PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 16 August 2016

(Extract from book 10)

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HANSARD150

1866–2016

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

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

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

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

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

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(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
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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.

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TUESDAY, 16 AUGUST 2016

Tuesday, 16 August 2016

The SPEAKER (Hon. Telmo Languiller) took the chair at 12.04 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.

ASSISTANT CLERK COMMITTEES, AND ASSISTANT CLERK PROCEDURE AND SERJEANT-AT-ARMS

The SPEAKER — Order! Under section 18 of the Parliamentary Administration Act 2005 the Clerk of the Legislative Assembly has appointed Mr Robert McDonald to be Assistant Clerk Committees and Dr Vaughn Koops to be Assistant Clerk Procedure and Serjeant-at-Arms, effective 1 July 2016.

OLYMPIC GAMES

The SPEAKER — Order! Over the past week we have watched with great excitement and pride the performances of Australia's athletes and coaches competing at the Olympic Games in Rio. Congratulations to our Olympic team for their achievements and particularly to our Victorian athletes and coaches for their tremendous success. Our best wishes to our Olympians for the rest of the competition and to Australia's Paralympic team as they prepare to compete. Let us remember the words of Pierre de Coubertin, founder of the modern Olympic Games:

> … Olympism seeks to create a way of life based on the joy found in effort, the educational value of a good example and respect for universal fundamental ethical principles.

MEMBERS VERSUS MEDIA SOCCER MATCH

The SPEAKER — Order! On a further statement on athleticism, I am pleased to report that over the break the MPs took on the press gallery in a game of indoor football. It was a bruising encounter; MPs were outclassed, with the journos winning 4-2. A great day was had by all, and the better side won.

ABSENCE OF MINISTER

Mr ANDREWS (Premier) — The Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations will be absent from question time this week. The Minister for Planning will answer questions on her behalf in the portfolios of local government and Aboriginal affairs. The Minister for Public Transport will answer questions on the minister's behalf in the portfolio of industrial relations.

GOVERNMENT WHIP

Mr ANDREWS (Premier) — I am further able and pleased to advise the house that the member for Thomastown is the new Government Whip.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

United Firefighters Union Victorian secretary

Mr GUY (Leader of the Opposition) — Can I begin by thanking the Premier so much for all his hard work in assisting in the re-election of the Turnbull federal government. Mate, we could not have done it without you!

Honourable members interjecting.

The SPEAKER — Order! The Chair welcomes all members and the good energy and excitement, but it is question time. I ask the Leader of the Opposition to put his question.

Mr GUY — It is a well-known fact that public servants have had to leave meetings with Peter Marshall — —

An honourable member interjected.

Mr GUY — I said at the start it was to the Premier; I did. It is a well-known fact that public servants have had to leave meetings with United Firefighters Union head Peter Marshall for occupational health and safety reasons after being exposed to his outrageous screaming, threats, foul language and intimidatory behaviour. Premier, on 23 May 2015 you said when a complaint was made against former minister Adem Somyurek, a member of the Legislative Council:

> I believe that every single Victorian should feel safe at work, and one of the best ways to guarantee that is to have a strong and robust complaints process.

Premier, why have you not taken a single step to protect your staff, your ministers and your public servants from Mr Marshall's well-known bullying conduct, and why have you still not called this man out for his bullying behaviour?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. I would be very clear with the Leader of the Opposition that it is my view and it is the position of the government that every single employee, regardless of workplace, regardless of gender, regardless of position within that workplace, regardless of time served as an employee within that workplace, regardless of all considerations, each and every employee, each and every Victorian, should be treated respectfully and appropriately at work. So that answers the question. That answers the many, many questions that the Leader of the Opposition asked.

But to be lectured on workplace safety by this one! We will not be lectured about workplace safety by those who to this day deny a link between firefighting and cancer. We will not be lectured about workplace safety by people who, when they were in government, gutted the Victorian WorkCover Authority and removed common-law rights to compensation.

