamline traditional owner settlements and make it easier to negotiate them. The purpose of the bill is to provide for grants of Aboriginal title under land agreements. It will also revise the operation of land use activity agreements and provide for the Victorian Civil and Administrative Tribunal (VCAT) to take a greater role in compliance with these agreements. It will revise the operation of natural resource agreements, provide for new provisions that will affect the operation of prospective natural resource agreements that relate to land owned by traditional owners and of course make amendments to other relevant acts.

Just by way of background, the Victorian Traditional Owner Settlement Act 2010 provides for an out-of-court settlement of native title, and that act allows the Victorian government to recognise traditional owners and certain rights over Crown land. In return for entering into a settlement, the traditional owners must agree to, and will, withdraw any other native title claims pursuant to the act and not make any future native title claims. Under the act a settlement package can include a wide range of options, including a recognition and settlement agreement to recognise or acknowledge traditional owner groups and certain traditional owner rights over Crown land. Other options are a land agreement which provides for grants of land in freehold title for cultural or economic purposes, or as Aboriginal title to be jointly managed in partnership with the state. Of course the settlement package can also be used as a funding agreement which allows traditional owner corporations to manage their obligations and undertake economic development activities.

The coalition facilitated the first and only current land agreement with the Dja Dja Wurrung in 2013, and that concerns approximately 266 000 hectares of land in the Greater Bendigo area. This legislation builds on the coalition's primary act from 2012–13.

Some of the main provisions, including specifically clause 7, ensure that all existing statutory authorities, contracts, arrangements and agreements relating to public land survive a grant of Aboriginal title and enable the granting of Aboriginal title over land which is depth limited. This allows for the grant of Aboriginal title over parks, which enable the possibility of underground mining to occur as well. This includes the Greater Bendigo National Park, which is currently subject to a grant of Aboriginal title, as I mentioned before, to the Dja Dja Wurrung Clans Aboriginal Corporation. That fulfils a commitment in the recognition and settlement agreement of 2013 which was facilitated when the coalition was in government.

Other important clauses that I want to mention are clauses 8 and 10. They clarify that the state is only able to lease or license Aboriginal title land in a way that is consistent with the act under which the land was occupied, used, controlled or managed immediately prior to the grant of Aboriginal title and ensure that any pre-existing leases, arrangements or agreements survive a grant of Aboriginal title. Furthermore, clause 17 inserts new subdivision 4, which contains mechanisms that ensure compliance with land use activity agreements. These new provisions allow traditional owner groups to make applications for enforcement or interim enforcement orders to stop, or a better way of putting it is not start, land use activities and also to cancel or suspend the land use activity agreements. Third parties subject to these applications therefore have provision to make objections.

In terms of natural resource agreements, authorisation orders will be repealed and a new mechanism will now allow the taking and using of natural resources allowed for under the primary act. Natural resource agreements will now be made directly between the government and the traditional owner groups, who can set the agreed activities allowed under the agreement. The minister must consult with relevant ministers and receive their consent.

While we are discussing traditional owners, I want to take the opportunity to briefly mention the Pangerang people in the Wangaratta region. I want to acknowledge Uncle Freddie Dowling and Aunty Betty Cherry, who are strong advocates for the Pangerang people in our region. It is quite sad that they have not been acknowledged over the years under the registered Aboriginal party (RAP) process. Uncle Sandy Atkinson and Uncle Wally Cooper, who have passed on in the last year or two, were two very progressive and passionate advocates. But all the while the Yorta Yorta remain the registered Aboriginal party in our region. It is not right and I certainly would encourage the government, when they are looking into further traditional owner groups, to review the existing RAPs to ensure fairness and equity for the Pangerang people. Uncle Freddie Dowling has already approached federal members, certainly Cathy McGowan in our region, and all the aspiring Indi candidates at the recent federal election to ensure that if they were successful they would support RAP changes where possible.

I recently attended the opening of the Bullawah Cultural Trail, which was created to celebrate and share the ancient stories of the Pangerang people in the

Wangaratta region, which was an excellent event. This was primarily driven by the Pangerang elders, Uncle Freddie Dowling, Aunty Betty Cherry and Uncle Eddie Kneebone.

As I wind up my contribution, I should say that we do have a few areas of concern. The amended definition of 'alpine resort' was the subject of opposition when the coalition amended the bill in 2012. At the time Labor was not happy that parcels of land in the alpine resorts were excluded from the legislation and has amended the act to rectify that. The coalition's rationale for this at the time was that land being annexed to the bill had significant infrastructure in place and investment in these alpine ski and recreational areas required certainty and this could potentially frustrate these investments. As we heard earlier from the shadow minister, the snow season is not a long period of time in our winters and the alpine region is vital for tourism in our region and for all of Victoria.

The enforceability of and compliance with land use activity agreements and the opportunity for traditional owner groups to take third parties to VCAT creates uncertainty and could potentially be used as a mechanism to frustrate land use activities. We want to reduce red tape and not create areas for ongoing arguments. We also want to acknowledge that the alpine resorts will not pay a higher price for or experience any impacts on their ability to do business. I was very pleased to hear the minister at the table, the Minister for Aboriginal Affairs, give some guarantees to that effect. She mentioned just a moment ago that it will not increase costs to the alpine resorts and will certainly not change any land use. That is heartening and I am pleased to hear that from the minister.

I again urge the government to further investigate RAPs into the future while we are looking into Indigenous issues, particularly for the Pangerang group. With that, I commend this bill to the house.

Mr DIMOPOULOS (Oakleigh) — I am pleased to rise to make a contribution on the Traditional Owner Settlement Amendment Bill 2016. It is obviously an important bill and the Traditional Owner Settlement Act 2010, which this bill amends, provides an attractive alternative to seeking a Federal Court determination under the commonwealth's Native Title Act 1993 for Victorian traditional owner groups. I cannot go past that act without reminding the house that it was another good Labor government that introduced the Native Title Act. While this bill, which we think delivers a better quality outcome, amends the Victorian statute, it did all start, in my view, from then Prime Minister Paul Keating's commitment to this very important issue. Victoria is the only state in Australia, as the minister said in her second-reading speech, that has co-designed with traditional owners a comprehensive alternative to the Native Title Act. As the Attorney-General said, the impetus for Victoria's alternative framework was the ad hoc and inadequate outcomes delivered by the federal native title system in a costly, unnecessarily adversarial, technical and time-consuming manner. I understand that I just commended that framework, but I commended the initiative. Obviously we have grown since then.

As the minister also said, for a heavily settled state like Victoria, the Native Title Act requirement for claimants to demonstrate an unbroken connection with their lands since the arrival of Europeans does not provide a good foundation for delivering land justice to those people.

Victoria's Traditional Owner Settlement Act has already delivered concrete outcomes such as grants of freehold title and grants of Aboriginal title to enable joint management of parks and reserves, and a simplified and enhanced regime for managing activities that affect native title rights. The act also delivers economic outcomes and helps support the good governance and long-term financial sustainability of traditional owner corporations. It embeds Victoria's traditional owners as partners with government now and into the future. This relationship brings benefits to both parties as well as the wider Victorian community. Based on the experience of the last six years, the bill will make some adjustments to the act to ensure that the act continues to be an attractive alternative to the Native Title Act.

Basically the bill ensures that the grant of Aboriginal title made under part 3 of the act does not have any adverse impact on existing interests, which I think is a reasonable measure. Secondly, it enhances the operation of the land use activity agreements, as we have heard from the Minister for Aboriginal Affairs, under part 4 of the act, including providing for formal measures to resolve instances of non-compliance with those agreements. Thirdly, it streamlines the operation of natural resource agreements (NRAs) under part 6 of the act to provide for access to and use of natural resources to be authorised directly by the NRA rather than by natural resource authorisation orders and to extend the operation of part 6 to the land owned by traditional owner groups, members or a traditional owner group entity, and it does a few other little things.

I note the slight concerns of some members of the opposition, but I am comforted by the fact that we have come to this bill through serious and effective consultation with traditional owner groups, Native Title

Services Victoria, the Federation of Victorian Traditional Owner Corporations and other key state agencies and ministers, and that it was decided to take the opportunity to improve this act to ensure it continues to be, again as the minister said, a relevant alternative to the national framework.

The Federal Court has determined that native title does exist in Victoria, and there are at least four Victorian traditional owner groups — in the Wimmera, Portland, Gippsland and Yambuk — so this is a live issue. It may not be particularly live in my community, but it is absolutely supported in my community. This is an issue that affects every part of Australia and Victoria. As the Minister for Aboriginal Affairs said, in terms of land justice, the connection of Aboriginal communities with the land is a profound one and one that we as non-Aboriginal Australians have come to appreciate through their eyes in many respects.

I think it is worth just reminding ourselves what the Traditional Owner Settlement Act 2010 — the act we are seeking to amend with this bill — does. It allows the government and traditional owner groups to make agreements that recognise traditional owners' relationship to land and provides them with certain rights on Crown land. In return for entering into a settlement, traditional owners agree to withdraw any native title claim and to not make any future native title claims or seek compensation under the Native Title Act 1993. Under the act we are seeking to amend, a settlement package can include a recognition and settlement agreement to recognise a traditional owner group and certain traditional owner rights over Crown land; a land agreement which provides for grants of land in freehold title for cultural or economic purposes or as Aboriginal title to be jointly managed in partnership with the state; a land use activity agreement — again we heard on this from the minister — which provides for traditional owners to comment on or consent to certain activities affecting their rights on public land; a funding agreement to enable traditional owner corporations to manage their obligations and undertake economic development activities; and a natural resource agreement to recognise traditional owners' rights to take and use specific natural resources and provide input into the management of land and natural resources.

While the language sounds a bit fancy and specific, in my view it is fundamentally about the rights most landowners have over their property. I think in that sense it is a very appropriate framework, particularly in the Victorian context, to assist traditional owners to exercise what is rightfully theirs. This is not something we are giving traditional owners. This is something they are reclaiming back: it was always theirs. Again I am comforted by the words of the chair of Native Title Services Victoria, Aunty Di Kerr, about this act. She said:

> The Traditional Owner Settlement Act represents a true act of reconciliation and partnership between traditional owners and the state.

And also:

> Traditional owners championed this groundbreaking legislation and led its development so we welcome the state's commitment to working with us to make these essential improvements.

She said that this year in relation to this amendment bill. So I commend the work of the Attorney-General, the Department of Justice and Regulation and also the Minister for Aboriginal Affairs and her public servants. I think this is another step in what is really an all-pervasive effort not only to recognise native title or Aboriginal title but also for reconciliation and the concept of actually enabling and assisting the traditional owners of this land to live the full expression of their humanity — not a white Australian humanity, but the full expression of their humanity.

While it was bipartisan — and I appreciate that the whole Parliament supported it — I love that it was a Labor government that acted such that when I drive along or catch a tram up Bourke Street I see an Aboriginal flag on this building. It should have been there in the 1850s. It took only 150 years — I mean, that is embarrassing in itself — but I love the fact that it is up there, because it should be there. It is a consistent reminder of the land upon which we meet.

I am also reminded in terms of my community of the level crossing removal program. As the Premier says, there is the power of the government's procurement arm to deliver good social outcomes as well as economic outcomes. There is a commitment in the contract of the state of Victoria with Lendlease to recruit Aboriginal Australians for work on this major level crossing removal project. I am also reminded of our other efforts under Minister Mikakos's leadership in youth justice and a whole range of other things we are doing to really bridge the gap and to empower Aboriginal Australians and allow them to live their full expression as Victorians and as people.

This is another bill that is aimed towards achieving those goals, and I commend the work that has gone into it and commend the stewardship of and the co-design by the traditional owners who have helped us create this bill. I commend the bill to the house.

Ms McLEISH (Eildon) — I rise to contribute to this afternoon's debate on the Traditional Owner Settlement Amendment Bill 2016, which is amending the act that was brought in in 2010. My electorate of Eildon is one of the least multicultural electorates in the state. However, it is home to two Aboriginal groups — the Wurundjeri and the Taungurung — and of course just out of Healesville are the very sacred lands of Coranderrk, which as we know have been a very traumatic place and scarred many for a long time in terms of the disgraceful treatment of the Aborigines at that time. I certainly acknowledge the work that many people in our community have done to make sure that the memories remain and also that their cultures and their community are strengthened all the time.

This bill is about reducing the administrative and compliance burdens that traditional owner groups and relevant state agencies typically have to face as they go through various procedures around claiming their stake in Crown land and other land that falls under their jurisdiction. Specifically it provides for grants of Aboriginal title under land agreements under part 3 of the act. It revises the operation of land use activity agreements, and it further provides for some compliance under those agreements. I will come to this in a little bit more detail.

The other key purpose of the bill is a revision of the operation of natural resource agreements under part 6. Natural resource agreements are something that I will have quite a lot to say about as they apply to carrying out certain activities on land that is subject to agreements and provide for agreements about natural resources for land owned by traditional owners.

This bill means that Victorian traditional owners will be able to more easily exercise their rights to Crown land and natural resources for cultural, social and economic reasons. I think it is important to reflect on the fact that Aboriginal culture is the longest known surviving culture on our planet. They have been here for some 40 000 years. That is really quite staggering when we think that even a couple of thousand years seems a long time, let alone some 40 000 years.

I want to alert the house to some work that has been done by Glenn Chisholm of Terra Rosa Consulting and his partner Nita Hedditch, in Yea of all places. They have been involved extensively in the mining sector in Western Australia, where they have used 3D mapping and imaging of caves. It has brought to light some of the traditional paintings, carvings and things like that, which they have been able to map in 3D. I saw some of the work that they have done — only the stuff that I was allowed to see — and it was really quite staggering. It is excellent to think that that sort of technology is now out there and can enhance some of these areas of Aboriginal heritage and culture.

When we think about the Traditional Owner Settlement Amendment Bill 2016, we think about the traditional owner corporations. In the main they have striven for good governance and long-term financial sustainability. There have been hiccups along the way that we all know about, but I think it is important that where they are genuinely trying to make big inroads into their governance and financial sustainability, that is very worthy of support. I look at the Healesville Indigenous Community Services Association, which has put a lot of effort over the last decade into making sure that they have good governance. They understand that they will be taken much more seriously if they have their own house together, and they certainly have. I really commend them for the work that they have done, which in the early days was driven by Aunty Dot, who still remains on the board.

What we also see here is that the relationship between traditional owners and the government is a bit more like a partnership arrangement. Traditional owners are becoming increasingly involved in land management to the benefit of their communities and the government. They have a lot that we can learn from. It is very much a two-way street, because some things have been lost but there are also great opportunities that I see for the government to partner with various groups in terms of land management. I particularly look at the way that they burned and maintained the land — that vegetation management — in the early days. We often forget that, but I know that the Gunaikurnai in Gippsland were very good at this. When the early settlers came they learnt their techniques from the elders in the tribes that were already in existence. I think there is a lot of work that is done to dismiss this land management, but if they trace it back to the Aboriginal roots, I think it is very well grounded.

The Victorian Traditional Owner Settlement Act 2010 provides for an out-of-court settlement of native title, and it allows the government to recognise traditional owners and certain rights on Crown land. What this means in terms of entering into a settlement is that they must agree to withdraw any native title claim pursuant to the commonwealth's Native Title Act 1993 and not make any future claims. A number of years ago a friend of mine worked in the native title field. It was a little bit tricky in Victoria because it is a lot more settled.

The reforms in this bill support the rights of traditional owners and their unique spiritual, material and economic relationship with the land and its natural

resources. As I have said, they have long-held ties. You really do not have to travel far to see something as simple as scarred trees. I see lots of those in my electorate, and I know that the elders in my area can point to things that their ancestors — and even their parents — were involved in.

There are four key areas of amendment here. The definition of public land and the grants of Aboriginal title ensure that grants can be made without any unintended consequences for existing interests in the land. There are the land use agreements, which is the third area. That is extending the involvement of the Victorian Civil and Administrative Tribunal (VCAT) to resolve disputes and make enforcement orders. I think it is important to note here that this relies on the traditional owner group entity being able to apply to VCAT rather than an individual. That is important because we do not want a mischievous individual who may have a gripe against the traditional owner group putting something forward. It has to come from the group.

Natural resource agreements is the one that I will focus on for the rest of my contribution. A natural resource agreement replaces a natural resource authorisation order. That has the flexibility to agree to either relax or tighten the scope of access to and take of a particular resource depending on the local circumstances. If we think of some of the activities that can be authorised, these include the right to hunt wildlife and game. In my electorate, especially in the high country, that is extremely important. Fishing is also important, as is gathering flora and forest produce.

I want to make mention of Uncle Roy Patterson, a Taungurung elder of Taggerty, who says that there is nothing better than mountain peppercorns. Next time he is out he has said that he will collect some mountain peppercorns, which he is able to do, and give them to me because they are so terrific. There is a good example of streamlining here because the natural resource agreement amendment was sought by traditional owners to prevent groups from having to seek multiple permissions from relevant authorities. You can only imagine how important it is that that burden be reduced when you have to jump through so many hoops and speak to so many people.

The impact on alpine areas, which up to now have been exempt under the 2010 act, is something that has caused quite a bit of debate in my electorate, particularly up in Mansfield and around Mount Buller. I was at Mount Buller recently, and this was certainly raised by a number of people. I met with quite a number of people at gatherings. I was lucky to experience Woody's prawn dinner as well as meet with the traders groups, including Sox and John and many other groups that were involved up there. These sorts of things are an issue, as are native vegetation offsets.

I was pleased to hear the minister say that she thinks that there will not be any cost shifting and that this will not increase the costs or alter the land management use in the alpine area. As I said, people are concerned that there may be compensation claims made and that those compensation claims may be shifted to people who have businesses on the mountain. Making ends meet on the mountain is already very tricky, and obtaining new leases is also extremely tricky. So I hope that what the minister says — that there will not be any changes in this regard — is true. I will be very pleased to report that back to my community.

Ms EDWARDS (Bendigo West) — I am very pleased to rise to speak on the Traditional Owner Settlement Amendment Bill 2016. As the Attorney-General said in the second-reading speech for this bill, the Traditional Owner Settlement Act 2010 is the Andrews Labor government's way to make sure that the traditional owners' preferred approach to resolving native title claims in Victoria is also our preferred approach. Since its passage in 2010 the government has reached settlements with a number of Indigenous groups, including in Gippsland and of course with the Dja Dja Wurrung people in central Victoria, who are in my electorate of Bendigo West and also cover a range of areas. There are also the Taungurung people within my electorate as well. This bill will ensure that Victorian traditional owners can more easily exercise their rights to Crown land and natural resources for cultural, social and economic purposes.

Within the City of Greater Bendigo there are the traditional lands of the Dja Dja Wurrung or Jaara people and also the traditional lands of the Taungurung people, who are the rightful custodians. These Aboriginal boundaries have been in the past defined by the Victorian Aboriginal Corporation for Languages. Our Indigenous community in Bendigo and across the region comprises both Aboriginal and Torres Strait Islanders, with many people having moved to Bendigo from all over Australia. In fact according to the 2011 census approximately 1.4 per cent of the total City of Greater Bendigo population identified as Indigenous. The community has grown considerably since the previous census in 2006, when 1.1 per cent of Bendigo's population identified as Indigenous.

This particular piece of legislation is closely aligned to a recognition settlement agreement between the Dja

Dja Wurrung people and the state of Victoria back in November 2013. With the signing of this agreement the Dja Dja Wurrung agreed to withdraw all native title claims in the Federal Court, and that was the full and final settlement of this matter. The recognition statement that was signed at the ceremony recognises the Dja Dja Wurrung as the traditional owners of central Victoria and provides the context for what was negotiated in the agreement. It is now a means by which the Dja Dja Wurrung culture and traditional practices and the unique relationship of the Dja Dja Wurrung people to their traditional country are recognised, strengthened, protected and promoted for the benefit of all Victorians now and into the future.

Some time ago Victoria was the only state in Australia that had co-designed with traditional owners a comprehensive alternative to the commonwealth Native Title Act 1993, and that is how the Dja Dja Wurrung agreement was signed. It was in no small measure thanks to the former Attorney-General in the previous Labor government, the Honourable Rob Hulls, that this legislation progressed to the point where that agreement could actually be signed. There was so much negotiation, so much consultation, and it really was a pivotal moment for a state government to be able to sign an agreement that was so profound, particularly for our traditional owners, the Dja Dja Wurrung people.

The impetus for the alternative framework was the federal government's Native Title Act, which was a great piece of work but ad hoc. It was a little bit inadequate in terms of outcomes, and it was costly. It was also unnecessarily adversarial, technical and time consuming for many. The Native Title Act requires claimants to demonstrate an unbroken connection with their lands from the time of European arrival. It does not provide a good foundation for delivering land justice in a very heavily settled state like Victoria. Despite it being a very formative piece of legislation, there are issues with it.

Here in Victoria our Traditional Owner Settlement Act 2010 has already delivered concrete outcomes such as grants of freehold title, grants of Aboriginal title to enable joint management of parks and reserves, and a simplified and enhanced regime for managing activities that affect native title rights. It has also delivered enormous economic outcomes and helped to support the good governance and long-term financial sustainability of traditional owner corporations such as the Dja Dja Wurrung Clans Aboriginal Corporation in my electorate, which is doing great things, I have to say. It also embeds Victoria's traditional owners as partners with government now and well into the future, and of course that relationship brings enormous benefits to both parties as well as to the wider Victorian community.

The bill seeks to build on these last six years of experience and makes improvements to the principal act to ensure that it continues to be an attractive alternative to the Native Title Act. It includes many provisions sought by traditional owners and has been developed in close consultation with the Federation of Victorian Traditional Owners Corporation and Native Title Services Victoria.

Our Traditional Owner Settlement Act 2010 strongly aligns with the Andrews Labor government's commitment to support self-determination for Aboriginal Victorians, and I want to commend the Minister for Aboriginal Affairs, who has done a power of work in this area and is continuing to progress work towards the development of a treaty. Of course this legislation will be part of that and will need to take into consideration the settlement agreements made under the Traditional Owner Settlement Act, which recognises name and treats with respect Victoria's first peoples, the traditional owners, because they are in themselves, as the second-reading speech says, 'vehicles for self-determination for Victoria's traditional owners'.

The Dja Dja Wurrung people in my electorate raised some issues around this particular amendment bill. This is why the bill came before the house. There are in fact six traditional owner groups who are seeking to enter into or have indeed commenced negotiations for a settlement under the Traditional Owner Settlement Act 2010 in relation to eight areas. One of those is the Taungurung, who have met the threshold but have not lodged a native title claim as yet. I think consultation commenced and negotiations started in about 2015, and they still have a way to go. The passage of the bill will ensure that the state is able to proceed with the granting of Aboriginal title in some of these areas that are still waiting to have acknowledgement.

Under the previous legislation and before this amendment is made, Aboriginal title needed to be limited as to the depth of where an agreed part of a settlement was. The passage of this bill will enable the state to proceed with the grant of Aboriginal title in places like the Greater Bendigo National Park. The state agreed back in 2013 to grant to the Dja Dja Wurrung traditional owner group Aboriginal title over the Greater Bendigo National Park and that was, as I said, defined by depth limitations for some of its constituent parcels. This bill will make a great difference in that respect.

The bill enhances the operation of land use activity agreements by expanding the power of the Victorian Civil and Administrative Tribunal (VCAT) to resolve disputes about three new matters — good faith, land use activity categorisation and calculation of negotiation costs. It also enables VCAT to make enforcement orders to resolve instances of non-compliance with those agreements. The bill also extends the exercise of natural resource rights to freehold land owned by individual members of a traditional owner group or their traditional owner group.

This is a really important piece of legislation. It again reinforces this government's commitment to the Indigenous people of Victoria and our respect for their native title rights, their land rights and their cultural and historical preservation. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to speak on the Traditional Owner Settlement Amendment Bill 2016. The purpose of the bill is to amend the Traditional Owner Settlement Act 2010, which is the principal act; to further provide for grants of Aboriginal title under land agreements under part 3; to revise the operation of land use activity agreements under part 4 and further provide for compliance with those agreements; and to revise the operation of natural resource agreements as they apply to the carrying out of certain activities on land that is subject to the agreements and provide for agreements about natural resources for land owned by traditional owners. The bill also makes amendments to a whole lot of acts that are necessary to make all of this work.

In simpler language, the bill provides for grants of Aboriginal title. It revises the operation of land use activity agreements; provides for the Victorian Civil and Administrative Tribunal (VCAT) to take a greater role in the compliance with these agreements; revises the operation of natural resource agreements and has provisions that will affect the operation of prospective natural resource agreements that relate to land owned by traditional owners; and makes amendments to other acts.

To explain this even more simply in layman's terms, the bill is really about providing in Victoria a comprehensive alternative to the federal Native Title Act. Many people in the electorate of Mildura, which incorporates a great deal of the Mallee, are very familiar with some of the issues around the federal act. I quote from the second-reading speech to help people understand this issue:

> Victoria's Traditional Owner Settlement Act has already delivered concrete outcomes such as grants of freehold title, grants of Aboriginal title to enable joint management of parks and reserves, and a simplified and enhanced regime for managing activities that affect native title rights. The act also delivers economic outcomes and helps support the good governance and long-term financial sustainability of traditional owner corporations. It embeds Victoria's traditional owners as partners with government, now and into the future. This relationship brings benefits to both parties as well as the wider Victorian community.

The second-reading speech has laid out what is provided for in the bill. It provides for an out-of-court settlement of native title, and certainly the federal Native Title Act 1993 has very much become bogged down in the courts. This bill allows the Victorian government to recognise traditional owners and certain rights in relation to Crown land. In return for entering into a settlement, traditional owners must agree to withdraw any native title claim under the federal Native Title Act and to not make any future native title claims. I think this condition is pretty important.

Under the current act a settlement package can include a recognition and settlement agreement to recognise traditional owner groups and certain traditional owner rights over Crown land and a land agreement which provides for grants of land in freehold title for cultural or economic purposes or as Aboriginal title to be jointly managed in partnership with the state. I will come back to that a little later because there are some opportunities there. A settlement package can also include a land use activity agreement which allows traditional owners to comment on or consent to certain activities on public land; a funding agreement to enable traditional owner corporations to manage their obligations and undertake development activities; and a natural resource agreement to recognise traditional owners' rights to make use of specific natural resources and provide input into the management of land and natural resources.

There are a number of clauses that make those mechanics possible, so I want to talk about how this could work in the Mallee. I will begin with the concerns. One concern is about the natural resource agreement process. That is covered by clause 7 of the bill which ensures that all existing statutory authorities, contracts, arrangements and agreements relating to public land survive a grant of Aboriginal title. That gives some comfort to people with concerns about how public land may be managed. Clause 7 also enables the granting of Aboriginal title over land which is depth limited. This allows for the grant of Aboriginal title over parks where underground mining could occur.

In the bill there are some provisions relating to VCAT that relate to this concern that I have. One is clause 17, which inserts new provisions that allow traditional

owner groups to make application for enforcement of interim enforcement orders to stop or not start land use activities and also to cancel or suspend the land use activity in question. There are a number of parks in my electorate and there are certainly some issues in those areas when it comes to culling programs — firstly, of feral animals such as goats and pigs, but also in controlling the kangaroo populations.

Kangaroo populations need to be controlled in parks for the health of the population and for the health of the park in particular. Kangaroo numbers can be sustained for longer periods than they were in the past under natural conditions, particularly if they travel out of the park seeking water or food.

That is one of the issues that is of concern because third parties cannot be involved in resolving these issues under the terms and conditions of the legislation in relation to VCAT. With that we have an issue that neighbours may be impacted by wildlife or feral animals coming out of the parks onto their properties, and if there has been a dispute about how that is controlled within the park, I think we then have the problem that too many of my neighbours to parks have, where Parks Victoria becomes the neighbour from hell when it comes to dealing with it. So we need to make sure that within these provisions that does not occur. I think that needs some more thought.

The other thing of course are the possibilities — and this is the opportunity — particularly in clause 16, around land use agreements that provide for grants of land in freehold title for cultural or economic purposes, which is important, or to go into partnerships or joint ventures within a national park. It has long been recognised in the electorate of Mildura, particularly around the Hattah Lakes national park, that it is a fantastic natural resource, but there is not a large amount of accommodation, or quality accommodation, in the park. I can recall being briefed by tourism people, who suggested that what was required is where people could walk in from the natural environment and then sleep on a bed and sit on porcelain rather than get in a car or camp out in a swag.

I think there is an opportunity here for economic benefit within my electorate if we could get, say, the Hattah Lakes national park — which is now being watered and has regular water there; the park is in beautiful condition — to be able to have a tourist venture that would provide economic activity, provide employment and provide jobs. I think there would be no better outcome for this legislation than to be able to create jobs for Aboriginal people to work in the tourism industry. I am hoping that that is possible with this legislation and that that can occur. I would encourage all parties to pursue that, particularly with the way that the leased land or granting of freehold title can be constructed around this.

Lastly, preserving the existing use of the land should give — I hope, the way this legislation has been debated — some comfort to those people who hold leased land. There is a lot of leased land in the Mallee, and a lot of it is being used as part of agricultural operations. It is held under lease or licence with the government. Those conditions, which this legislation appears to be saying there will be no change to, needs to be adhered to with a lot of discipline to prevent a backlash to this legislation. So there are positives and negatives, but I think there is a great opportunity for some economic development around the Hattah park with our traditional owners to capitalise on tourism, create jobs, create employment and create an environment where everybody is a winner. We are not opposing this legislation.

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the Traditional Owner Settlement Amendment Bill 2016. This is an important piece of legislation because it builds on the lessons learnt over the last six years in relation to how we more fairly and equitably treat traditional owners of the land.

In preparing for this bill I recall a number of books that I have read in this area, and I remember a speech which was given in the other place in 1993 in relation to the Mabo bill. That speech was given by Bill Forwood, who I think at that stage was just a backbencher; I do not think he had been appointed as the chair of the Public Accounts and Estimates Committee and I do not believe he was the parliamentary secretary to the Premier. Bill had lived in Darwin for a time as an official for the Country Liberal Party. He told a story about a young Aboriginal girl who would regularly go past his house. One day when he was outside painting his house she asked him, 'Do you belong to this place?', and his response was, 'No, I do not belong to this place. It belongs to me'. He used that description, that interchange, to describe the way in which the different views that white Australia has in relation to land ownership compared to those of traditional owners. I thought that is a really quite nice, succinct way in which you can look at the two different approaches to land ownership.

A few years ago I read a book by Jared Diamond called *Guns, Germs, and Steel*, which starts by talking about a white Australian man walking on a beach in Papua New Guinea with a local Papua New Guinean person in

the late 1960s, early 1970s. This man said to the white Australian, 'Why is it that white Europeans conquered the world? Why is it you did this and we didn't?'. So what Diamond does in the course of his book is talk about the impact that geography has, and the fact that in terms of Europe there was an east-west constant access of land, which meant that there was what is called a positive feedback loop. So if there was one particular invention that did particularly well in one part of Europe, it quickly went across to the other part, and so there was that level of knowledge and dialogue and exchange which occurred. It was similar with diseases. For example, when the bubonic plague hit it went through certain communities very quickly, but those communities that survived were able to adjust more quickly. Again, he talked about the positive feedback loop.

You can compare and contrast that with, say, other island nations. If you talk about the Americas, which basically had a similar climate and ease of access across an east-west access, they actually had a north-south access and did not have that level of movement or common climate across those continents. If you are looking at Australia or the Pacific, you are looking at islands, so they did not have the ability for that information to be readily shared.

As a consequence of that, when you look at when white settlement occurred, that is why the devastation was so profound. It was because of the fact that the local native peoples of Australia had not been exposed to the levels of disease that white Europeans had that they succumbed. We are not quite sure how many people died, but I think probably well over 50 per cent of the local Indigenous population died.

Bill Gammage in his book *The Biggest Estate on Earth* talks about the fact that when parts of Victoria were settled originally by white Europeans they could see that land had been overgrown, that there were basically farming plots which had clearly been there but the original people had passed away 20 or 30 years previously through communicable diseases which probably came from Sydney. Therefore when white Australians went into Victoria they found basically overgrown vegetation.

I think the bill is important as well because it looks at enabling, under part 6 of the act, native traditional owner groups to secure natural resource rights. I think this is important because, if you think about it, if we are able to ensure that native people are able to access natural resources, then all of a sudden — instantaneously, through the passage of legislation like this or through a land title claim — you are transferring the wealth of the state to the community, which the community can then use for the benefit of the community and can start to create their own employment opportunities, their own wealth creation and their own prosperity.

That is a really good thing; I think that is really important. If you look particularly at Melbourne, you see we are very fortunate in that our outer urban fringe has large basalt resources. Basalt is used for the construction of major infrastructure projects like the level crossing removal project which will be procured by the Level Crossing Removal Authority, the Melbourne Metro rail tunnel and the western distributor. These resources are all on the urban fringe. They will create enormous wealth for the owners of those resources. If those resources are provided to those communities, then straightaway you are going to see an uplift in the wealth and prosperity of those communities, which will hopefully mean that members of the community will start seeing improvements in the quality of their health care, education and employment prospects.

When we look at a bill like this, it is about trying to find a way we as a state can look at creating a better and fairer framework for people to be able to live full and productive lives. The bill really is about starting a process of recognising the traditional owners of the land and providing these communities with the respect that they deserve.

It is difficult because of the devastation wrought by diseases on our land. I know this particularly from Henry Reynolds' early works, which were seen very much through a political lens. He argued that Indigenous Australians in places like Victoria and Tasmania were seen as being of less economic worth because of the fact that the landholdings were more productive and settlers could use smaller parcels of land so there was not a requirement for a large labour supply. Therefore it was far more desirable at the time for settlers in places like Victoria, parts of New South Wales and Tasmania to engage in genocide against traditional owners of the land, as opposed to areas like Queensland, the Northern Territory or Western Australia where the land was not as productive and fertile so you needed far wider ranging pastoral holdings in order to get an economic return on that land and therefore you had a greater requirement for human capital to achieve that economic incentive.

Because of that I think the traditional owners of the land in Victoria have been particularly badly impacted, far more so than some other communities in Australia. That is why it is important that legislation like this is

brought before the Parliament to try to right those wrongs and that we try, where we can, to promote the culture of the traditional owners of the land, to encourage their language, culture and history, and try to create, I suppose, an economic lever for that to be achieved. That is why ensuring that traditional owners can have access to natural resources and can look at harnessing and developing those natural resources for their own benefit is so very important.

It is a very good piece of legislation, as I said. It builds on the good work that has been realised over the last six years. We must constantly strive to do better, to be better. For those reasons I commend the bill to the house.

Mr T. BULL (Gippsland East) — It is a pleasure to rise and make a contribution on the Traditional Owner Settlement Amendment Bill 2016. Like previous speakers, I acknowledge the traditional owners of the land on which we meet, the Wurundjeri and Boon Wurrung people of the Kulin nation, and pay my respects to their elders past and present, and I also acknowledge the traditional owners of a predominant part of my electorate of Gippsland East, the Gunaikurnai people, who have an amazing history within my electorate from Orbost through to Stratford and from up at Omeo down to Lake Tyers and Lakes Entrance. Their historical presence in that area is very, very unique.

This bill, like a lot of others that come into this house, is about finding the right balance and ensuring that the different elements that are impacted are treated fairly and evenly. In saying that, I am talking about finding the right balance in areas of unique Aboriginal heritage and preservation and finding the right uses for our public land — public land generally, not only in areas that harbour, I guess, unique circumstances for our traditional owners. We must always respect this heritage and ensure that it is not overlooked and that the appropriate land uses are put in place. It is a process that we must also follow knowing that we should not be unnecessarily frustrating what are appropriate land uses in those areas.

I want to talk very briefly about a trip I went on a couple of years ago as part of an inquiry into cultural and heritage tourism. One of the people on that trip was a former tourism minister, the Honourable John Pandazopoulos. That committee had a look at a whole lot of land uses that had been put in place while acknowledging and observing the traditional owners and the importance of those lands to those traditional custodians. We went around a whole range of areas. It was actually a very eye-opening and informative trip. That trip gave me the idea of having a cultural heritage presence in Gippsland East. As a result of that we are now waiting for a development at Forestec to be officially opened. That will be a great cultural and heritage showcase for our region. I just wanted to mention that these sorts of arrangements and agreements on public lands can have some absolutely extraordinary outcomes. Again I stress that it is about finding the right balance.

As we have been made aware by a number of previous speakers, this bill will alter the framework around grants of Aboriginal title under land agreements. It will revise the operation of land use activity agreements. It will also provide for the Victorian Civil and Administrative Tribunal (VCAT) to take a greater role in compliance with these agreements. That is something that I do want to talk on a little bit later.

The bill also revises the operation of natural resource agreements and provides for new provisions that will affect the operation of prospective natural resource agreements that relate to land owned by traditional owners. Presently the Victorian Traditional Owner Settlement Act 2010 provides for an out-of-court settlement of native title. Under that act a settlement package can include a whole range of things that may relate to a recognition and settlement agreement to recognise a traditional owner group and certain traditional owner rights over Crown land parcels. The settlement package can include a land agreement that provides for grants of land in freehold title for cultural or economic purposes or as Aboriginal title to be jointly managed in partnership with the state. That is very similar to the situation at Forestec that I previously outlined. It can include a land use activity agreement which allows traditional owners to comment on or consent to certain activities on public land.