Honourable members interjecting.

The SPEAKER — Order! The Chair is unable to hear the Premier. The Premier, to continue in silence.

Mr ANDREWS — We will not be lectured by those who did either nothing or nothing good for four long, wasted years.

Mr Clark — On a point of order, Speaker, the Premier is debating the issue. I ask you to bring him back to answering this very important question.

The SPEAKER — Order! The Premier, to come back to answering the question.

Mr ANDREWS — Each and every Victorian should be treated with respect and dignity and should be safe in their workplace, and by logical extension that means everyone in every workplace should behave in that way, regardless of whether they are a CEO of a company, a shadow minister, a minister —

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte and the member for Kew will come to order.

Mr ANDREWS — a worker, a union leader. It does not matter who they are; they should act appropriately. I will just say of the Leader of the Opposition, his well-known evidentiary test is apparently, 'It is a well-known fact'. That is what the Leader of the Opposition lead this question with. Every Victorian should be treated fairly and every Victorian should act appropriately, and that is my answer to your question.

Supplementary question

Mr GUY (Leader of the Opposition) — On 13 April 2016 the Premier said:

> … proper action, reform and innovation with conviction is what is required to change the attitudes of some men to women, where equality is the furthest thing from their consideration.

Premier, you knew that Peter Marshall had, in the presence of senior staff from your office, threatened to put an axe into the member for Brunswick's head and that he also sent the former Minister for Emergency Services vile text messages that the member for Wendouree said crossed the line. Why, despite knowing this, did you not only tolerate Mr Marshall's outrageous conduct but reward it? Why have you given him every single demand he has wanted at the expense of Country Fire Authority volunteers, community safety and women?

Mr ANDREWS (Premier) — As is so often the case, the Leader of the Opposition's question is littered with inaccuracies and angry claims — questions about safety delivered with such anger. We will not be lining up for a lecture on violence against women from people who opposed the Royal Commission into Family Violence within minutes of it being announced. Within minutes of it being announced, they could not get on Twitter quickly enough.

Mr Clark — On a point of order, Speaker, the Premier is debating the issue. He is not addressing the question asked by the Leader of the Opposition. I ask you to bring him back to answering it.

The SPEAKER — Order! The Premier will come back to answering the question.

Mr ANDREWS — I have rejected the assertions and falsehoods put forward by the Leader of the Opposition, numerous in his question, and I would again reiterate for him, for all honourable members and for all Victorians that each and every Victorian should behave appropriately and that each and every Victorian worker should be treated respectfully —

Mr T. Smith interjected.

The SPEAKER — Order! I warn the member for Kew.

Mr ANDREWS — and that everyone in our state should work and act in accordance with the law.

Ms Ryall — Actions speak louder than words.

The SPEAKER — Order! The member for Ringwood!

Ministers statements: level crossings

Mr ANDREWS (Premier) — I thank the member for Ringwood, 'Actions speak louder than words' — you bet they do! Four level crossings gone, 46 to go — and they will all be delivered — —

Honourable members interjecting.

The SPEAKER — Order! The Premier, to continue in silence.

Mr ANDREWS — If only some had been that keen on removing level crossings when they were in government — for four wasted years. I want to congratulate the member for Bentleigh on his fine advocacy and leadership at a local level of one of the biggest infrastructure projects Melbourne suburbs have ever seen: a 37-day occupation, 1000 workers working 24/7 removing those three level crossings, deadly as they were — dangerous and congested and, what is more, holding us back from running a better public transport system. They were level crossings that were talked about by those opposite but have been removed by this government, in full delivery of our commitment to the Bentleigh community.

I would also add of course our thanks and our praise to those workers, to the businesses that were affected, to Frankston line passengers and to those who put up with bus services in replacement of trains for those 37 days. Of course yes, there was disruption — —

Mr R. Smith interjected.

The SPEAKER — Order! The member for Warrandyte will come to order.

Mr ANDREWS — It is news to the member for Warrandyte: there will be disruption when you actually do things instead of being a four-year waste of space, which is what those opposite were. This is a great project, and I thank every worker involved and every local resident who put up with the disruption of this project. A safer, less congested and better public transport system, that is what we are getting on with.

United Firefighters Union Victorian secretary

Mr GUY (Leader of the Opposition) — My question is again to the Premier. Given your response to Peter Marshall's threat to put an axe into one of your former minister's heads was to say nothing more than, 'I don't think anyone should treat anybody else in any other way than being courteous', why did you fail to call out Mr Marshall's conduct when you were aware his conduct was not only disrespectful towards women, particularly your former female minister and the former female CEO of the Country Fire Authority, but had well and truly crossed the line?

Mr ANDREWS (Premier) — The Leader of the Opposition apparently was at the meeting, so he knows what was said at the meeting. He was at the meeting, he knows what was said at the meeting, he knows what everyone knew about the meeting. He is all-knowing, apparently. I reject the assertions he has put forward, and I again restate for him — he perhaps did not hear me — but I will leave it to the Victorian community to judge.

They can have a look at the cabinet room and the shadow cabinet room. They can look at the caucus and the opposition party room and see who is serious about advancing the cause of women in this state. Perhaps the Leader of the Opposition can rise to the challenge and make sure that in, say, Nepean, Brighton and, it would seem, Burwood women will be preselected.

Mr Guy — On a point of order, Speaker, on the issue of relevance, my question was very specific about why the Premier did not call out the actions of a senior unionist once and for all when those allegations were put to him. He is not answering that question. He is nowhere near the topic of that question, and I ask you to bring him back to it.

The SPEAKER — Order! The Premier will continue and begin to endeavour to answer the question.

Mr ANDREWS — The Leader of the Opposition has made — as is his wont, as is his pattern, as is his way — a range of claims, asserting them to be fact, and I reject his question, littered with errors, as they so often are, and I will again say to you that no-one, no matter their background, no-one, no matter their position, and no-one, no matter the context, should treat people disrespectfully. No-one should act — —

Honourable members interjecting.

Mr ANDREWS — Those opposite who are shouting at me find fault with the notion that no-one should be treated disrespectfully. Might your outrage all be for show, maybe? Might your outrage all be for show? Maybe. I have answered the question.

Supplementary question

Mr GUY (Leader of the Opposition) — Premier, can you guarantee to this Parliament, to the people of Victoria and maybe to your own caucus that your own conduct during this enterprise bargaining agreement (EBA) dispute, particularly towards women, has at all times been consistent with the standards you often preach to others?

Mr ANDREWS (Premier) — I am genuinely indebted to the Leader of the Opposition because this gives me an opportunity to talk about not what has been preached but what has been delivered — $600 million, the biggest boost in family violence support this state, in fact any state, has ever seen.

Mr Clark — On a point of order, Speaker, the Premier is not being relevant to the question. The question did not relate to government policy. It related to the Premier's own conduct, and I ask you to bring him back to answering that question.

Honourable members interjecting.

The SPEAKER — Order! The Minister for Housing, Disability and Ageing, the Premier and the Leader of the Opposition will come to order. The Leader of the House is entitled to silence when making a point of order.

Ms Allan — On the point of order, Speaker, in requesting that you reject the point of order I would suggest that the Premier is being entirely relevant. On the question of government business, I can think of no more important matter for government business than addressing a whole range of issues that are important to women in the Victorian community. Secondly, the question went to the Premier's conduct and behaviour as Premier, and he was more than adequately addressing the range of actions and initiatives this Premier has taken to support Victorian women and families right across the state.

Ms Staley — On the point of order, Speaker, the question specifically asked about the Premier's conduct during this EBA dispute. It is in relation to the EBA dispute; it is not in relation to general government policy in relation to other things. The Premier got up and started to talk about his actions in relation to policy on family violence. That is not what the question asked.

The SPEAKER — Order! The Chair does not uphold the point of order at this point.