This is very important for our rural sector; in some cases it has not been well observed by a minority of landholders in some locations. It also can include a funding agreement to enable traditional owner corporations to manage their obligations and undertake economic development activities. The package can also include a natural resource agreement to recognise traditional owner rights to take and use specific natural resources and provide input into the management of land and natural resources.

One of the major amendments is that the bill amends and inserts new definitions relating to alpine areas. I noted the minister's earlier comments and some clarifications she made. The only comment I would make on that is that it perhaps needs to be relayed out of this house to the broader public and the communities

that exist in those areas. I certainly take the minister at her word, and her explanations were quite welcome. I would encourage that to be distributed more widely than perhaps just in the chamber.

The definition of 'public land' in section 3 of the principal act is amended by substituting land 'under the Alpine Resorts Act 1983' with land 'in any alpine resort'. What that actually means for certain areas, as outlined by previous speakers in their contributions, needs to be relayed to landholders in those areas.

Clause 16 of this amendment bill allows for VCAT to make determinations relating to land use activity agreements and the issuing of enforceability and compliance orders in relation to these agreements. Warranting particular attention, rather than concern, is VCAT's function to make a determination in relation to negotiations related to land use activity agreements and also determinations of the correct classification of land use activity agreements. VCAT can also make determinations in relation to correct calculations of costs in negotiations and who pays those costs. As the member for Eildon pointed out, we need to provide the appropriate protections whilst ensuring that we do not provide unnecessary impediments to business.

New provisions also allow traditional owner groups to make applications for enforcement or interim enforcement orders to stop or not start land use activities and also to cancel or suspend the land use activity in question. That is in there because there have been problems in the past with some landholders that have not been doing the right thing and not following the appropriate laws and guidelines. We need to make sure that that is not used in some way to impede those who are performing legitimate tasks. Whilst we need to recognise, observe and celebrate the presence of our traditional owners and the incredible history they have associated with this land, we also must find the balance of ensuring that we do not put anything in place that will impact the certainty required for investment and development not only in our alpine resorts but also across our very, very vast Crown land network.

I would seek some certainty from the minister in the area of land use agreements and the ability to challenge these at VCAT. I stress again that we need to find the right balance in this scenario. We need to make sure that our Aboriginal heritage is preserved and the land uses are appropriate. Absolutely we must do that. We must always respect this tradition while ensuring it is not a process that will unnecessarily frustrate those who are acting in a legitimate matter.

There have been some concerns raised over the lack of consultation by the minister with key stakeholder groups. I would certainly have liked to have seen a higher level of stakeholder engagement, particularly in relation to the alpine resorts. In finishing my contribution, I would also note that the minister has provided some greater detail on that in the chamber here today, and I would encourage those who are listening to advise the minister to get that out into the public arena, perhaps in the form of local media or media releases to further educate our landholders in those areas. With those comments, I reinforce the fact that we are not opposing the bill.

Ms GREEN (Yan Yean) — I take pleasure in joining the debate on the Traditional Owner Settlement Amendment Bill 2016. In beginning my contribution I would like to pay my respects to the traditional owners of the land, the traditional custodians, the Wurundjeri people, and pay my respects to their elders past and present. I want to speak of an event that I attended in the member for Mildura's electorate last Friday, opening up a new pedestrian connection between the central business district of Mildura across the railway line. The longest continuous civilisation in the world certainly had a better idea of how to relate to natural water courses like our rivers.

In opening this pedestrian connection I noted in my speech that the colonial fathers had made a mistake in Mildura when they constructed a rail line some distance from the Murray River and the central business district of Mildura. In fact the colonial settlers of Melbourne, in Wurundjeri country, had done the same thing. We now face the Yarra River, we face Birrarung, and we pay our respects to it and to that community.

It made my heart sing to hear the welcome to country from Aunty Janine, the Latji Latji elder who began the proceedings in Mildura last Friday. I spent time as a teenager in Mildura — I lived there with my family; before that I lived in Gunditjmara country in Warrnambool — and I just thought of the contrast with when my sisters and I were growing up. The last of the stolen generation, or the official stolen generation, would have been born in the early to mid-1970s, which was the time when my younger sister was born — we were all born between 1963 and 1974. I have often thought about what it would have been like if we had been from the Indigenous races of Australia, of that longest continuous civilisation, or if we had been of mixed heritage. That probably would have meant an automatic removal from our family, and I have thought about what that would have meant to us.

I grew up in that time and I saw white parents with Indigenous kids, but it was only years later that I realised that they were parenting children of the stolen generation. That was what it was like in my teenage years, when I was growing up in Gunditjmara and Latji Latji country. Indigenous people were confined to the periphery of society there. I had never seen any Indigenous people speak publicly. I had some Indigenous friends at school, one of whom has passed on. I will not mention their names. I never actually saw any of those people speak publicly, and I certainly did not see any of the women speak publicly. It was wonderful to see Aunty Janine speak publicly within this beautiful archway about how Latji Latji people had been involved in its design with the Mildura Rural City Council. It moved me to think that since those decades, my teenage years, the Latji Latji elders have taken their rightful place. They are involved in consultation on such matters and are telling people about the scar trees.

There is a beautiful metal structure that names all the country — that of the Latji Latji, the Barkindji and the Gunditjmara — of all the people who have walked country in the north-west of Victoria. When you walk through the archway, there are the sounds of the birdlife of the local area and the names of the Indigenous tribes that walk the land in the area. The archway frames the roadway and walkway that lead down to the Coorong and the Murray, and there are statues and representations of scar trees. Indigenous people have been employed to make this waterfront development the beautiful thing that it is.

In that light, when I was in my office earlier today I was pretty appalled and disgusted to hear the 20 or 30-minute contribution on this bill of the opposition's lead speaker — that is, the member for Bayswater. She said that the opposition is not opposing the bill. I commend the member for Gippsland East, who spoke before me. He raised some questions about the bill, but I do not think he was blowing a dog whistle. I actually think that the member for Bayswater was doing that, whether she was doing it unintentionally, through ignorance, or whether she was doing it deliberately. We know that conservative politicians in this country have deliberately blown a dog whistle to cut a wedge or to stop the engagement of traditional owners, our Indigenous people. The member for Bayswater repeated fears that have been expressed by those who live around Mansfield and Mount Buller by saying that somehow there might be concerns about this bill rather than using her position as a responsible member of this Parliament to actually convey to those people who live in Mansfield or around the ski resorts that this bill before the house in no way amends the clause that they have concerns about, section 32(3A) of the principal act, which relates to Alpine resort land. This bill makes no change to that section, and the small changes in clause 6 are just definitions.

The member for Bayswater paid lip-service to those fears in her contribution and said that she felt a little conflicted given she is the opposition spokesperson for both the tourism and Aboriginal affairs portfolios. I have heard the member Bayswater speak on Aboriginal affairs in this house on many occasions, and I must say that it has been too many occasions. Generally it just comes back to, 'We like the Indigenous people's art and we like exchanging a few beads, but we really don't want them to be equal partners'. This bill before the house takes a mature approach. It will allow more agreements with traditional owners like the Wotjobaluk, the Gunditjmara, the Eastern Maar people and the Gunaikurnai. To imply that this bill would be bad for tourism and commerce is an abject disgrace. Those on the other side of the chamber should counsel the member for Bayswater about her attitude. It belongs in another century, when our Indigenous people were not treated with respect.

This bill does treat Indigenous people with respect, and if the member for Bayswater, wearing her tourism hat, would open her eyes when she is out travelling the world, she would see that the thing that a tourist wants is a cultural experience. People will pay money for a cultural experience. In Mildura, the Latji Latji people have recognised that. In south-west Victoria, where I spent most of my teenage years, it has been recognised by the Gunditjmara people, with the Budj Bim cultural centre and the agreement that has been made in relation to Mount Eccles. The member for Gippsland East, in speaking about the Gunaikurnai people, mentioned the cultural tourism that could come about.

The stories of the Dreaming that have been handed down from generation to generation not only give pride and respect to our Indigenous people but can make money for thousands of tourism operators in this state. I decry the member for Bayswater! The Leader of the Opposition needs to counsel her or to put into that portfolio someone who has a genuine concern for Indigenous people, who understands tourism and who understands the connection. We have a tourism strategy that respects that connection, we have a creative industry strategy that respects that connection and we have this bill before the house. We will have no more fear from the member for Bayswater!

Ms SHEED (Shepparton) — I rise to speak in support of the Traditional Owner Settlement Amendment Bill 2016. This bill amends the Traditional Owner Settlement Act 2010, and it recognises

traditional rights to land as opposed to the native title rights that had been provided for under the commonwealth Native Title Act 1993. In speaking on this bill, I would also like to acknowledge the traditional owners of the Kulin nation, where we stand today, and the Yorta Yorta and the Bangerang people, who live within my electorate and who have lived there for so very long.

There has been a journey when it comes to native title and traditional land rights, and in my lifetime that journey began with the passage of the Aboriginal Land Rights (Northern Territory) Act 1976. When I finished my law degree I moved to the Northern Territory, where I worked for the Attorney-General's department for several years. I had the great privilege of being involved in some of the first native title claims under that Northern Territory legislation. It was a great privilege to be part of a caravan of lawyers travelling throughout the territory, listening to the evidence of the traditional owners, hearing their stories of the land and of their connection with the land and being part of a process whereby so many grants of land were made under that legislation during the course of the years that followed. Indeed, a very large part of the Northern Territory is now subject to Aboriginal land rights under that legislation.

That was the 1970s, the beginning of that journey, and by the 1980s the Mabo case was well underway. It took many years. It took until 1992 for the High Court to finally determine the massive change in our law which occurred when they tossed out that notion of terra nullius. They found that sovereignty had not delivered complete ownership of the land to the new settlers, and it was on 3 June 1992 that the High Court judges upheld the claim and ruled that the lands of this continent were not terra nullius — or land belonging to no-one — when the Europeans arrived. The High Court recognised that the Indigenous people had lived in Australia for thousands of years and enjoyed rights to their land according to their own laws and customs. It held that they had been dispossessed of their land, piece by piece, as the colony grew and that that very dispossession underwrote the development of Australia as a nation.

By the early 1990s we had the passage of the Native Title Act, and that was really in response to the Mabo case. Prime Minister Paul Keating introduced that legislation into the Parliament in direct response to Mabo, and that legislation introduced to the mainland, as opposed to the island that the Mabo case had been focused on, that notion of native title. It was an entirely new and unknown notion to us really, and it was a very complex piece of legislation.

The very first native title claim in Australia was the Yorta Yorta case, and the area claimed included the whole of my electorate. It ran from Deniliquin in southern New South Wales across to Jerilderie, down to Chiltern, towards Beechworth, down to Seymour and back around, including Echuca but not as far as Bendigo. It was a very large area, and the claimants claimed sole and exclusive possession of the land and the waters.

That was the extent of the claim, and I can tell you that in our community at that time that was met with some horror, because there was such a lack of understanding of what the Native Title Act would mean to communities and there was simply no law around native title. The only recognition there had been up to that date was the Mabo case. To be part of a community where this was the first time such a claim had been made was very disturbing for most people. There were very large meetings held when the National Native Title Tribunal first came to town. People were fearful that their farms would be taken from them or that their irrigation water would be taken off them.

To get people to the point where they could understand that it was really only Crown land that had been claimed, not freehold land, was actually a difficult task and it took a long time. One of the things about Crown land, of course, is that it has always been leased out to adjoining landowners. The water is all entirely used and consumed in irrigation in our area, and the land is fully farmed. Crown land down to rivers is used for grazing licences and other purposes, so there was certainly a fear of what native title would mean if it were granted.

At that time the Kennett government decided to oppose the case, and a very vigorous defence of native title took place during the course of the next 12 years. During that time I acted for a number of parties in that case, and I had the great privilege, for 115 days, of hearing the detailed evidence that was taken from the elders throughout a range of communities — Yorta Yorta people, Bangerang people — and hearing that long history of what had happened since white settlement.

The Aboriginal claimants had to show a continuing connection with the land, a task that was too great in the end. The other side claimed that all native title had been extinguished, and that was the case that was run predominately by the Victorian government and those opposing, or appearing in, the case. In 2002 the High Court finally decided that there were no native title rights, and the Yorta Yorta case, having been the first case in Victoria, was unsuccessful in having native title granted.

I have often reflected over the years that it was a great pity that that was the first case that was brought in mainland Australia, where it was probably the hardest of all places in Australia to establish native title — the most closely settled, settled for so long and with so many other established rights within it. Had that claim been brought in northern Queensland, Western Australia or the Northern Territory, in circumstances where establishing that ongoing connection would have been so much more possible, it might have provided an opportunity for land rights and native title to be established. Indeed Aboriginal land rights in the Northern Territory had already been recognised, so that continuity was much more likely to be successfully shown.

Native title persisted throughout the early 2000s, and Victoria has so many native title claims before it. It was in response to this situation that the Traditional Owner Settlement Act was brought to pass, because if native title was not going to be recognised in Victoria, the Victorian government was certainly keen to see that there was some sort of recognition of Aboriginal rights to land. The Yorta Yorta cooperative management agreement was the first Victorian agreement reached under the legislation, and it recognised that the Yorta Yorta people should become formally involved in the management of the land and waters within the area that they had previously claimed. One of the areas is the Barmah National Park, and that has a joint management committee.

It is hoped that so many of these areas in time will provide an opportunity for Indigenous economic advancement. To date, that has not happened. I think there is a real appetite for that developing in our community, and I hope that with the help of government some of the tourism and other opportunities for economic development will proceed.

This bill before us today is really just an extension of an ongoing story. It is always complex legislation when you deal with land, with entitlements and with title. These amendments provide for a new definition of public land, for grants of Aboriginal title and for changes in relation to land use activities and natural resource agreements. I do not doubt that over time there will be many more amendments to this legislation, because it is a growing and changing area of law. There are not many textbooks in this area of law — very few, in fact. I think we will, over the next 100 years and beyond, see great developments in the area.

The changes that have occurred through all of these events that I have described, I think, have changed our attitudes to our Indigenous community and the way we treat them, the way we respect them and the way we acknowledge them. We see that in Parliament. For these reasons, I support the bill.

Ms KILKENNY (Carrum) — I am very pleased to rise to contribute to the debate on the Traditional Owner Settlement Amendment Bill 2016. I would like to acknowledge the contribution by the member for Yan Yean as well. This bill — and the act that it amends, the Traditional Owner Settlement Act 2010 — is all about promoting self-determination, reconciliation and partnership. Frankly we hear all too often comments out in public but also in this house which are somewhat patronising and divisive, and which create fear, when we should be striving for actual true reconciliation and partnership with Indigenous Victorians.

We have heard how the original act, the Traditional Owner Settlement Act, represents the preferred approach by the Victorian government and traditional owners to resolving native title claims in Victoria. I am very proud to say that Victoria is the only state in Australia that has co-designed with traditional owners a comprehensive alternative to the commonwealth Native Title Act 1993.

We know that the Native Title Act was born out of the High Court's Mabo decision. I still remember where I was when that decision was handed down. It was 3 June 1992, and I happened to be sitting in a first-year law lecture. Our class stopped as a very emotional lecturer came running in to convey the news to us, saying that the High Court of Australia had finally recognised the existence of native title and finally acknowledged, exposed and abolished the lie that had been around for so long — that is, terra nullius.

It was so significant because it was the first time that the highest court in our country had finally acknowledged the history of Indigenous dispossession in Australia. It became a fact that we had denied Indigenous people's prior occupation and connection to the land. We took their land without treaty, agreement or payment. It was back in 1971 that Justice Blackburn in the Gove land rights case ruled that Australia was actually terra nullius prior to European settlement, and that judgement was challenged unsuccessfully on a number of occasions in cases in 1977, 1979 and 1982. That all changed of course when, on 20 May 1982, Eddie Mabo and four other Indigenous Meriam people began their claim for rights to their traditional lands on the island of Mer in the Torres Strait.

That claim itself took 10 years, and tragically within that 10 years three of the original claimants, including

Eddie Mabo, passed away. Regrettably they did not live to hear the outcome of that case. Eddie Mabo only died several months before the decision was handed down, but that judgement has significantly, fundamentally altered the foundation of Australian land law. Of course after the High Court's judgement, the doctrine of native title law was introduced into Australian law in 1993 and a legal framework for native title claims by Indigenous Australians was established.

I know that framework only too well. I actually worked in Broome with the Kimberley Land Council for several years, and I witnessed firsthand how extraordinarily lengthy, expensive, ad hoc and technical those cases were. The framework was — and still is — adversarial. It is complex and technical. In fact, in the words of many Indigenous Australians I was representing, this was called the 'white fella legal construct'.

Of course one of the things that I always struggled with and one of the toughest requirements of native title law is that the claimants themselves be able to prove a continuity of traditional laws and customs on the land claimed since European settlement. This was hard enough in the Kimberley region, where there was still plenty of land that was Crown land. But in Victoria this requirement for claimants to demonstrate an unbroken connection with their lands since Europeans arrived cannot ever properly represent a good foundation for delivering land justice for Indigenous Victorians.

That was a driving force behind the introduction of the Traditional Owner Settlement Act in 2010. This reform represents an alternative system for recognising the rights of Victorian traditional owners, and it gave effect to a settlement framework co-designed in 2008 by a joint steering committee comprising representatives from Victorian traditional owners, Native Title Services Victoria and state agencies and chaired by Professor Mick Dodson.

We have heard that the act allows the government and traditional owner groups to make agreements that recognise traditional owners' relationship to land and to provide them with certain rights on Crown land. The act provides certainty and justice, and this is important for all — certainty for all stakeholders. It also provides validity, and that is validity for the traditional owners who have been dispossessed of their traditional lands.

Can I just say how important this is? Sometimes I think we need to be reminded of the significance of one aspect of the High Court decision in the Mabo case. And that is, the judgement ruled that our system of common law as it existed and under which we operated for many, many years with regard to land ownership actually violated international human rights norms and denied a historical reality — namely, the dispossession suffered by so many Indigenous Australians.

Whilst the Native Title Act, introduced in 1993, was designed to address at least part of this, the overarching mechanics of our native title regime put the very difficult burden of proof squarely onto the claimants. Our native title regime requires claimants, those very people who have suffered the most severe dispossession and social disruption, to prove their continuous connection to the land. The onerousness of this burden has been highlighted by many. In 2015 a major report by hundreds of non-government organisations in Australia called for the onus of proof to be reversed. This was something raised also by Tom Calma and Justice Robert French back in 2009 when they proposed to reverse the burden of proof such that all claimants were presumed to have a continuous existence and vitality since sovereignty. The principal act and this bill are, in part, a response to that inequality. The act allows the government and traditional owner groups the opportunity, far away from the Federal Court, to make agreements and arrangements that recognise the relationship to land and provide traditional owner groups with certain rights on Crown land.