Mr ANDREWS — I could of course go on to list the many ways in which this government under, I am very proud to say, my leadership and under the leadership of all members of this government has delivered not just words but actions and leadership when it comes to family violence.

But in relation to my conduct and this dispute, I take it the questioner is asking, 'Have I behaved appropriately over the more than 1000 days that this dispute dragged on, handballed to this government by those opposite, too weak and unwilling to deal with it?'. The answer is yes. I aim at and I deliver appropriate behaviour.

Ministers statements: Melbourne Metro rail project

Ms ALLAN (Minister for Public Transport) — On that theme of action, I am so pleased to update the house on yet another significant milestone as the Andrews Labor government delivers the Melbourne Metro rail tunnel. With every single dollar for this project funded in this year's state budget — a fully funded project — I was delighted last week to join with the Premier and the industrious member for Essendon at Essendon station to announce the short-listed bidders for the $6 billion public-private partnership to build the biggest public transport infrastructure project our state has seen. The three short-listed bidders really do represent the best of experience from across Australia and around the world. They are all lining up to come and work with the Victorian government to deliver this vitally important project: the twin 9-kilometre tunnels and the five new underground stations that this project includes.

But this is so much more than just about building twin 9-kilometre tunnels. It is about creating a dedicated pathway, creating the Sunbury to Dandenong line, to enable us to run more services more often across the metropolitan network. For example, in Sunbury alone it will see the capacity for us to have a 60 per cent increase in train services, important for that rapidly growing community represented so well by the member for Sunbury, who advocates tirelessly for extra services in his community.

And that is what this project is about — unlocking congestion on our train network, providing more services and also catering for the future population growth that we know is coming to the city and the state, and of course it is going to create up to 5000 vitally needed jobs here in this state. We are not wasting a minute getting on with delivering this project, and it is so interesting to contrast that those opposite have put more effort into opposing this project than they ever did into thinking about delivering it when they were in government.

Country Fire Authority enterprise bargaining agreement

Mr GUY (Leader of the Opposition) — My question is to the Premier. Premier, I have here a copy of your Labor caucus talking points from Friday, 12 August, on the Country Fire Authority (CFA) enterprise bargaining agreement (EBA), which make it clear that Craig Lapsley's role will in future be heavily focused on implementing the EBA, including writing reports on the EBA's progress, updates of skills development programs and managing volunteer and career firefighters' integration at certain fire stations. Premier, given we live in one of the world's most bushfire-prone areas, why are you now diverting the full-time role of the emergency management commissioner from protecting lives and safety to primarily oversighting a 400-page EBA?

Mr ANDREWS (Premier) — The first thing to say is thanks so much to the Leader of the Opposition for his question, and he has obviously been going through the bins again, down there scavenging for a few policy ideas, down there going through the bins again, doing his best work down in the bins again. Had a busy winter break, have we?

Mr Guy — On a point of order, Speaker, in that case I seek leave to table the Premier's own caucus notes for him to have a read of his own caucus notes. Would you like them back?

Honourable members interjecting.

The SPEAKER — Order! The Premier will continue in silence.

Mr ANDREWS — Thank you so much, Speaker. The first thing to say, beyond the stuff the Leader of the Opposition has been up to, is that everyone on this side of the house — and I would hope all Victorians — supports Craig Lapsley in his role. I cannot think of a better person, one more qualified, to lead change in our fire services, to lead the best operational effort possible across firegrounds, knowing that there is every reason to expect that this coming fire season will come early, just as the last did, and will be long, hot, dry and dangerous, just as the last was. So I thank Commissioner Lapsley for his service that he has delivered, and in anticipation of that strong leadership continuing I say, certainly on the part of everyone on the government benches, he has our complete confidence.

I am also grateful because it gives me an opportunity to show the whole house, and again list off, how it is that we express that confidence: 70 additional trucks for CFA volunteer fire brigades; rebuilding a number of stations, both in the outer suburbs — —

Honourable members interjecting.