Since its introduction in 2010 the act has delivered solid and clear outcomes, including grants of freehold title, grants of Aboriginal title to enable joint management of parks and reserves, and a simplified and enhanced regime for managing activities that touch upon traditional owner rights. The bill before us amends that act and in so doing takes account of the now nearly six years of experience since that act was introduced. This bill improves upon the act. The aim is to make sure that the act continues to be an appealing and perhaps more equitable alternative to the Native Title Act and the Federal Court.

The amendments in this bill have been drafted following consultation with traditional owner communities and consultation with the Federation of Victorian Traditional Owners Corporations and Native Title Services Victoria on how to improve the existing laws. The amendments will streamline the process for authorising traditional owners to access and use natural resources. The amendments set out the types of activities which can be authorised under a natural resource agreement, including the right to hunt wildlife and game, fish and gather flora and forest produce. The amendments will give the Victorian Civil and Administrative Tribunal greater power to resolve disputes by making enforcement orders to protect

traditional owner rights on Crown land where non-compliance has taken place. The amendments will also ensure that all existing leases, licences and other interests on Crown land are preserved after a grant of Aboriginal title is made.

It is important for us to truly recognise the unique spiritual, cultural and material relationship which Aboriginal Victorians have had with the land and continue to enjoy. To this end I have always believed that the Native Title Act was never intended to be the sole response to Mabo and to Indigenous demands for land justice and social justice. We have so much work to do in this space. For Victoria's part, I am very much looking forward to the day when we have a treaty or even treaties with Indigenous Victorians — that day when we can finally declare a true partnership with Indigenous Victorians. I absolutely commend this bill to the house.

Mr CARROLL (Niddrie) — It is my pleasure to speak on this very important bill, the Traditional Owner Settlement Amendment Bill 2016. I begin my remarks by acknowledging the traditional owners of the land on which we are passing this legislation and acknowledge their elders past, present and future. I also begin my remarks by acknowledging the wonderful contribution from the member for Carrum, and I would also like to acknowledge the contributions from the members for Shepparton and Yan Yean as well as your contribution, Acting Speaker Pearson, which I heard earlier today.

This is very important legislation. I remember doing year 12 in 1993 and Indigenous rights were very much at the forefront of my legal and history studies. If you think back to 1993, you may remember that it was the United Nations International Year of the World's Indigenous Peoples. In 1992 Prime Minister Paul Keating, referred to as 'the big picture man', was intent on making sure that native title, in response to the Mabo decision and Indigenous peoples' connections to the land were put into law. He sat across the table from Indigenous leaders to make sure that Mabo and land rights were at the forefront of Australian society and people's minds. He did that also with his landmark Redfern speech, a speech that was arguably his greatest speech ever. Patrick Dodson said at the time it summed up leadership principles and courage. He was the first Prime Minister to actually acknowledge the impacts of European settlement. In many respects that Redfern speech was a curtain-raiser for the history wars that would soon follow in the period of the Howard government.

I also want to really commend Minister Hutchins and the Attorney-General for the work they have done on this important legislation. We can be very proud of the relationship the Andrews Labor government has with traditional owners. The work I have been able to do through the Aboriginal Justice Forum, the work I have seen done with the Torch program and the assistance the government has given there, and the work we have provided to really make sure that Budj Bim is another step closer to its world heritage listing is very, very important.

This legislation goes to ensure that the Traditional Owner Settlement Act 2010 is the traditional owners' preferred approach to resolving native title claims in Victoria. Looking back, since 2010 the governments of the day have reached settlements with the Gurnaikurnai people of Gippsland and with the Dja Dja Wurrung people of the Lodden Valley. Victoria is the only state that has co-designed with traditional owners a comprehensive alternative to the Native Title Act. The impetus for Victoria's alternative approach was the ad hoc and inadequate outcomes being delivered by the federal native title system in a costly, unnecessarily adversarial, technical and time-consuming manner. For a heavily settled state like Victoria, the Native Title Act requirement for claimants to demonstrate an unbroken connection with their lands since the arrival of Europeans does not provide a good foundation for delivering land justice.

Victoria's Traditional Owner Settlement Act has already delivered concrete outcomes such as grants of freehold title, grants of Aboriginal title to enable joint management of parks and reserves, and a simplified and enhanced regime for managing activities that affect native title rights. The act also delivers economic outcomes and helps support the good governance and long-term financial sustainability of traditional owner corporations. It embeds Victoria's traditional owners as partners with government now and into the future. This relationship brings benefits to both parties as well as to the wider Victorian community.

I mentioned earlier the role of the Andrews government in working with our Indigenous population. I was very fortunate in July last year to visit Mildura and meet with the Latji Latji as well as the Barkindji peoples. I had a fair bit to do over two days. I even attended a Koori caucus the night before the Aboriginal Justice Forum, which followed on the second day. To work with our Indigenous leaders and see the great work that they are doing in a part of the world that does have its challenges, like Mildura, was second to none. The Mallee District Aboriginal Service, in particular Rudy Kirby, their CEO, is working in partnership with relevant health services and wraparound services to ensure that every Indigenous person can get the right

start in life and make something of themselves. It is truly transformative.

I really want to thank all members, particularly those from the Labor Party. We have so much to be proud of. I spoke about the Redfern speech earlier. In some ways that was the curtain-raiser for the formal apology made by Prime Minister Kevin Rudd. We have on this side of the house, both in the state Parliament and in the federal Parliament, a history of standing up for Indigenous rights.

When Paul Keating was doing his best to ensure Mabo was law, he had Richard Court in WA and Jeff Kennett in Victoria going around saying people would lose their homes and making all sorts of threats. Paul Keating with Robert Tickner, who was arguably one of the greatest federal Indigenous affairs ministers Australia has ever had, did not at all resile from their commitment to acknowledge for Indigenous people the role of European settlement, terra nullius, and what it did to them and to give them what they so much wanted — a connection and an acknowledgement that they were the first peoples here and that they do have a unique connection with the land and a system of laws associated with the land.

I am very proud that the Andrews Labor government, very much in the mould of what occurred back all those years ago in 1993, the United Nations International Year of the World's Indigenous Peoples, are in 2016 ensuring that our legislation in the state Parliament is the most effective, simplified and robust it can be to deal with native title.

When I was doing my brief period, my year, at the Victorian Government Solicitor's Office, I did a stint in the native title unit there, and I can assure you I have a deep appreciation for the complexities of native title, the complexities of managing native title issues and the complexities even within the Indigenous population in relation to managing different groups and different leadership in working through a process where everyone is essentially on the one page.

Even in my own electorate of Niddrie I have Brimbank Park, which I am very proud to have, along the Maribyrnong River. Brimbank Park is home to the Wurundjeri people. It has been their home for more than 40 000 years , and human remains dating back 15 000 years have been found along that river. There have been many signs of different human habitation along Brimbank Park. It is home to 150 Aboriginal archaeological sites, some of which are over 30 000 years old. Only a fortnight ago I was with a Wurundjeri elder at Brimbank Park, and the pride he had on behalf of his people, who had lived there for over 40 000 years, and the way he was wanting to make sure he was working with government and we were getting the best outcomes for Brimbank Park was certainly very positive.

I want to congratulate the relevant ministers. I also want to congratulate the Premier himself. I had the pleasure of visiting with them down at Budj Bim to ensure we did what we could do at the state level to ensure that it gets its UNESCO world heritage listing. The Andrews Labor government is certainly a committed partner with our traditional owners.

This legislation will go a long way to ensuring we have a robust process. There has been wide consultation with this legislation. I wish it a very special passage. I want to once again congratulate the member for Carrum for her contribution as well as the member for Shepparton and the member for Yan Yean. I heard all three. They made very solid contributions on this very important legislation that really goes to the heart of why the Andrews Labor government wants traditional owners to exercise their rights in the most culturally sensitive way and in the most robust way, ensuring they are entitled to what they are entitled to. I commend the bill to the house.

Ms COUZENS (Geelong) — I am really pleased to speak on the Traditional Owner Settlement Amendment Bill 2016, and I want to congratulate the Attorney-General for the important work he has done on this legislation. The bill enhances the operation of the Traditional Owner Settlement Act 2010 and ensures that the act provides an attractive alternative to seeking a Federal Court determination under the Native Title Act 1993 for Victorian traditional owner groups.

The bill amends the act in order to ensure that grants of Aboriginal title made under part 3 of the act do not have any adverse impact on existing interests; to enhance the operation of land use activity agreements under part 4 of the act, including providing for formal measures to resolve instances of non-compliance with those agreements; to streamline the operation of natural resource agreements under part 6 of the act to provide for access to and use of natural resources to be authorised directly by a natural resource agreement rather than by natural resource authorisation orders; to extend the operation of part 6 to land owned by traditional owner group members or a traditional owner group entity; and to provide for other minor and related matters.

Victoria is the only state in Australia that has co-designed with traditional owners a comprehensive

alternative to the Native Title Act. The impetus for Victoria's alternative framework was the ad hoc and inadequate outcomes delivered by the federal native title system in a costly, unnecessarily adversarial, technical and time-consuming manner. For a heavily settled state like Victoria, the Native Title Act requirement for claimants to demonstrate an unbroken connection with their lands since the arrival of Europeans does not provide a good foundation for delivering land justice.

Victoria's Traditional Owner Settlement Act has already delivered concrete outcomes such as grants of freehold title, grants of Aboriginal title to enable joint management of parks and reserves and a simplified and enhanced regime for managing activities that affect native title rights. The act also delivers economic outcomes and helps support the good governance and long-term financial sustainability of traditional owner corporations. It embeds Victoria's traditional owners as partners with government now and into the future. This relationship brings benefits to both parties as well as to the wider Victorian community. Based on the experience of the last six years, this bill will make some adjustments to the act to ensure that the act continues to be an attractive alternative to the Native Title Act.

It is important that we understand the significance of land to Aboriginal people. Non-Indigenous people and landowners might consider land as something they own, a commodity to be bought and sold or an asset to make profit from. Aboriginal law and spirituality are intertwined with the land, the people and creation. This forms their culture and sovereignty. For Aboriginal people the relationship is much deeper. They have a profound spiritual connection to the land.

For Aboriginal people the health of the land and water is central to their culture. They see themselves as custodians of the land rather than owners. Aboriginal law and life originates in and is governed by the land. The connection to land gives Aboriginal people their identity and a sense of belonging. We know this through the welcome to country, an ancient custom of great significance. It is a ceremony performed by Aboriginal elders to welcome visitors to their traditional land. An acknowledgement of country involves visitors acknowledging the original Aboriginal custodians of the land and their long and continuing relationship with their country. It is a way of showing awareness of and respect for the original custodians. Aboriginal land and country means all of the values, places, resources, stories and cultural obligations associated with the area. It describes the entirety of their ancestral land.

Land is fundamental to the wellbeing of Aboriginal people. The land is not just soil or rock or minerals but a whole environment that sustains and is sustained by people and culture. Aboriginal people identify themselves through their land areas. Their cultural heritage is passed on from one generation to the next. For Aboriginal people all that is sacred is in the land. In most stories of the Dreaming the ancestor spirits created the world. They changed into trees, stars, rocks, waterholes or other objects. These are sacred places in Aboriginal culture and have special significance because the ancestors did not disappear at the end of the Dreaming but remained in their sacred sites. The Dreaming is never-ending, linking the past and the present, the people and the land. It is important that we understand the significance of this.

Under the federal Hawke government we saw the commonwealth Aboriginal Land Act 1987, which returned over 4 kilometres of the Framlingham forest to the Aboriginal people of that area. This was the traditional land of the Couzens family, so I know how significant this is for the elders. Many of the elders have returned to that land since leaving due to fear of having their children removed. Many of them moved to Geelong and to other parts of Victoria, but there was always that longing to get back to their land.

I was really privileged to attend the funeral of one of the Couzens elders just recently. He had a traditional funeral that was held at the Framlingham Aboriginal Mission. The interesting thing was that he always wanted to return to his cultural country and to where his Dreaming was. He eventually did, returning there some years before his passing, which was a couple of weeks ago. That was really significant for him, for many in the Couzens family and for the elders who see that land at Framlingham as being their ancestral country. Their desire to return at some point before the end of their lives is really important to them. I am really proud of this government, which acknowledges the cultural importance of land and the importance of our Aboriginal communities and what they hold as culturally important to them.

The bill will amend the Traditional Owner Settlement Act 2010 in four different areas. The bill provides for an amended definition of 'public land'. Paragraph (f) in the definition of public land in part 3 of the act — a catch-all provision — will be repealed. This amendment will not reduce the amount of land potentially available under the act as all reserved and unreserved Crown land is included within the other limbs of the definition of public land. The bill will also amend the Traditional Owner Settlement Act in order to ensure that grants of Aboriginal title can be made

without unintended consequences for existing interests in land. This change is necessary in order for the state to deliver on some outstanding commitments to make grants of Aboriginal title.

The bill will enhance compliance with land use activity agreements by extending the Victorian Civil and Administrative Tribunal's (VCAT) jurisdiction to resolve disputes and make enforcement orders. A traditional owner group entity will be able to apply to VCAT for an enforcement order or interim enforcement order against a person if a land use activity contravenes, has contravened or, unless prevented by the enforcement order, will contravene the act. Parties affected by the orders will be notified and will have the opportunity to make objections and be heard. It is anticipated that these amendments will serve to promote voluntary compliance and prevent the need for a traditional owner group entity to make such applications.

Many traditional owner groups have expressed concerns about whether part 6 of the act adequately secures the natural resource rights that are provided for traditional owners under the Native Title Act 1993. In response the bill will better facilitate the exercise of traditional owner rights to access and use natural resources. The amendments provide for traditional owner access to and use of natural resources to be authorised directly by a natural resource agreement rather than, as at present, by a subsequent natural resources authorisation order.

The bill provides for subsidiary decision-making powers in relation to a natural resource agreement, allowing representatives of the parties the flexibility to agree to either relax or tighten the scope of access to and taking of a particular resource depending on the local circumstances. There is also provision for the relevant minister to suspend the operation of a part of a natural resources agreement for no longer than six months to deal with an urgent circumstance, such as an outbreak of disease.

Mr EDBROOKE (Frankston) — It is my pleasure to rise today as the final speaker on the Traditional Owner Settlement Amendment Bill 2016. I would like to acknowledge the traditional owners of this land on which we meet today and pay my respects to their elders past and present. The Traditional Owner Settlement Act 2010 is the government's and traditional owners' preferred approach to resolving native title claims in Victoria. Since the act's passage in 2010 the government has reached settlements with the Gunaikurnai people of Gippsland and the Dja Dja Wurrung people of the Loddon Valley. As of August 2016 six other traditional owner groups are considering offers and are in negotiations or seeking to enter into settlement negotiations under this act.

I will just give a little bit of an introduction to what this amendment bill seeks to achieve, which is to build on the experience of the last six years to make improvements to the principal act to ensure that it continues to be an attractive alternative to the commonwealth Native Title Act 1993. I am very proud to be part of a government here in Victoria that delivers bills that build upon our productive and progressive approach to our relationship with the traditional owners of our land. I would like to congratulate the ministers involved and also the Premier.

The bill includes many provisions sought by traditional owners in the past and has been developed in close consultation with the Federation of Victorian Traditional Owners Corporations and Native Title Services Victoria. I note that the chair of Native Title Services Victoria, Aunty Di Kerr, stated:

> The Traditional Owner Settlement Act represents a true act of reconciliation and partnership between traditional owners and the state.
>
> Traditional owners championed this groundbreaking legislation and led its development so we welcome the state's commitment to working with us to make these essential improvements.

This bill is another step towards a treaty with our Indigenous people. Australia is the only commonwealth nation not to have a treaty with its Indigenous people, which is quite a fact in itself and something we certainly need to work on. Like I said, this is a step in that direction. Why is a treaty so important? In essence a treaty is a form of agreement between the government and Indigenous people that has legal outcomes. As we have heard many speakers talk about, it gives people security and a sense of belonging to keep their relationship with the land, which we know is so important not only these days but also in the past. By taking on board and not blaming other people for the abuses and atrocities of the past, we can go some way towards reconciliation as well.

The bill amends four different areas. The first is probably the simplest to explain — that is, it grants Aboriginal title. The bill will amend the Traditional Owner Settlement Act 2010 in order to ensure that grants of Aboriginal title can be made without unintended consequences for any existing interests in land. There is some precedent for this change. This change is necessary in order for the state to deliver on some outstanding commitments to make grants of

Aboriginal title under the Gunaikurnai and Dja Dja Wurrung settlements.

The bill enhances compliance with land use activity agreements by extending the Victorian Civil and Administrative Tribunal (VCAT) jurisdiction to resolve disputes and make enforcement orders. We did hear some discussion before with regard to this part of the act. I think it is fairly straightforward. A traditional owner group entity will be able to apply through VCAT to enforce an order or apply for an interim enforcement, hopefully prior to a person using land for an activity that contravenes or has contravened the enforcement order or act. The parties affected by the orders will be notified and have the opportunity to make objections and be heard of course, as is true in natural justice, but it is anticipated that these amendments will serve to promote voluntary compliance and actually prevent the need for the traditional owner group entity to make such applications eventually.

Another part of this bill relates to natural resource agreements, which is quite important. Many traditional owners have expressed concern about whether part 6 of the act adequately secures the natural resource rights that are provided for traditional owners under the Native Title Act 1993. In response this bill will better facilitate the exercising of traditional owner rights to access and use natural resources. This is a fantastic example of this government actually consulting with the people who are affected by the bill and taking into consideration their rights, their feelings and how they think they will be affected by this. The bill provides for traditional owner access to and the use of natural resources to be authorised directly by a natural resource agreement rather than, as at present, by a subsequent natural resource authorisation order, so we are really cutting some red tape there as well.

The bill provides for a subsidiary decision-making power in relation to a natural resource agreement, allowing representatives of the party the flexibility to agree to either relax or tighten the scope of access to a particular resource depending on the local circumstances. This is very important in that we need to be able to monitor the natural resource — whether it is disappearing or whether it needs conservation measures put in place — and to be fluid and change our approach. There is also provision for the relevant minister to suspend operation of a part of a natural resource agreement for no longer than six months to deal with urgent circumstances, such as an outbreak of disease, which I think just makes common sense.

The bill also extends the operation of a natural resource agreement to land owned by traditional owner group members or a traditional owner group entity. This amendment was sought by traditional owners and will prevent traditional owner group members from needing to seek multiple permissions from relevant authorities to undertake activities on land that they or their entity owned. While this amendment extends the operation of a principal act to land other than public land, its beneficial purpose justifies this extension. In order to have the practical effect we are seeking, a natural resource agreement must be accompanied by exemptions from certain offence provisions in the state regulatory regime for natural resource and land management.

The bill amends various acts to ensure that traditional owners acting within the authority provided by a natural resource agreement will not commit an offence. I think this is something that was brought up by a previous speaker — that to actually take an action it requires the group and not an individual, so we are not going to have people straying off the path and trying to do the wrong thing.

As I said before, Australia is one of the only or the only commonwealth country without a treaty for its Indigenous people. From conversations I have had, the way this affects Indigenous people is quite profound. I think the closer we head towards a treaty, the closer we are to establishing a path forward based upon mutual goals rather than the boundaries imposed on our Indigenous people in the past. The treaties are accepted around the world. There are some very famous ones that have been around for a long time. New Zealand, for example, with the Treaty of Waitangi, which was signed in 1840 between the British Crown and I think it was around 500 Maori tribes or Maori chiefs. Of course there are successful and long-held treaties in Canada and parts of the US dating back to around the 1600s.

In a lot of ways this bill is taking a step in the right direction to redress some of the historical lows, I guess you could say, and to make sure we are setting ourselves up for the future so that everyone in our community is valued and so that people can keep their historical connection with the land — a connection worth 40 000 years — and head towards a mutually respectful relationship with the government. I commend this bill to the house.

Debate adjourned on motion of Mr BURGESS (Hastings).

Debate adjourned until later this day.

JOINT SITTING OF PARLIAMENT

Legislative Council vacancy

Message received from Council informing Assembly that they have agreed to joint sitting to choose a person to hold the place in the Council rendered vacant by the resignation of Damian Drum.

Senate vacancy

Message received from Council informing Assembly that they have agreed to joint sitting to choose a person to hold a place in the Senate rendered vacant by the resignation of Senator the Honourable Stephen Conroy.

CHILD WELLBEING AND SAFETY AMENDMENT (OVERSIGHT AND ENFORCEMENT OF CHILD SAFE STANDARDS) BILL 2016

Second reading

Debate resumed from 14 September; motion of Mr FOLEY (Minister for Housing, Disability and Ageing).

Ms VICTORIA (Bayswater) — Today I rise to speak on the Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Bill 2016, which will amend the Children, Youth and Families Act 2005. Some of the provisions included in this piece of legislation before the house provide for the oversight and enforcement of compliance by certain entities with standards in relation to child safety, provide for the publication of certain information and amend the review and reporting obligations under the Commission for Children and Young People Act 2012.

This legislation is the next phase of the government's introduction of child safe standards for both government-funded and in this case non-government-funded organisations as a result of the recommendations from the Cummins inquiry. This bill is a subsequent amendment. Those in the house may remember that we debated another tranche of these amendments earlier in the year. This bill builds on that legislation. I am just looking at the date and it was actually late last year; it was introduced in 2015. That dealt with government-funded organisations or what were known as category 1 organisations. Those amendments came into effect on 1 January this year.

To put this bill into context, it is really important that we revisit the background as to why these changes are being made. There was a very dark period several years ago where what was happening in the Department of Human Services, as it was then called, around children, especially those in out-of-home care, was called into question. We said before the 2010 election that if the coalition came to government, we would hold an inquiry into what was going on and find out what we could do to change things. I want to reflect briefly on that because it is incredibly important to provide a background for why the changes that are happening today are happening.

I want to acknowledge the work of a couple of people. First of all I want to reflect on the fact that there were two very damning Ombudsman's reports under the previous Labor government, so we, as I said, decided to have an inquiry. That is now commonly known as the Cummins inquiry. I want to acknowledge my colleagues the former Attorney-General and member for Box Hill, Robert Clark, who was just outstanding in his lead role, and Mary Wooldridge in another place, who at that time was the Minister for Community Services. They worked incredibly hard and were incredibly dedicated to outcome achievement to make sure that the most vulnerable children in the state were looked after and cared for so that in their most vulnerable state they could know they were being looked after and not neglected or were not just another number or being discarded as somebody else's problem. We wanted to make sure they knew they were loved.

We had a responsibility as a state and certainly as lawmakers to make sure they felt that, so on coming to government in 2010 we immediately started this inquiry. It was commissioned by February 2011 and was called the Protecting Victoria's Vulnerable Children Inquiry. As I said, it is now known as the Cummins inquiry. It exposed systemic problems in our child protection system here in Victoria.

The report was tabled, if I remember rightly, in February 2012, and it made lots of recommendations. Of course we looked at those and said, 'No-brainer. If this is what is going to protect children, this is what needs to happen'. That resulted in the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014, which came into being to simplify things like Children's Court orders in identifying and removing barriers to achieve permanent placement for children. That bill certainly went a long way towards doing that. I am not saying any piece of legislation is perfect or can deal with the entire gamut of circumstances that might come in the future, but it certainly leapt us straight out of the dark ages into something that was workable and working. It took

circumstances like this off the front page because they were no longer being experienced, if you like, in the numbers they had been under the former government.

The bill that was introduced back then addressed the barriers to timely permanency planning decisions and promoted enduring care arrangements. I am going to come back to that in a moment because that is a really valid point in relation to this bill. The bill also simplified Children's Court orders, which meant that there was an alignment between the orders given and case-planning intentions. There was also an increase in penalties for offences relating to the protection and exploitation of children, including leaving children unattended, and we probably all remember that awful time when children were being left unattended not only in their homes but also in cars, at poker machine venues and at the casino — that sort of thing.

The bill also ensured that the cultural needs of Aboriginal children in care were met by requiring that cultural support was addressed in their case plan, and it provided that each child actually had a cultural plan if they were in out-of-home care. They were some very important steps.

The coalition's bill at that time provided for better and more timely permanent arrangements for the care of vulnerable children, and that is something I want to talk about. It is something that came to my attention probably about a year or so ago. I met a lady at a community listening post. For the sake of protecting her identity and that of the children she cares for, I will call her Julie. Julie approached me and said, 'Heidi, what can be done?'. I said, 'Tell me what your issue is, Julie'. It turned out that Julie had in her care three grandchildren. By her own acknowledgement — and I do not remember now whether it was her son or her daughter who was drug affected — her child and their partner, the parents of these children that were in her care, were severely drug affected and the children had been in her care at that stage for as long as four years. She said to me, 'How do I get help for them, and how do I get permanent care for them?'.

It was very timely; I happened to speak to Julie this week. I rang her just to see how she was doing, just as a follow-up, and she said, 'I'm at my wits' end. I've got two family members who are dying and I've got uncertainty around the children'. I said, 'Well, I'm obviously sorry about the two people who are dying. Tell me more about the children and the uncertainty', and she said the DHHS is still looking for what she called reunification. She said, 'They are hell-bent on reunification'. One of the young people in her care is about six or seven years old now. When I first met Julie, she was distraught because this young girl was probably about four or four and a half, and she was coming back from visiting her parents, sometimes just for a day, and self-harming — at that age. She said, 'Obviously this is not premeditated. It's not something this girl necessarily has control over. These are her feelings manifesting'. She was beside herself as a grandmother, as you would be.

When I spoke to Julie the other day and said, 'How are the kids? How is the little girl?', she said, 'Well, she's not doing as much of that, but she doesn't necessarily want to go and visit her parents, and neither do the two siblings — one older, one younger'. I said, 'But, you know, are the parents at least good to them when they visit?', and she said, 'Well, they're not bad to them, but they disappoint the children all the time. For example, they are supposed to have the children on a weekend, and they will send a text message saying "Can't have the kids this weekend" at the last minute, and the kids have been told they are going to their parents — "Can't afford to have them"'. I said to her, 'I can't believe that', and she said, 'They said basically they don't want the kids'. And yet the Department of Health and Human Services (DHHS) is still pushing for what they call reunification, because they think it is in the best interests of these children.

I have seen the grandmother with these children. I met her at a park. She was out with those kids. They were running around, they were happy, they were climbing — they were doing what kids are supposed to do. They were not in a drug-infested environment. Yet the department still believes that it is in the best interests of the children to reunify them with their parents. I think at some stage we have to stop and see what is really going on in the system. Do we want to go back to the bad old days? Do we want to go back to the days when kids were in inappropriate circumstances, just because we believe it is every parent's right to have custody of their children? I do not want that. As a parent and as a step-parent, I say the best place for a child is where they are being loved and nurtured. Whether that is with their parent or whether it is with somebody else should be determined with all honesty and all sincerity; we should not just say that because somebody gave birth to them or somebody fathered them that they are the best parent.

One of the things that we did at the time was to try to stop this time of limbo. We know that there were children who had been in limbo for 5 years, sometimes as many as 10 years, where they were either in, if you like, 'permanent care' with a grandparent or a family

member or a relative but still had no security. They did not know if they were going to stay there. It saddens me to think that this is still the agenda of the department. I thought we had moved on. I thought we were now looking after the children, and I do not know that that is what is being addressed in this bill, and it should be.

As I said, the Victorian Ombudsman reports were absolutely scathing of the way children were looked after and dealt with under the former Labor government. There were children who had been sexually and physically abused, there were children who were witnessing drug dealing — and I think that is very similar to the circumstance I was just talking about in relation to my local resident — and there were even children who were being subjected to prostitution. We cannot go back to that. This sort of behaviour is nothing short of heartbreaking and unfathomable, especially to those of us who are parents. They are vulnerable — they are kids, okay? — and those who are in the care of the state need to be protected by the state.

When the review was done it was much overdue. We sought to not only do the review but also implement as many changes as we could very quickly. As I said, no piece of legislation is perfect, and the most incredibly important thing we can do as lawmakers is make sure that the laws are relevant at the time and that reviews are constant. A review of the bill has obviously been done. That is why the amendments were made at the end of last year and that is why these amendments are being made now, and I certainly commend the government for taking that next step. However, I do also need to say: have a look at the policy — not just the law — of reunification. It is affecting people's lives, and it will affect them for the rest of their lives if we do not do something positive about it.

I would like to also acknowledge the former commissioner for children and young people, Mr Bernie Geary, and also Mr Andrew Jackomos, PSM, commissioner for Aboriginal children and young people, who both did a sensational job when they were in their roles. I also want to, having just said what I have said, acknowledge the work of those in DHHS — it is a very, very difficult task — and also those who work at the Children's Court. The things they must see day in and day out — I do not know whether that toughens them, saddens them, breaks them or what happens, but it must affect them in some way. So I want to commend them for the work that they do.

As I said, the government introduced the Child Wellbeing and Safety Amendment (Child Safe Standards) Bill in 2015, which came into effect this year, for the category 1 organisations, those that had regulatory or funding arrangements with the Victorian state government. Category 2 entities provide services or facilities to children and have limited or no regulatory or funding arrangements with the state government. These include groups like sporting clubs, scout groups, girl guides, religious organisations, nannying services, lifesaving organisations — all of those types of things. The ones that will be brought in now — the ones that I hope will be approved by both houses — will come into effect on 1 January next year.

I will talk a little bit about some of the main provisions within the act and some of the new provisions. Clause 8 inserts new division 2 and section 24, which applies to the Commission for Children and Young People or the 'relevant authority' to enable oversight and enforcement of the child safe standards. This includes that the commission is to provide education and guidance to organisations — so the type of organisations I have just outlined — in promoting compliance on child safe standards.

The clause also inserts new division 3, sections 26 to 33, which give power to the commission to investigate whether a relevant entity is in fact providing that service — so whether they are complying with the standards as set out. Of course if they do not comply, then under section 33(1) the commission can actually apply to the Magistrates Court to have sanctions put in place against that entity. They can in fact be slapped with a pecuniary penalty. That pecuniary penalty will then be paid back to the commission and it can then go out to do much better work, hopefully. The relevant entity, as I say, will pay to the commission an amount not exceeding 60 penalty units. At this point in time the money stacks up at about $9500 — it goes into the Consolidated Fund and then hopefully is used for better things.

The clause also inserts new division 4 which has several new sections. Sections 41D and 41E provide that the relevant persons to disclose information include the Ombudsman and the Chief Commissioner of Police. The reason why these are being introduced is so that the commission can share relevant information with these people. Essentially the bill is outcome based, and the idea is it will improve child safety in organisations and make sure that enforcement activities are happening.

Part 4 of the bill inserts a whole new section into the Children, Youth and Families Act 2005 to require that the secretary of the department publish on the department's internet site every quarter the number of adverse events relating to children in out-of-home care

and the number of adverse events relating to individuals detained in youth justice facilities and youth residential centres.

I have a couple of questions about that that I am hoping a member of the government can seek advice on and come back to us. The legislation requires the publishing of data but it does not require that the information be, I suppose, disaggregated by agency or entity, and there is no definition of an adverse event. I might have missed it, and again I am happy to be enlightened. But if we can have those definitions set out, I think it will make for a much clearer interpretation when it comes time to put sanctions and that type of thing in place.

If the department actually puts those sorts of things up on their website, it needs to be something that is measurable, and the only way you can measure it is if we know what it is that we are measuring. If we do not actually know what those categories are, then it is very hard to look at that for the next time and see whether it is the same institution that is having problems. Obviously we do not want what has happened in the Northern Territory to happen here. For example, if a particular place has a constant or recurring problem, we need to know that problem exists and the extent of it, otherwise how on earth can we hold them to account? I think one of the most important things I would say to those who relay that information back is that I would really like that clarified, as would members of the opposition throughout.

We are supporting this bill, I am very pleased to say. We undertook as a coalition government really significant work in identifying concerns about child abuse by commissioning the Cummins inquiry, and of course there was the *Betrayal of Trust* report. I am very proud of the work that we did. I am very proud of my colleagues and the work that they did. It was a very big, combined effort. I am so pleased that the government has seen fit to continue with some of that good work.

There are a couple of minor points in this bill that, for the sake of children, I think should be addressed before it goes to the upper house. Before anybody gets up and gives another spray like they did in the last debate, think about the kids. This is what we are here for. We are lawmakers; they are vulnerable children. It is up to us to make sure we provide for them in every possible way and think of every scenario we can. If that can be taken on board, we certainly are going to support this. I wish it a speedy passage through both houses.

Ms EDWARDS (Bendigo West) — I have great pleasure in rising to speak on the Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Bill 2016. I would like to acknowledge the member for Bayswater's contribution and indeed agree that there is bipartisan agreement that all children should be protected and that the state has a role in ensuring that. I think, though, that the member for Bayswater may have been a little confused about which legislation we are debating here today. A review of the permanency legislation is currently being undertaken by the Commission for Children and Young People. This bill does not relate to the permanency legislation; this bill is about ensuring that organisations offering services to children comply with child safe standards.

There is absolutely no doubt that children will be better protected from the risks of abuse within organisations under this legislation, under these amendments that the Andrews Labor government has brought to the house. These amendments will ultimately drive cultural change in organisations so that protecting children from abuse becomes part of our everyday thinking and practice, and particularly for those that work with children. I would like to compliment the Minister for Families and Children, the Honourable Jenny Mikakos, on her commitment to ensuring that all children in this state are protected. This legislation is another step forward in ensuring that happens.

Under the standards the organisations must have measures in place to prevent and respond to allegations of child abuse. Introducing the child safe standards is a really important move. The commission will monitor compliance by requesting relevant information from organisations, undertaking regular visits and issuing notices to improve child safety practices. Similarly, fines will be introduced, as they have been in Queensland and South Australia, for not complying with those standards. This is very consistent with, as I said, child safety schemes in Queensland and South Australia.

The child safe standards came into effect on 1 January 2016 for organisations that provide services for children and receive government funding or are covered by existing regulation or contractual requirements. From 1 January 2017 the standards will apply to all other organisations that provide services or facilities for children but receive little or no government funding, such as sporting groups, religious organisations and child entertainment providers. The Commission for Children and Young People will continue providing support to organisations to meet the standards and have appropriate standards to ensure that all organisations are meeting the requirements. I think all of us in this house

would agree that child safety is everyone's responsibility, and certainly that is the minister's view. The child safe standards drive continuous improvement in organisations that work with children to prevent abuse from occurring and to respond effectively when it does.

I note that the member for Bayswater reflected in a comment on what adverse events are. For her benefit, I would just like to mention that adverse events are not currently defined in the Children, Youth and Families Act 2005, so they are also not defined in the bill. The Secretary of the Department of Health and Human Services and the Commission for Children and Young People have both agreed that adverse events mean category 1 incidents. As many will know, a category 1 incident is an incident of the worst kind that has resulted in a serious outcome such as a young person's death or severe trauma.

I think all members of this house would say that child abuse is unacceptable in any way. Ensuring children's safety is indeed a top priority for the Andrews Labor government. This amendment bill is consistent with the recommendations in the *Betrayal of Trust* report. The child safe standards aim to improve the capacity of organisations that provide services to children in Victoria to prevent, protect and respond to child abuse and child-related misconduct. Of course the Andrews Labor government some time ago committed to implementing all the recommendations in the *Betrayal of Trust* report. I would like to acknowledge the members of Parliament who were members of the Family and Community Development Committee at that time; it was a very challenging time for them.

The bill provides for a number of things, including giving the Commission for Children and Young People the appropriate functions and powers to administer and monitor compliance with the child safe standards. It improves the efficiency and effectiveness of the commission's review of the administration of the Working with Children Act 2005. It increases transparency and accountability for the safety of children and young people who are in out-of-home care or detained in youth justice centres or youth residential centres by requiring the quarterly publication of data about adverse events. I think that probably answers the question from the member for Bayswater around data and its publication.

In relation to out-of-home care I just wanted to quickly mention that just today the Minister for Families and Children, the Honourable Jenny Mikakos, in the other place welcomed a report by the Commission for Children and Young People into maintaining cultural connections for Aboriginal children in care. This is another remarkable step forward for young children in out-of-home care. Of course the Andrews Labor government has already made significant efforts to improve the safety and wellbeing of Aboriginal children and young people in or at risk of entering out-of-home care. A number of measures have been put in place for that. We have also enshrined in Victorian law the Aboriginal child placement principle, which requires child protection to seek the most culturally appropriate placements for Aboriginal children who cannot live with their families. I thought it was important to mention that because that is a report that has just been released today and of course it has been welcomed by the Andrews Labor government.

The bill, as I said, is intended to commence on 1 January 2017, the same date that the child safe standards apply to category 2 organisations — that is, those organisations with limited or no funding or regulatory arrangements with government. So this is actually expanding those safety measures and expanding the prevention and reporting of abuse. Organisations included in phase 1 are already subject to government contracts and funding agreements, so government departments can have oversight of them.

The bill also includes a power to prescribe additional entities or classes of entities within the scope of child safe standards, for example, in response to the recommendations of the Royal Commission into Institutional Responses to Child Abuse. The child safe standards aim to drive cultural change, as I said, which is really important. Cultural change takes time, but I think we do not have a lot of time to waste when it comes to looking after our children.