Mr ANDREWS — They do not like investment in fire services, apparently.

Mr Guy — On a point of order, Speaker, as you can see, the Premier is holding two pieces of paper that he is now reading from for the house, and I ask you to ask him to make those pieces of paper available to the house at the end of question time.

The SPEAKER — Order! Is the Premier reading from those documents? The Premier is referring to notes.

Mr ANDREWS — So opposed to delivering for CFA brigades and investing as a government are those opposite that they would criticise the mere mention of investments in new stations, in new trucks, in additional firefighters, in support for firefighters who deal with post-traumatic stress disorder — —

Mr Clark — On a point of order, Speaker, on a question of relevance, the Premier is not being relevant to the question asked. The Premier is talking about general government policy and actions in relation to fire services. It was a very specific question about burdening Mr Lapsley with additional tasks that detract from his role in protecting Victorians. I ask you to bring the Premier back to answering that question as asked by the Leader of the Opposition.

The SPEAKER — Order! The Premier will come back to answering the question.

Mr ANDREWS — Commissioner Lapsley's burden, as it is put by those opposite, his responsibilities, his role, his duty, for which he is more than capable and has, despite the criticisms of some, the confidence of every member of the government, Commissioner Lapsley is all about making sure that we have the best operational response in challenging circumstances presented by all those factors we have spoken about — the season coming early and being perhaps more intense. I have complete confidence in Craig Lapsley, that he can deliver on his charter as defined under acts of this Parliament and he will do it well, as he always has.

Supplementary question

Mr GUY (Leader of the Opposition) — Premier, you have previously said that, 'I was not going to have

another fire season where instead of being out on the fireground senior members of the CFA were at the Fair Work Commission'. Yet on 28 June the Deputy Premier said that the solution to the EBA issue is to sign it now and let Fair Work interpret the details, a process that in fact may take years, especially given your own caucus talking points, which state that Fair Work will determine whether or not the EBA is unlawful. Premier, can you guarantee that this EBA, the one you told Victorians you had fixed, will be resolved by the start of the fire season?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. How many fire seasons were they happy to have this drag on for? How many? A thousand days handballed to the new government, just like the ambulance dispute, just like so many industrial relations disasters that they presided over for four wasted years. The Fair Work Commission's role in certifying the agreement and the additional protections that have been written into the agreement are well understood and well known. The Leader of the Opposition can misrepresent them all he wants, but he is wrong in doing so.

Mr Guy — On a point of order, Speaker, on relevance, the Premier is talking about additional controls inserted into the agreement. My question is: will the agreement be signed before the start of the fire season? I am asking him to give a guarantee to the house. Can you bring him back to answering the questions, please?

The SPEAKER — Order! The Chair does not uphold the point of order.

Mr ANDREWS — There is a well-established process of balloting of those employees. Then, depending on that balloting — the results of that — Fair Work Australia has a consideration phase. If the Leader of the Opposition is asserting otherwise, he just shows his ignorance and his incompetence.

Ministers statements: western distributor

Mr DONNELLAN (Minister for Roads and Road Safety) — I rise today to update the house on the latest developments in delivering the Andrews government's western distributor project. Last week I announced that the Andrews government is supporting Victorian business and jobs with a minimum local content requirement for the construction of Melbourne's much-needed second river crossing. The western distributor project will have a minimum local content of 89 per cent. This will include the design and the construction of the tunnel, roadworks and elevated structures. The project will also have 82 per cent local content for the provision of the lane-use management system, and constructors will be required to also maximise the use of local steel. Both small and big businesses will benefit, from the suppliers of the concrete and steel needed for the construction right through to the cleaning and catering companies to support the project's staff.

Young Victorians, more so than anything else, will get the opportunity to work on local jobs, to work there, with 10 per cent of all hours of construction being done by apprentices, trainees or engineering cadets. I strongly encourage Victorian businesses to register with the Industry Capability Network under the western distributor project to identify their desire to be suppliers for the project.

I also want to thank the member for Williamstown, the member for Lara and the member for Footscray for their strong advocacy for this project and for their advocacy on behalf of local businesses, because that is just so important. They understand the importance of this project.

I was surprised to read a petition being put around by Liberal Party members in the west — the federal member for Corangamite and the member for South Barwon — that says:

> Labor, unclog the West Gate. Build a western link!

Well, someone obviously has not got the message that a western link is being built. They are out there selling Denis's dirty dreams, where you lose 55 cents for every dollar you invest. There is nothing worse than that.

Country Fire Authority enterprise bargaining agreement

Mr M. O'BRIEN (Malvern) — My question is to the Treasurer. Treasurer, your Labor caucus talking points from Friday, 12 August, on the Country Fire Authority (CFA) enterprise bargaining agreement (EBA) state, and I quote:

> The Department of Treasury and Finance have costed the agreement at $160 million.

and further:

> The CFA has confirmed that the higher figures reported in the media are inaccurate as they relate to a previous draft of the proposed agreement.

Given that the new CEO of the CFA, Frances Diver, has said that the most important change from the previous draft to now is simply a statement of intent, one that is not even legally binding, Treasurer, can you

detail what exactly are the half a billion dollars of items that have been removed from the original EBA draft to now arrive at the government's $160 million figure?

Mr PALLAS (Treasurer) — Could I thank the member for Malvern for at least acknowledging that we have a Treasurer and we have a budget — that he has been freed of his shackles to come into this place and actually ask questions and not sign dodgy side letters.

Let us be very clear: this agreement, as the Premier has stated, as the government has stated repeatedly, has been subject to exhaustive oversight by Treasury and Finance, and they are absolutely clear in their advice to me — the cost of this agreement over indexation is $160 million.

Let us also understand the misconception and the errors — let me be very clear, the errors — that were coming out of the CFA around the cost of this agreement. There were two principal areas of misconception, misunderstanding and, quite frankly, factual errors. The first one went to the operationalising of the seven on the fireground and indeed the capacity of the fireground supervisors to make calls about when you turned out second trucks. That has now been clarified, and might I say, the CFA management now acknowledge that.

Might I also say: a further misconception coming out of the previous board was that there would be an additional cost of something in the vicinity of $200 million if in fact training was to be altered from the way that it was previously done — that is, training would not be able to occur at the stations. In fact it has now been clarified beyond any shadow of doubt that that is in fact the arrangement that will continue in order to get the 350 firefighters to honour our commitment to build up the resources and to ensure that Victorians are fire ready for the upcoming fire season. Because we are not about cutting back resources to the fire service, like those opposite did.

What we are about is making sure that we have a genuinely, properly and robustly resourced fire service and that we do it in a way that the costs are entered into knowingly and with a clear appreciation of what it is they are accounting for. They have been. We are absolutely satisfied. Treasury is satisfied, I am satisfied, and quite frankly so are the members of the board, because we have been through the process with them and the issues are now beyond dispute.

Supplementary question

Mr M. O'BRIEN (Malvern) — Treasurer, is it not true that there is in fact no real cost difference between the EBA of today and the EBA of June and what cabinet has endorsed will cost the Victorian community over $600 million, just as the CFA itself originally told you?

Mr PALLAS (Treasurer) — I suppose I could just really rely on my principal answer, and clearly the member for Malvern was not listening to it. Let me be very clear: the costs of this agreement are now agreed between Treasury and the CFA. They are agreed. I have taken you through the two principal areas of difference that have outlined the issue. So be assured: when we enter into this agreement we enter into it with a very clear desire to ensure that firefighters, whether they are career or volunteers, are adequately resourced, and this agreement will ensure that we have a proper response, a premium response, to the upcoming fire season.