I have two children of my own who work in this industry. I actually have four children, but two of them work in the child safety industry. Both of them work extremely long hours, they have very difficult work situations sometimes and they have to manage children who have very difficult behavioural problems. It is important for them to understand, just like everyone who works in this industry, that abuse of children is unacceptable. They accept that as workers. I think there is a workforce culture that needs to change. Certainly, as we have heard through our inquiry into abuse in disability services, there is a cultural change required in that industry as well when it comes to abuse. That does take time, but legislation such as this is an important step forward in making sure that that cultural change happens and that we no longer have children from any walk of life, from any cultural background or from any

social circumstance facing abuse. That is where our Royal Commission into Family Violence recommendations also come into play, as of course does implementing those recommendations.

This is a very important bill. It is an important amendment that makes some significant changes that will indeed protect our children well into the future. I am very proud of the Andrews Labor government, which takes looking after our children and protecting our children very seriously, and I commend the bill to the house.

Ms KEALY (Lowan) — I am very proud to rise to support the Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Bill 2016. This bill amends the Children, Youth and Families Act 2005. It will operate to provide oversight and enforcement of compliance by certain entities with standards in relation to child safety. It provides for the publication of certain information and it amends the review and reporting obligations under the Commission for Children and Young People Act 2012.

We all have a responsibility in ensuring that children are kept safe from harm and abuse. I think that the coalition when in government certainly took a very strong stand in relation to taking good steps forward to provide a more secure system for our children. The Cummins inquiry, which was a pre-election commitment, was undertaken during the last term of government, and of course the Family and Community Development Committee undertook the inquiry which led to the *Betrayal of Trust* report. It was quite a harrowing inquiry which related to the abuse of children while in institutional care. I would just like to make mention of the members who made an enormous commitment by participating in that inquiry. It was chaired by Ms Georgie Crozier in the other place and included National Party member David O'Brien, who was then a member for Western Victoria Region in the Council, and the member for Broadmeadows, who is in the chamber today.

I know from speaking to Mr O'Brien that this was certainly a difficult inquiry to sit through, and several members have commented to me about the information that was received over the duration of that inquiry. It just makes you reflect on how harrowing the experience must have been for the families involved, and of course for the children who were victims of abuse over that period of time. I think that the good work that was initiated by the coalition in the previous term of government to provide a safer, more secure area for children to enjoy their lives without threat of harm or abuse has been built on by this government, and that is something that all members of this Parliament can be very proud of.

This is the second tranche of legislation in relation to the child safe standards. The first tranche of legislation related to category 1 organisations. They are organisations that provide services to children and that are funded or regulated by the state, including out-of-home care providers, early childhood services, hospitals, other health providers and government departments. Obviously these are organisations that already operate under strict guidelines and standards, and therefore they are perhaps better prepared to be able to adopt the child safe standards. This second tranche of legislation deals with category 2 organisations. This includes sporting clubs, scouts and girl guides, other voluntary organisations and nanny services.

It is important to note at the outset that generally these organisations are run by volunteers and that in many instances they do not have a robust bureaucratic structure, so while the introduction of these standards is obviously very, very important, it will be difficult for some organisations to meet them. That is something I would like to flag in my contribution — that it is essential that these organisations, which are run by volunteers, particularly in our smaller rural communities, are provided with sufficient support to enable them to fully introduce and implement the standards to ensure ongoing compliance.

I would like to commend the work of the volunteers in our rural communities who run these smaller organisations that help particularly children to be engaged in the community. Last Saturday I attended the 100-year anniversary of the 1st Dimboola Scouts Group and planted a commemorative tree. While I am certain that the intention of that scout group is around providing a great support network for younger people to ensure that they grow up with leadership skills and become strong community contributors into the future, unfortunately — and this is not a reflection on these organisations — there can be bad eggs who are attracted to become involved in these organisations. We need to provide whatever support we can to these volunteer groups to make sure that they can continue their fantastic work in the community and that they can continue to nurture our young people to become fantastic adults, but at the same time we need to keep out those people who join such organisation with insidious thoughts and motives. If we can do that, we will have safer communities. I think that is something that will certainly help us all into the future, particularly

if we can provide appropriate support for these smaller volunteer organisations.

There are other areas of concern in relation to this legislation, particularly around the publication of data on the Department of Health and Human Services website on a quarterly basis. We do need to ensure, particularly in relation to our smaller communities and organisations, that this data is disaggregated or de-identified in some way so that a person cannot identify these small groups where there might only be two volunteers and where there has been some sort of issue that has been raised. It is not really about providing privacy for the adults who are involved; we need to make sure that there is sufficient privacy for the children who are involved with those organisations. We need transparency, but we do need to make sure that we protect children in all instances.

As the member for Bayswater said in her opening remarks, we need to make sure that we can, if possible, provide a definition of an adverse event. This is not covered in the legislation, and to ensure that we have full compliance we do need to incorporate a definition of an adverse event so that all required events are reported and investigated as is appropriate.

Finally, we need to ensure that the Royal Commission into Institutional Responses to Child Sexual Abuse continues, because it may make further recommendations in relation to child safe standards and it may identify further entities that need to comply with child safe standards.

We of course need to make sure that there is sufficient funding to monitor compliance. The legislation does go into detail around the oversight of the implementation of the child safe standards, particularly in relation to the commissioner for children and young people. It outlines requirements in terms of the commissioner's ability to investigate whether entities are compliant with the child safe standards, and it outlines the penalties that may be applied should an organisation be found to be in breach of the child safe standards. However, there is limited information with regard to any additional funding that will be provided to the commissioner and to the other bodies that will be responsible for the oversight and investigation of and the application of penalties to organisations which fail to comply with child safe standards.

Further, while there is some discussion in the minister's second-reading speech around providing support for organisations to comply with the standards, there is really not a lot of detail in regard to how that support may be provided or what funding may be provided to these organisations. Our organisations in rural Victoria are not always going to be able to attend a seminar in Melbourne. We need to make sure that our smaller organisations in rural communities have equitable access to support so that our children in those communities are just as safe from harm as children in Melbourne are.

In summary, the Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Bill 2016 is a step forward to ensure we have a community and an environment where children are safe from harm and abuse. It does build upon the good work of the former coalition government in relation to legislation it brought forward over its period of government following recommendations of the Cummins inquiry and the inquiry undertaken by the Family and Community Development Committee which led to the *Betrayal of Trust* report. I commend the bill to the house.

Mr DIMOPOULOS (Oakleigh) — It gives me pleasure to speak on the Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Bill 2016. As the minister said in the second-reading speech, the bill provides for the oversight, monitoring and enforcement of compliance with the child safe standards in relation to organisations to which the standards apply. Some of those organisations have been listed during the debate. The child safe standards ensure that there is a minimum standard for child safety in all organisations providing services to children, and as we have heard, if the bill passes through the Parliament, it will usher in two phases in terms of its objective of applying safety standards to two different categories of organisation.

From 1 January 2016 the child safe standards apply to organisations that provide services for children that are funded or regulated by the state — these are the category 1 organisations — including out-of-home care providers, early childhood services, hospitals and other health providers and government departments. Existing regulatory and funding arrangements are generally available to monitor and promote compliance with the child safe standards for category 1 organisations. From 1 January 2017 the child safe standards will apply to other organisations that provide services to children — these are the category 2 organisations — including sports clubs and religious organisations. Most category 2 organisations have limited or no oversight or regulation in relation to child safety.

In relation to the previous speaker's concerns about the need for support for organisations to meet these new obligations, I am aware that the government and the Commission for Children and Young People are committed to providing support to organisations to meet these child safe standards, to protect children from abuse and to respond effectively to any allegations of child abuse. I am informed that the commission has engaged peak bodies to develop tailored supports for members to implement the child safe standards. This will enable tailored material to be developed for the following sectors: faith-based organisations, community-based organisations, post-secondary ancillary educational organisations, sport and recreation organisations, businesses that provide services to children, businesses that engage or employ children, culturally and linguistically diverse organisations and Aboriginal community-controlled organisations. This will be done in collaboration with other agencies, including local government.

I think this is really important, and it does address very comprehensively the concerns expressed by a couple of people on the opposition benches. Having said that, this bill is profoundly important because it just closes a gap. We have got the child safety standards and we have got a whole bunch of organisations where there is probably less compliance or less visibility of compliance than we would like, so this is a very important bill. It provides appropriate powers to ensure that the Commission for Children and Young People is able to take action when it needs to.

These powers enable the Commission for Children and Young People to do several things: to work with relevant regulators to promote and require compliance with the standards; to request, and if necessary compel the release of, relevant information and documents from organisations; to visit an organisation's premises to undertake routine monitoring and observe child safety practices and request information; to conduct reviews of organisations' child safety practices; to issue notices to make it clear what an organisation needs to do to improve its child safety practices; and to seek a declaration from a court that an organisation has not complied with the notice and apply for a civil financial penalty. I think these are tough but very appropriate measures, when you look at the consequences of not having a child safe environment or framework. I will talk a bit more about that later.

As the minister said in her second-reading speech, the bill is aimed at ensuring that in exercising its functions the Commission for Children and Young People does not duplicate or replace existing regulatory arrangements. I think that is important. The bill provides principles and requirements which promote the Commission for Children and Young People working with existing statutory regulators and funding bodies. This approach further reflects the aims of the child safe standards, and they are that effectively the standards are everyone's responsibility. The bill also proposes amendments to the Children, Youth and Families Act 2005 to supplement existing incident reporting, and I think we heard a bit about that from the previous speaker.

As I said, this is very important legislation. It reflects a commitment that we made as a government to implement in full the recommendations of the *Betrayal of Trust* report. We are implementing one of the recommendations through this bill today. It aims to increase transparency and accountability for the safety of children and young people who are in out-of-home care and those who are detained in youth justice centres or youth residential centres by requiring the quarterly publication of data about adverse events. This provides greater visibility than currently exists.

The bill includes the power to prescribe additional entities or classes of entities within the scope of the child safe standards — for example, in response to recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse. Again, this is our commitment to implementing all those recommendations from that very important inquiry.

The member for Bendigo East commended the Minister for Families and Children, and I want to do the same. I think she is an outstanding minister who takes very, very seriously what is a very serious area of public policy and responsibility by the state. As we have heard, this government has embarked on a Roadmap for Reform, a complete overhaul of the child and family services system. We have recruited over 300 child protection staff. I remember in my community speaking to at least two service providers who could not get a name for a case officer against the name of a child they were helping to look after. There were many, many vacancies in the child protection part of the department.

We have also invested $2.1 million to more effectively identify children at risk of sexual exploitation. This has funded four new specialist child protection workers to work in close partnership with Victoria Police and strengthen operational capacity in divisions to respond to the risk of sexual exploitation. The minister and the government have also — in recognition of the important role played by carers, including many I have spoken to in my community — invested $19.2 million

in supported training to foster kinship and permanent carers, and we have invested $35.9 million to ensure that more children and young people in residential care have the extra safety and security they need. So there is a whole range of important supports that we provide as a government, and this is just one in a long list of those supports.

I want to also mention that our commitment to the education state is not just about the secondary sector, nor is it in fact just about the primary sector; it is about the pre-primary sector, where children first start their lives. We know through research that the years from 0 to 3 are very important in a child's life, and we have invested in kindergarten access and supports. We are also — again because of a recommendation of the Royal Commission into Family Violence — currently investing in supports for the maternal and child health workforce to be able to better screen for women who may be suffering family violence shortly after their pregnancy. We know, again through the research of the royal commission, that the transition to parenthood is often amongst the most vulnerable times for women in terms of family violence. I say that conscious that the Minister for the Prevention of Family Violence is in the chamber.

I am very proud of the work of this government in relation to protecting children. I have had some very sad examples of child abuse in my community. A very famous example is that of Chrissie Foster and her husband, Anthony, and their three children, who were abused by the local parish priest in Oakleigh. I have had firsthand experience with that family and have read their book. I hope this is yet another element in a protective framework that we need to have a far more civilised and respectful society when it comes to children.

Mr BURGESS (Hastings) — I rise with pleasure to speak on the Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Bill 2016. The bill amends the Children, Youth and Families Act 2005 to provide for the oversight and enforcement of compliance by certain entities with standards in relation to child safety and to provide for the publication of certain information. It also amends the review and reporting obligations under the Commission for Children and Young People Act 2012.

This is the next phase of the government's introduction of child safe standards for both government-funded and non-government-funded organisations as a result of the recommendations of the *Betrayal of Trust* parliamentary report. I would like to put on the record my gratitude for the hard work that has been performed and is being performed by Family and Community Development Committee. It is critically important work, and the Parliament and the state are grateful for that work and always will be.

The bill builds on previous legislation, including the Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015, which dealt only with government-funded organisations — category 1 organisations — and came into effect at the beginning of this year. This bill addresses category 2 organisations, and that would include clubs such as sporting clubs, scout groups and religious organisations, and these will have obligations that are scheduled to come into effect on 1 January next year.

The main provisions of the bill are in parts 2 and 3, and they relate to a series of changes that have been made. Clause 8, for instance, inserts divisions 2 to 7 of part 6 into the principal act and applies to the Commission for Children and Young People or the relevant authority, enabling oversight and enforcement of the child safe standards. This includes the commission providing education and guidance to organisations or authorities in promoting the said child safe standards.

In new division 3, sections 25 to 33 give power to the commission to investigate whether a relevant entity is complying with those standards. Under section 33(1) the commission may apply to the Magistrates Court for a declaration that the relevant entity has failed to comply and to make an order that the relevant entity pay a pecuniary penalty. New section 34 provides that the Magistrates Court may then order the relevant entity to pay a civil pecuniary penalty to the commission not exceeding 60 penalty points. The commission may pay these amounts into the Consolidated Fund.

New sections 41D and 41E refer to the relevant persons to disclose information to, who include the Ombudsman and the Chief Commissioner of Police. This provision is intended so that the commissioner can share the relevant information with the various authorities to ensure that child safety in organisations is improved and to facilitate the coordination and expedition of oversight and enforcement activities.

Part 3 of the bill relates to the amendment of the Commission for Children and Young People Act 2012. Clause 9 is about the delegation of a power or function of the commission. Clause 10 authorises any person to assist the commission in performing functions other than the issuing of a notice to comply. Clause 11 means the commission will be required to conduct a review of

the administration of the Working with Children Act 2005 every three years.

Part 4 of the bill inserts new sections into the Children, Youth and Families Act 2005 to require the secretary of the department to publish on the department's internet site, every quarter, adverse events relating to children in out-of-home care and the number of adverse events relating to individuals detained in youth justice facilities or youth residential centres.

Unfortunately the act, as has been referred to by the member for Lowan earlier and several other speakers, fails to define what an 'adverse event' is, and that is a shortcoming of this legislation. Unfortunately this is along with another shortcoming, which relates to the legislation requiring this data to be recorded or reported on the Department of Health and Human Services website. In publishing the data on a quarterly basis, there is no requirement for any disaggregation by agency or down to agency or entity. So while it does give us an overview of what the situation is and where things are up to as far as a holistic look at this particular area, it does not give us any information to go on as far as getting down to an agency or entity basis. So the problem, of course, is that that just does not give us the transparency that is needed.

So the two problems with this legislation — the lack of disaggregation and the fact that 'adverse event' is not defined by this bill — are unfortunate, but those will obviously need to be addressed at a later date. I commend this bill to the house.

Mr PERERA (Cranbourne) — I wish to speak on the Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Bill 2016. There is no disagreement that child safety is everyone's responsibility. It is indeed the nation's responsibility. Today's children are the adults of tomorrow who will contribute and carry on the human progress carried over by others and many generations before us. They need to be nurtured in a safe environment for them to become adults with sound, balanced mindsets and to be worthwhile citizens of tomorrow.

Violence may take place in homes, schools, orphanages and residential care facilities, on the streets, in the workplace and in prisons and places of detention. Therefore monitoring these places will be paramount because such violence can affect the normal development of the child, impairing their mental, physical and social being. In extreme cases abuse of a child can result in death.

The bill proposes amendments to the Child Wellbeing and Safety Act 2005 to better protect children from the risk of abuse. The bill before the house will provide the Commission for Children and Young People with powers of oversight, monitoring and enforcement of compliance to help ensure organisations adhere to the child safe standards. This initiative is aimed at driving cultural change in organisations so that protecting children from abuse is embedded in everyday thinking and practice. Children have the right to be protected from abuse, and there are laws in most countries to protect children as well as to bring child abusers to justice. These measures build confidence in our citizens that child abuse within organisations can be prevented by using an effective framework that embeds a commitment to children into the everyday practices, policies and cultures of organisations.

This bill is another step in the right direction of legislation already in place, such as the Child Wellbeing and Safety Act 2005, the Commission for Children and Young People Act 2012 and the Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015, to tighten the regulatory framework on child safety. Although many organisations adhere to child safe standards, the government could not guarantee that all organisations would follow through. That is why this legislation has been introduced for oversight, monitoring and enforcement of compliance.

The Commission for Children and Young People is not about naming and shaming the organisations that do not comply. It is about educating them to do the right thing. That is what works in other jurisdictions. A decent government concerned about child safety cannot take chances after learning from the child abuse royal commission what has transpired in the past. The Royal Commission into Institutional Responses to Child Sexual Abuse held long-awaited public hearings in Ballarat to examine historical abuses suffered by children. It was revealed that a notorious paedophile priest abused every boy between the ages of 10 and 16 at a regional Victorian school.

Ballarat was one of the most horrifying sites of abuse. It was revealed that in 1971 all the male teachers and the chaplain at St Alipius Primary School were molesting children. An abuse survivor who had a photograph of his grade 4 class at the school in 1970 said to the royal commission that of the 33 boys pictured, 12 had committed suicide. The inquiry chairman, Justice Peter McClellan, said:

> That evidence will describe the gross violations of individuals by ordained members of the Catholic church.

The royal commission has revealed many shocking stories of the betrayal of children. Andrew Collins, 46, of Mount Helen, was abused by four different men at Ballarat schools and churches during his teenage years. He said it is important that those who moved these men around and did not report the abuse to police are brought to justice. He said it was not just the perpetrators, it was the hierarchy that facilitated those abuses that caused so much more hurt, pain and suffering. Mr Collins said there have been over 40 confirmed suicides where notes have linked the suicides to the abuse, but we are aware of many other victims who have taken their own lives.

In her opening address senior counsel assisting the commission, Gail Furness, SC, outlined the extent of clergyman Gerald Ridsdale's offending. She said Ridsdale was a prolific offender during his time at Mortlake. She also told the inquiry that Cardinal George Pell, who later became Archbishop of Sydney and now oversees the Vatican's finances, was one of seven people present at a meeting in September 1982 where Bishop Ronald Mulkearns discussed the need to remove Ridsdale from the school. Ridsdale was transferred, but he was neither removed from the church nor reported to the police.

The Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 provides for the child safe standards to apply in two phases. From 1 January 2016 the child safe standards applied to organisations that provide services for children and that are funded or regulated by the state. From 1 January 2017 the child safe standards will apply to other organisations that provide services to children, including sporting clubs and religious organisations.

Religious doctrines often support the care of the most vulnerable among us, children. Sadly, however, it is not uncommon for adults to justify child abuse and neglect with religious doctrines. Both of these phenomena occur in just about every religious organisation and community. The Pope has adopted a hard line on clerical sex abuse and at times has asked for forgiveness while lambasting church leaders more than once for protecting abusers. In December 2014 he created a special commission of lay and ordained Catholics to look at child protection and pastoral care for victims. The Pope ordered the arrest of a former papal nuncio — that is, one of the permanent diplomatic representatives of the Holy See — Polish Archbishop Jozsef Wesolowski, on charges of abusing children during his term in the Dominican Republic. A Shi'a Muslim boy's forehead was slashed in the run-up to Ashura, the commemoration of the death of Prophet Mohammed's grandson Husayn ibn Ali in Mumbai, India. This act is considered by Shi'a Muslims as a way of vanquishing their sins. The plan by Iraqi parliamentarians to legalise under-age marriage at nine years of age follows the demand of Pakistan's Islamic councils last month that Pakistan abolish all legal restrictions on child marriage. The revelations that Syrian refugee girls are being sold into marriage against their will has increased pressure in many African countries to ease the restrictions on selling child brides. There is a brutal movement in America that legitimises child abuse in the name of God. One story involves a judge whipping his daughter with a belt in a YouTube clip that has gone viral. The other involves books of evangelical leaders on child rearing that advocate spanking and even beating.

If you go around established religious institutions or other organisations that are rearing children, you can see that we cannot take our hands off the responsibility for oversighting, monitoring and enforcing compliance when they do not do the right thing. That is what this bill is all about. This bill is another step in the tightening of the regulatory framework already in place for the safety of children. I commend the bill to the house.

Ms WARD (Eltham) — I rise in support of the Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Bill 2016. Everyone in this house would be unanimous in their agreement that we abhor child abuse. It is unacceptable, and ensuring children's safety is absolutely a top priority of this government. It is everyone's responsibility and it is our responsibility as a government to ensure that we continue to create legislation that helps protect our children, looks after their wellbeing and especially protects them from predators.

This legislation is consistent with the recommendations in the *Betrayal of Trus*t report. The child safe standards aim to improve the capacity of organisations that provide services to children in Victoria to prevent, protect and respond to child abuse and child-related misconduct. The Andrews government, I am pleased to say, has committed to implement all of the report's recommendations.

This bill provides the Commission for Children and Young People with appropriate functions and powers to administer and monitor compliance with the child safe standards. It addresses an election commitment to

implement the recommendations in the *Betrayal of Trust* report, it improves the efficiency and effectiveness of the commission's review of the administration of the Working with Children Act 2005 and it increases the transparency and accountability for the safety of children and young people who are in out-of-home care or detained in youth justice centres or youth residential centres by requiring the quarterly publication of data about adverse events.

It helps for people to be accountable — for people to be held up and shown when they are letting things fall through. We take this issue seriously. We have embarked on a Roadmap for Reform, a complete overhaul of our child and family services system. I congratulate the minister for the amazing amount of work she has done in this space to work towards creating the safest system she can for our children. We have recruited over 300 new child protection staff, and we have invested $2.1 million to effectively identify children at risk of sexual exploitation. This has funded four new specialist child protection workers to work in close partnership with Victoria Police and strengthen operational capacity in divisions to respond to those at risk of sexual exploitation. This is incredibly important. We cannot take our eye off the ball for 1 precious minute.

I want to talk just briefly about out-of-home care and the importance of local carers. I have a lot of foster carers in my community who are just fantastic. The majority of them are women, and they are just outstanding. The compassion, the common sense and the tenacity they show and the care they give the children in their homes is spectacular. It is second to none. I have one carer, Wendy, who I meet with relatively regularly. She is just amazing. This woman has experienced her own personal tragedies in her life — most recently her husband was killed through what they call a coward's punch — and she has continued to maintain her care of foster children. She has pushed through her grief, and she has given her foster children a welcoming, comfortable, supportive home that these children sadly cannot have in their own homes with their own parents at this moment in time. It is foster carers like this who need to be applauded and supported in any way we can.

I want to thank the minister again for coming out to my community and meeting with my foster carers. They really enjoyed having her ear and knowing that she was listening to them and the issues they raised for her and that she took on board what they cared about and what was concerning to them. I am happy to say they also were pretty happy about a number of the steps we have already implemented as a government.

We have invested $19.2 million in support and training for foster, kinship and permanent carers. This is one of the issues that was raised by my foster carers — that there was not enough training. Within a few months, there was the minister announcing what we would be doing in the space. We have invested $35.9 million to ensure that more children and young people in residential care have the extra safety and security of 24-hour support, including more staff during the day and a staff member who remains awake at night. At the same time we have allocated a further $1.5 million for spot audits of residential care facilities. These are really good, important achievements, and they are especially important in keeping our kids safe.

I also want to briefly touch on the respectful relationships program, which has come out of the Royal Commission into Family Violence, whose terms of reference include relevant factors, including that:

> The causes of family violence are complex and include gender inequality and community attitudes towards women.

Just today I have seen that SBS has released a story regarding Australian girls' experiences of gender equality — or should I say inequality. I will quote from SBS's list. The everyday sexism report has found that:

> Only 1 in 10 girls aged 15–19 feel they are always treated equally to boys.
>
> One in three girls say: 'It'd be easier to get a dream job if I was a man'.
>
> … (69 per cent) think gender inequality is a problem in Australia.
>
> Half of all girls say they are seldom or never valued for their brains over their looks.
>
> Only one in six girls say they are always valued for their brains and ability.
>
> Only one in six girls … feel they are given the same opportunities to get ahead in life as boys.
>
> One in three say they always do more housework than their brothers.
>
> Forty-one per cent of girls say lack of support will make them re-evaluate whether to start a family.

This is a good indicator of why the respectful relationships programs will be rolled out in all government schools. This is also especially important when we are showing that because of the inequality to which girls are subject and the way they are treated they

are more open to sexual abuse and sexual exploitation and also what I would call gender abuse.

It is terrific that this government is listening and putting in multiple steps to help address this issue, including this legislation. We know that prevention of school-based violence and endorsement of respectful initiatives can produce lasting changes in young people's attitudes and behaviours. School plays a central role in the social and emotional development of children and young people, which again talks to the importance of the safe schools coalition and the role it plays in our schools and in helping our kids not only feel that they belong but also that they should be safe. We are also doing a lot of work in early childhood development. It includes providing $83.7 million to help kindergartens with new staffing requirements, which will be increasing our ratios.

The child safe standards apply in two phases. In phase 1, from 1 January, they will apply to organisations regulated and/or funded by government that provide services for children or that provide facilities specifically for use by children who are under an organisation's supervision. This includes out-of-home care services, child protection, youth justice centres, early childhood services, hospitals and health services. They are the category 1 organisations. Next year we will have the child safe standards applying to organisations that have limited or no funding and/or regulatory arrangements with government that provide services for children or that provide facilities specifically for use by children who are under an organisation's supervision. For organisations within the first phase, existing funding and regulatory arrangements can be used to promote and require compliance with the child safe standards.

While we are talking about funding, I would like to say that when the former government tabled its response to the *Betrayal of Trust* report $10.1 million was allocated to support the government's response. The government has allocated $10.1 million for the child safe standards and the proposed reportable conduct scheme. By 30 June 2017 the Commission for Children and Young People will have received approximately $1.9 million to provide guidance to organisations on meeting the child safe standards. The commission has also been allocated $345 000 per annum on an ongoing basis for this work. A portion of the funds allocated for the response to the *Betrayal of Trust* report has been allocated to the Department of Justice and Regulation for the working with children check. The remainder of the funds have been allocated for the reportable conduct scheme, which is expected to commence in July 2017. This is some serious money being devoted to an issue that this government considers to be incredibly serious.

In alignment with the approach of the Royal Commission into Institutional Responses to Child Sexual Abuse, building the capacity of organisations and providing support will continue to remain a key focus of the Commission for Children and Young People in supporting and promoting compliance with the child safe standards. This approach is enshrined as a guiding principle of this bill. The bill will also provide appropriate powers to ensure that the Commission for Children and Young People is able to take action when it needs to. This is important. The commission does need to be able to take action when it needs to — when it is called for.

These powers enable the Commission for Children and Young People to work with relevant regulators to promote and require compliance with the standards, request and if necessary compel relevant information and documents from organisations, visit an organisation's premises to undertake routine monitoring and observe child safety practices and request information, conduct reviews of an organisation's child safety practices, issue notices to comply to make it clear what an organisation needs to do to improve its child safety practices and seek a declaration from a court that an organisation has not complied with a notice and apply for a civil financial penalty.

Many organisations have existing policies and procedures with the aim of keeping children safe. That is the line of work that they are in. But we need to make sure that we have an accompanying compliance framework that does, as far as possible, use existing mechanisms to improve child safety in organisations and increase consistency across the sectors.

To ensure that in exercising its functions the Commission for Children and Young People does not duplicate or replace existing regulatory arrangements, the bill provides principles and requirements which promote the Commission for Children and Young People working with existing statutory regulators and funding bodies. I commend the bill to the house

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Bill 2016. This is an important piece of legislation, as other speakers have mentioned, because it gives effect to the commitment that the now government made when in opposition about

implementing the recommendations in relation to the previous inquiry that was mentioned by other speakers.

I am quite interested in this because it is about making sure that that we have an appropriate level and standard of care for young children. I have mentioned on a number of occasions in this place the great satisfaction and joy I had in being on the board of what was Kindergarten Parents Victoria and is now Early Learning Association Australia. I do not have an early years background; I never studied early childhood education. I went on the board because at that stage my eldest child was due to go to kinder and I thought, 'Well, this is probably a good thing for me to do with my time' and I thought it would be an important contribution to make.

All of us have probably got chapters in our lives where we have walked into something that we do not quite know the full detail of, but through the passage of time and through applying ourselves and being dedicated and focused on the task at hand we start to acquire a significant level of knowledge that we otherwise would not — —

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

Quorum formed.

Mr PEARSON — As I was saying, I joined the board of Kindergarten Parents Victoria, which became the Early Learning Association Australia. I started to actually learn more about this policy area, and I found it fascinating. I remember sitting down for a bit of a briefing session with one of our board members, June McLoughlin, who is out at Doveton College. June produced a map that basically showed the level of brain activity of a child in a functional household who was probably four years of age as opposed to that of a child who had been exposed to adverse childhood experiences. The contrast was quite profound.

In terms of the level of neuron activity and mental stimulation, for a child in a functional household it was quite profound, but for a child who had had an adverse childhood experience or a series of adverse childhood experiences, it was like the lights had gone out. So what you see is that if you allow that to occur and to fester, by the time the child starts primary school there is what is called the achievement gap. That is where you have children in prep and grade 1 who are further behind their peers and colleagues, and they never close that gap.

I think the figure is about 40 000 kids a year who drop out of school across Australia. So on a per capita basis you would think that would be about 10 000 kids in Victoria each year who are lost to the system. They are lost to the system because they have not necessarily been provided with a functional, nurturing environment that has enabled them to achieve their potential as an individual. So you think about the loss of human capital that results from having a set of circumstances where children are not given the adequate protection and requirements they need.

It is an important issue because it manifests itself in so many other negative and disastrous ways. There is what is called the adverse childhood experience. It is a measure which looks at a number of factors. There are 10 measures — 10 indicators — that have a profound impact on the way in which a child functions as an adult. The 10 measures are, one, did a parent or other adult in the household often or very often swear at you, insult you, put you down or humiliate you or act in a way that made you afraid that you might be physically hurt? Two, did a parent or adult in the household often or very often push, slap, grab or throw something at you or ever hit you so hard that you had marks or were injured? Three, did an adult or person at least five years older than you ever touch or fondle you or have you touch their body in a sexual way or attempt or actually have oral, anal or vaginal intercourse with you? Four, did you often or very often feel that no-one in your family loved you or thought you were important or special or did your family not look out for each other, feel close to each other or support each other?

Five, did you often or very often feel that you did not have enough to eat, had to wear dirty clothes and had no-one to protect you or that your parents were too drunk or high to care for you or take you to the doctor if you needed it? Six, were your parents ever separated or divorced? Seven, was your mother or stepmother often or very often pushed, grabbed, slapped or had something thrown at her or sometimes, often or very often kicked, bitten, hit with a fist or hit with something hard or ever repeatedly hit over at least a few minutes or threatened with a gun or knife? Eight, did you live with anyone who was a problem drinker or an alcoholic or who used street drugs? Nine, was a household member depressed or mentally ill or did a household member attempt suicide? Ten, did a household member go to prison?

They are the 10 indicators for an adverse childhood experience. Why that is important is that if you score four or more on those indicators, you have twice the likelihood of being a smoker, you will be seven times

more likely to experience alcoholism, you will be twice as likely to contract cancer, you will be twice as likely to contract heart disease, you will be four times more likely to have chronic lung disease, you will be 12 times more likely to attempt suicide, and if you are male, you will be 46 times more likely to be an intravenous drug user. That is why this piece of legislation, the bill that is before the house, is so important, because we are recognising the fact that adverse childhood experiences rob children of achieving their destiny. They rob them of the achievement of leading fulfilled lives, and what it results in is not only the fact that they lead a life less fulfilled and less happy but as a state government we have to pick up the bill. We have to pick up the bill whether it is chronic disease, whether it is incarceration, whether it is dealing with mental health issues, whether it is to do with substance abuse or alcoholism or whether it is to do with lung cancer or emphysema. These are real manifestations of insidious actions that children are exposed to at a very young age.

The Brits were onto this quite early on under Tony Blair's government. They found that the first 1000 days of a child's life are so profound that you are far better to have a child removed from that environment, even if it is for 12 hours a day — put in a safe, nurturing and learning environment where the child is stimulated, where they are kept in safe confines and where they know they are not going to be hurt and they are safe — and then returned to the dysfunctional environment 12 hours later as opposed to being locked in that environment for a significant period of time.

I think all of us have heard stories from our electorates about what happens behind closed doors and about the level of abuse that children sometimes experience from a parent or a carer or a family friend or a relation. Bills like this are just so important because we just have to work better. We have to look at constantly improving the way we conduct ourselves as legislators to make sure that we protect the vulnerable and disadvantaged members in our community, because failing to act, failing to protect the most vulnerable and most disadvantaged members of our community, shows that we as legislators have failed, and we cannot allow that to happen. We must constantly be striving to do better and to be better so that we ensure that these children are not left behind. I commend the bill to the house.

Ms THOMSON (Footscray) — I rise to support the Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Bill 2016. Like a number of members in this house, I was around when the *Betrayal of Trust* report was tabled, and I think there was not a member in this chamber who did not feel immense responsibility to do the right thing by those who gave evidence before the committee that gave us the report. For those members — and I know the member for Broadmeadows is in the house at the moment — who participated in that committee, the personal effect on them of the evidence that was given was profound and long lasting. Everyone in the chamber who went on to speak about some of the evidence that was given was also profoundly affected.

This was a report that opened the eyes of everyone to things that we knew but did not know the depth of and to the impact on those who were the victims of sexual abuse. Parents entrusted their children to these people because they thought there would not be any more trustworthy people to give their children over to, and those things hit our community hard. The notion that they were not safe with the leader of a church group — the priest, the rabbi, the person that you would most entrust your children to thinking that they would be safe — that you could send them off to the scouts and they would not be safe or that they could be in the care of the state and not be safe is why I think there was a loudly stated bipartisan position that we needed to do better, that the community needed to do better and that we all own this outcome. We are all responsible for this outcome.

It is why the Andrews Labor government made the commitment to meet all the recommendations in the *Betrayal of Trust* report. It is why we are seeing legislation introduced into the Parliament to meet that commitment, and it is why this bill is before us in the house today. It is why every piece of legislation that we bring to this house that meets that commitment to the *Betrayal of Trust* report recommendations is crucially important, because without the package of changes we will not meet our responsibilities as members of Parliament. I am pleased to see this bill before the house, I am pleased to see there is bipartisan support in relation to bringing this bill before the house, and I know that there is more to come.

We all know that child abuse is unacceptable wherever it may occur. Whether it is in the home or the school, whether it is in the care of the state or whether it is in a church group or a community group, children need to be safe and parents need to know that their children are safe, and the measures within this legislation are important in giving the Commission for Children and Young People the power to achieve that. In ensuring that the Commission for Children and Young People has the appropriate functions and powers to administer and monitor — —

The ACTING SPEAKER (**Ms Blandthorn**) — Order! The time appointed by sessional orders for me to interrupt business has now arrived. The honourable member may continue her speech when the matter is next before the Chair.

Business interrupted under sessional orders.

ADJOURNMENT

The ACTING SPEAKER (**Ms Blandthorn**) — Order! The question is:

That the house now adjourns.

Ms Ryan — On a point of order, Acting Speaker, I just wanted to draw your attention to two adjournment matters which are beyond the time limit that I am still waiting on. Adjournment item 9986, to the Minister for Health, was asked on 31 August and asked the minister to consider the funding needs of the Kilmore hospital, which is facing enormous growth. Adjournment item 8110, to the Minister for Aboriginal Affairs, asked her to meet with Bangerang elders in my community to provide them with a way forward for the recognition that they deserve. It was asked on 16 August.

The ACTING SPEAKER (**Ms Blandthorn**) — Order! I will refer the matter to the Speaker.

Springvale Road, Donvale

Mr R. SMITH (Warrandyte) — (11 773) I rise with a matter for the Minister for Roads and Road Safety. I ask him to install a pedestrian crossing on Springvale Road between Old Warrandyte Road and Mitcham Road in Donvale. This 1.5-kilometre section of road, which carries heavy traffic particularly during peak times, gives local residents no safe crossing to access the bus stops for public transport services to the city or to the local shops at the Tunstall Square shopping centre. Residents are forced to cross the road without even having a refuge island in the middle of the road. Even having a refuge island such as the one recently installed on Springvale Road near Serpells Terrace would be a better option than people attempting to run the gauntlet, as is now the case.

The section of road is in close proximity to the Eastern Freeway, which, as the minister is hopefully aware, is one of the busiest arterial roads in the state. This creates extra traffic in both morning and evening peak times, causing that additional unnecessary danger for the residents who need to cross the road. This includes the residents of the two aged-care facilities in the area as well as school students who use the buses. You would think that the minister would want to ensure the safety of these elderly residents and the local children.

I call on the minister to immediately instruct VicRoads to install a pedestrian crossing before this dangerous situation adds to the alarmingly high and rising road toll.

Horseshoe Bend Farm

Mr CARROLL (Niddrie) — (11 774) I rise to address a matter for the attention of the Minister for Energy, Environment and Climate Change, who is at the table. The action I seek is that the minister join me on a visit to Horseshoe Bend Farm, which is located at Brimbank Park along the beautiful Maribyrnong Valley, to hear firsthand from representatives of Parks Victoria, local community members and Wurundjeri elders what the future of beautiful Horseshoe Bend can be.

Before it was closed in 2011, Horseshoe Bend, comprising the historic 1930s cottage, stables and a number of outbuildings, ran a variety of interactive and engaging activities for young families as well as primary school groups and older recreational groups. It was also the home of a variety of animals, such as dairy cows, goats, ponies and peacocks. I understand the pony rides were a particular hit with the local kids. The area surrounding the farm offers an ideal setting for picnics and walks as well as an extensive network of trails, fishing, canoeing and birdwatching, all set within the peaceful parklands surrounded by prolific birdlife.

Many Keilor residents were deeply saddened when Horseshoe Bend and the surrounding parkland were closed to the public six years ago, and I have received many letters and emails urging me to advocate on their behalf. I was very glad that recently, on 22 September, Parks Victoria held a community information session, which I attended along with Rocky Barca and David Collins from Parks Victoria, Wurundjeri elder Ron Jones and many members of the community. The message was very clear: locals want the park open, but they also want to see state government investment in the park. To that end, I advised all members that I would make it one of my priorities to invite the minister for the environment as well as the Minister for Aboriginal Affairs to come out and see for themselves the potential of Horseshoe Bend.

On this matter I also want to raise that Brimbank Park does have a beautiful playscape that was invested in. If the minister could come and see the playscape as well as look at how we could do stage 2 of the Brimbank playscape, which is very important for the local

community and which has been an outstanding success for the local community, I would very much appreciate that.

I know the minister for the environment is very committed to parks right throughout the state. I look forward to sharing a cup of tea with her and the local community out at Brimbank Park so that we can have a wonderful meeting and tour of this important local landmark, which has more than 150 Aboriginal archaeological artefacts, some of which are over 30 000 years old. In fact Wurundjeri elders did give their time and share their stories and culture throughout the development of the local playscape. I believe there is a lot of innovation that could happen at Brimbank Park, and I would welcome the minister finding time in her diary to come out and meet with me and locals and see what potential there is.

Swan Hill District Health

Mr WALSH (Murray Plains) — (11 775) My adjournment issue tonight is for the Minister for Health, and it is in regard to a funding application for $2.6 million from the Regional Health Infrastructure Fund for a hospice at the Swan Hill District Health hospital. To my understanding the application was submitted back in May. It is also my understanding that decisions are now being made with a view to November announcements in relation to this particular fund. I ask the minister to include funding for the Swan Hill hospice project in November when funding announcements are made.

Recently I met with Gaynor Heywood, Loretta Belton and chair Michael Crowe of the Swan Hill hospice committee to discuss ways of progressing the funding needed for a hospice in Swan Hill. Many on the Swan Hill hospice committee have personal experience of the need for palliative care services for their own families and they are passionately committed to having a hospice service at the hospital in Swan Hill for the future.

The total cost of subacute care is $2.8 million to convert an upstairs part of the old extended care unit into a hospice area, including the two hospice beds. The Swan Hill hospice committee has already raised $200 000 towards that particular project, which is a great effort by the community through a very dedicated group that has had a lot of community support in raising that money.

The building of the new 45-bed Logan Lodge aged-care facility at the hospital has freed up space in the old external care unit to enable the hospice to be put in. One of the pleasing things about the Logan Lodge project is that it has come in $1.3 million under budget. If that money was relocated to the hospice project, only $1.3 million in new money from the Regional Health Infrastructure Fund would be needed to reach the total application amount of $2.6 million.

I ask that the minister reprioritises the money so that it goes back in and finds the additional $1.3 million to make up a $2.6 million fund for the building of a hospice in Swan Hill, a service and a project that is very worthy. The community has fought very hard to raise their share of the money so far, and I ask the minister to look favourably at funding that project.

Country Fire Authority Skye brigade

Ms KILKENNY (Carrum) — (11 776) My adjournment matter is for the Minister for Emergency Services, and the action I seek is for the minister to join me in visiting the Skye fire brigade in my electorate of Carrum to inspect the new state government-funded ultralight tanker and soon-to-be-opened, brand-new Skye fire brigade station.

The Skye fire brigade was recently successful in receiving $98 667 for an ultralight tanker through the volunteer emergency services equipment program. This will replace the current slip-on firefighting unit. The new vehicle means that the Skye brigade has the latest technology to quickly combat fires where a regular tanker may not be able to gain access. These units are built to the same specifications statewide, bringing familiarity across the fleet. The Skye brigade will also soon move into their brand-new, state-of-the-art station.

I am proud to be part of this state Labor government that is investing in volunteer firefighters, making sure they have the resources, skills, training and support they need to keep doing the great work they do — keeping our communities safe. I look forward to welcoming the minister and introducing him to the dedicated team at the Skye brigade.

Yellingbo conservation area

Mrs FYFFE (Evelyn) — (11 777) My adjournment matter is for the Deputy Premier and Minister for Emergency Services. The action I request is that he intervene in the implementation of the Yellingbo conservation area, which is showing every chance of resulting in a 'wick' up the valley to our most bushfire-prone region.

The implementation of the Yellingbo conservation area throughout the Yarra Valley in effect reclaims vital agricultural river frontage land to grow a national park,

initially under the management of Melbourne Water. It will then be handed to Parks Victoria. Land is being fenced off, no farm animals are permitted and no extra funding for weed reduction has been provided. Some of the properties along the river will now have uncared-for land right up to their houses.

I have been alerted to the fact that a family with a river property will lose 60 metres of land from the river for the reserve. The proposal will bring unmaintained forest right up to their home, leaving them with an unnecessary fire risk. The same family was very supportive 20 years ago of similar reclaim schemes from 10 metres to 20 metres from the river by Melbourne Water. They did the right thing by the community and worked with Melbourne Water to reforest the reserve.

Concerns have been raised that the minister's department was not consulted by the Department of Environment, Land, Water and Planning (DELWP), leaving the risk of having unmaintained bush close to people's houses. The Yarra Waterways Group, formed by concerned locals, have told me no considerations have taken place for fire safety. I have been contacted by local Country Fire Authority (CFA) members who have said that the new proposal and fencing will limit their CFA trucks' and possibly firefighting helicopters' access to the river, putting people's lives at risk in a fire emergency. The move by DELWP will mean there could be a continuous forest running alongside the Yarra, and without planned firebreaks, with no real plans for fuel reduction and being on several parts close to roads, that will put lives at risk.

The Yarra Valley is considered to be the second worst region in the world for bushfires, and much of the Upper Yarra Valley is considered to be at severe to extreme bushfire risk. The rain over the last month is already putting residents on edge. The Bureau of Meteorology says increased vegetation growth over spring will dry out over summer, providing more fuel to burn.

Recommendation 59 of the 2009 Victorian Bushfires Royal Commission states, under the heading 'Land and fuel management', that the department should:

> amend the code of practice for fire management on public land …
>
> > include an explicit risk-analysis model for more objective and transparent resolutions of competing objectives, where human life is the highest priority …

To think of having a continuous length of what will be a weed-infected and overgrown corridor in the state's most bushfire-prone area is ridiculous. It will act like a wick.

Bus route 703

Mr STAIKOS (Bentleigh) — (11 778) My adjournment matter is for the attention of the Minister for Public Transport and concerns the 703 bus service. The action I seek is that the minister implements a change to the 703 timetable that will see it run all the way to Middle Brighton on Sundays. The 703 is the most popular bus route in my electorate. Millions of trips are taken on the 703 each year — it is indeed a SmartBus. It is a bus route that connects our community with various railway stations and also Monash University. Currently on Sundays the service terminates at Bentleigh station. It does not go all the way to Middle Brighton. It is something that the Brumby government sought to address at the 2010 state election. It was not implemented in the subsequent term, but it is nonetheless a change that is needed and wanted by the community.

Earlier in the year I held a forum in Bentleigh East on changes that could be made to improve our local bus network, and this is the issue that came up time and time again. It really is symptomatic of a lot of timetables, in many ways dating back to a time when nothing much happened on Sundays. Obviously as time has gone by that has changed. It is important for mobility. There are some retirement villages that the 703 passes, and one of the key tools in addressing social isolation is increasing public transport to increase mobility, so it is a change that is worth making. I urge the minister to make that change to our 703 bus route.

Barrabool–Gully roads, Ceres

Mr KATOS (South Barwon) — (11 779) My adjournment matter this evening is for the Minister for Roads and Road Safety. The action I seek is for the minister to facilitate a road safety analysis of the intersection of Barrabool Road and Gully Road, Ceres, and to direct VicRoads to create a safer intersection for this local community.

This intersection has been a notorious intersection, with many accidents and a recent fatality occurring. On 16 May this year at this intersection a 19-year-old Marcus Oldham College student from Queensland unfortunately died in a single vehicle crash when she lost control of her vehicle. Leaving the roadway, she crashed into a bus shelter and then her vehicle rolled several times in a paddock. Sadly that woman passed away at the scene of the accident. It could have been

worse: that bus shelter also services the local Ceres Primary School.

The next day members from the Ceres community spoke with local media, telling of their concerns about speeding drivers and inadequate road infrastructure for this intersection. Stating that this was not a new problem for the region, they said that they believed that their concerns had been ignored. Ms Ludlow, a Ceres resident at the time, described the intersection as a major concern to her and the community. She said she had raised the issue with the City of Greater Geelong for months and that whilst a traffic counter had been installed late in 2015 nothing had eventuated from this.

The minister needs to understand that this intersection needs a full safety review, with speeds decreased at the intersection until this review has taken place and lighting installed to ensure that at night time the road and hazards remain visible to all drivers.

Mr David Leigh, another resident in the region, has expressed concerns to me about this intersection, noting that he has already taken his concerns to VicRoads and the City of Greater Geelong, again without resolution. Mr Leigh believes that recent accidents at this intersection highlight the need to review the intersection so it is fixed as another fatality will not be far off.

I am informed that VicRoads acting regional director David Teague stated that they had made adjustments to the road after the crash in May. However, it is my understanding that this intersection is once again proving to be dangerous. Unfortunately I have to say 'informed', as the minister has instructed local VicRoads officers that they are not permitted to speak to me as I am an opposition member. On 16 September this year Sally and Gary Ludlow were reported in the *Geelong Advertiser* as having expressed their concern about the roads at this intersection, stating that it is still a grave concern for them as they live in Gully Road.

The minister needs to come and have a look at this intersection firsthand and understand the residents' concerns. Nobody knows an area like the locals do, and they are calling for this intersection to be reviewed and fixed. I urge the minister to act swiftly on this matter and to help facilitate a change to the intersection to ensure that no more accidents or fatalities occur.

African ministerial working group

Mr PEARSON (Essendon) — (11 780) My adjournment matter is directed to the Minister for Industry and Employment, and the action I seek is for the minister to meet with representatives of the recently announced African ministerial working group to discuss what the Andrews Labor government is doing to improve employment rates amongst Afro-Australians.

I was absolutely thrilled to have the Premier and the Minister for Multicultural Affairs attend Flemington last week for the launch of the African ministerial working group, something which has been a priority of mine since I first arrived in this place. Unfortunately many members of the African community experience high levels of unemployment. I am really pleased that the government has announced $6 million for employment programs for the community, and I think it would be wonderful if the minister could meet with representatives from the African ministerial working group to discuss how these employment programs can be delivered.

Lake Batyo Catyo

Ms STALEY (Ripon) — (11 781) My adjournment matter is for the Minister for Water. The action I seek is for her to urgently direct GWMWater to reinstate the channel and gates at Rich Avon Weir to allow the excess water around the weir to flow into Lake Batyo Catyo. On Wednesday of last week I was with the Leader of the Opposition at Rich Avon Weir and I saw that vital water infrastructure owned by the state through GWMWater has been disabled by being cut with an angle grinder and therefore the lifters cannot go up to open the channel. Subsequently I learnt that an excavator has pushed soil in to block the channel. GWMWater's managing director has confirmed that GWMWater undertook these works. The result of this is to restrict floodwater so that it only flows into Lake Buloke.

The floods around Donald have delivered some really welcome water into Lake Buloke and surrounding lakes, but the volume of water has now led to flooding of crops around parts of Lake Buloke, and this is causing significant economic damage to farmers already stretched from two years of drought. At the same time Lake Batyo Catyo is largely empty. This excess water would provide substantial environmental and recreational benefits if allowed to flow to Lake Batyo Catyo.

I think it is really important that when there is abundant water in the system, as there is at the moment across that whole catchment, and with recreational assets which do not otherwise get an allocation — there is no recreational water set aside for Lake Batyo Catyo; instead the recreational water goes to Walkers Lake — when there is excess water in the system we should be

flexible enough to have a look and say, 'Well, we should put water in to give people in these communities access to recreational assets'. Lake Batyo Catyo has a number of barbecue areas and things around it that are used by these communities, and putting water into the system for summer is really important to communities that have had drought conditions for a very long time. It would provide significant mental health benefits to allow them to go waterskiing on Batyo Catyo or to enjoy the environmental benefits that could come from this.

There is very strong community support for this proposal. I have been contacted by a large number of people, including Stephen Jesse, Adam Campbell and Colin Coates. It is disgraceful that these assets have been damaged, and I call upon the government to reinstate these assets.

State Emergency Service Chelsea unit

Mr RICHARDSON (Mordialloc) — (11 782) My adjournment matter this evening is for the Minister for Emergency Services, and the action I seek is for the minister to join me to visit Chelsea State Emergency Service (SES), which benefits all of my electorate, to get an update on their needs and priorities for the future.

The City of Kingston is expected to grow by 20 per cent over the coming decade. This presents an ongoing challenge for our emergency services. That was never more evident than over the weekend when both the Chelsea SES and the Edithvale Country Fire Authority (CFA) were sent out to numerous calls in our electorate, with volunteers giving up their weekends and in some circumstances attending well over six call-outs to protect our community.

I had the opportunity to visit the Chelsea SES recently. Some of the members, some of whom were volunteers, had just returned from servicing the community of South Australia, where the whole state has been impacted by wild weather events. I had the opportunity to present five-year service awards to Kathryn Williams and Timothy Bryant, who have both done an outstanding job for our community. I take this opportunity to pay tribute to unit controller, Ron Fitch, who has served in that role for many years, and communications director, Phil Wall, who has given over a decade of service to our local community.

I also wanted to quickly mention a very important emergency service in our area, the Edithvale CFA. As I was driving down Wells Road on the weekend, with wind gusts of well over 80 kilometres an hour, the CFA were attending a house fire in Reef Court, Aspendale Gardens. It is by the good graces of their work, and probably a bit of chance as well, that this fire did not consume more than one house. It was an outstanding effort by the volunteering and career staff of the Edithvale CFA, Dandenong CFA, Springvale CFA and Patterson River CFA. It was an outstanding effort, and I want to pay tribute to Graham Fountain, the Edithvale CFA captain, and all the volunteers and career staff who did a fantastic job that day.

Chelsea SES and Edithvale CFA are talking about how they can support our community more broadly and how they can work together and collaborate. There is a crossover of some volunteers between the two organisations. The growth in members at the Chelsea SES has been a great success, and we need to plan for how they can service the needs of Kingston and the number of call-outs they attend. Obviously we are at threat from wild winds on Port Phillip Bay. We have inland storm surges, and there is potential in the longer term for flooding to be even greater, and of course our community is nestled on the old Carrum Carrum Swamp. We are on a flood plain, and we need to plan for that into the future and look to how we can support the capital works and needs of the Chelsea SES into the future. In conclusion, I ask the Minister for Emergency Services to visit Chelsea SES and hear about their future needs.

Responses

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — I thank the member for Niddrie for the action he sought from me, and that is of course his very kind invitation to meet with him to visit Horseshoe Bend Farm, located near Brimbank Park, and to meet with the really terrific members of the local community. I know that the member for Niddrie has worked very hard with those members of the community to really improve the appreciation of Horseshoe Bend Farm. As the member quite rightly said, it had a closed sign up there for quite a number of years.

It is important for us to reflect that the estates Parks Victoria manage on behalf of the people of Victoria play an important role in ensuring that members of the community can actually get access to some of the most beautiful places in our state. Horseshoe Bend is one of those wonderful places that more and more people want to get access to, not just for passive recreation but active recreation, to really enjoy the full benefits and the health benefits that come from experiencing the terrific parks estates that we have in Victoria.

The member for Niddrie would no doubt be very appreciative of some of the visitation figures for some of our parks. In the last financial year alone 98 million visits occurred in Parks Victoria estates in Victoria. That is a terrific vote of confidence in the wonderful environmental aspects of our parks. All Victorians and community groups that come together and work to improve the value of our parks and look after and nurture the environment ought to be applauded. Of course our government is very much committed to growing the financial resources available to communities to do just that. I would be delighted to visit, and no doubt we will work quickly to actually get a timeslot in the calendar so we can visit Horseshoe Bend with the member for Niddrie and also of course with community members.

On other matters that have been raised for action by other ministers, the member for Warrandyte raised a matter for the Minister for Roads and Road Safety regarding the installation of a pedestrian crossing in his electorate. The member for Murray Plains raised a matter for action by the Minister for Health regarding funding for a Swan Hill hospice. The member for Carrum raised a matter for the Minister for Emergency Services requesting a visit to the Skye fire brigade in her electorate. The member for Evelyn raised a matter for the Minister for Emergency Services, who is also the Deputy Premier, regarding the Yellingbo Conservation Area. The member for Bentleigh raised a matter for the Minister for Public Transport regarding changes to the 703 bus service timetable.

The member for South Barwon raised a matter for the Minister for Roads and Road Safety regarding road safety and a review of a particular intersection in the community of Ceres. The member for Essendon raised a matter for the Minister for Industry and Employment requesting that he meet with representatives of the African ministerial working group. The member for Ripon raised a matter for the Minister for Water requesting actions regarding GWMWater infrastructure. The member for Mordialloc raised a matter for the Minister for Emergency Services regarding a visit to the Chelsea State Emergency Service headquarters. All those matters will be referred to those relevant ministers.

The ACTING SPEAKER (**Ms Blandthorn**) — Order! The house is now adjourned until tomorrow.

House adjourned 7.27 p.m.