Ministers statements: Woolworths Holdings Limited

Mr NOONAN (Minister for Industry and Employment) — I am absolutely delighted to inform the house of one the most significant employment announcements for Victoria in recent years. I speak of course of the decision by Woolworths Holdings Limited (WHL) earlier this month to establish their new Australasian headquarters right here in Melbourne. This is a fantastic outcome for Victoria. The Andrews government worked extremely closely with WHL, the parent company of iconic David Jones and the Country Road Group, to secure these 1500 jobs for Victoria.

Firstly, we have secured 680 existing jobs at Country Road's head office in Richmond — jobs that could have been lost to Sydney — and secondly, we have generated an additional 820 new jobs for Victoria through the relocation of David Jones's head office. I know the member for Richmond will be very pleased to learn that the company have selected Richmond as the site for their new corporate headquarters. In addition, WHL will invest $240 million in fitting out their headquarters and expanding their warehousing operations and retail businesses in Victoria. All of this confirms that Victoria is the retail, food and fashion capital of the nation.

We thank and acknowledge WHL for choosing Victoria to establish their headquarters here in our great state. Securing these 1500 jobs will add to the 147 000 jobs that have been created since Labor came to government in late 2014. Importantly, more than 111 000 of those jobs have been full time, compared to less than 17 000 jobs created during the entire last term of the Liberal government. We are very proud that Victoria now has the fastest full-time jobs growth in

this nation. The Andrews government will continue to invest in Victoria to build a stronger economy and attract new jobs and of course opportunities for our great state.

Country Fire Authority enterprise bargaining agreement

Mr BATTIN (Gembrook) — My question is to the Minister for Emergency Services. Your hand-picked Country Fire Authority (CFA) board released their decision to back the enterprise bargaining agreement (EBA) at around 6.30 p.m. on Friday night, with the statement from the chair announcing that the CFA board had endorsed the EBA initially published and distributed time stamped 10.36 a.m. — 5 hours before the board even met. Minister, is this not more evidence that proves to 60 000 CFA volunteers that the whole EBA process under the new board has simply been a predetermined stitch-up?

Mr MERLINO (Minister for Emergency Services) — I thank the member for his question. The answer to the question is no, absolutely not. Firstly, in regard to the process before the board made a decision to endorse the proposed agreement, there was a commitment made in regard to consultation between the CFA board and the Volunteer Fire Brigades Victoria (VFBV). At the parliamentary inquiry into bushfire preparedness Andrew Ford said this:

> If I can just be clear, the three meetings — the two lengthy meetings and the one shorter meeting … followed the strict letter of the law in terms of the court order, which was an opportunity for VFBV — —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Roads and Road Safety will come to order. The member for Gembrook, in silence, on a point of order.

Mr Battin — On a point of order, Speaker, in relation to relevance, the relevance in this is in relation to a media release that went out 5 hours prior to a meeting with the volunteers. But again this government proves it was not actually interested in the volunteers, unlike those down at Hampton Park who may have come out and met you when you were down at the station down there, James. Another false claim by this minister about volunteers in Victoria.

The SPEAKER — Order! The member for Gembrook, through the Chair. The member for Gembrook will not refer to the minister by name; the member will refer to the minister by title. There is no point of order.

Mr MERLINO — So Mr Ford said this 'was an opportunity for VFBV to present our concerns to the CFA and for the CFA to listen'. That is exactly what happened: there was extensive consultation between the board and the VFBV representing volunteers. The board has made a subsequent decision to endorse the proposed agreement. If I can say, following the decision of the CFA to endorse the proposed agreement, Steve Warrington, the chief officer said this, and I quote:

> So … my two primary concerns as we went along this journey was the powers of the chief officer — —

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

Mr R. Smith — On a point of order, Speaker, just to clarify, is the minister talking about the advice that was posted before the meeting even started? Is he talking about the decision of the board before the board even started — 5 hours before the board even met, Minister?

The SPEAKER — Order! The member for Warrandyte will resume his seat.

Mr Donnellan interjected.

The SPEAKER — Order! I warned the Minister for Roads and Road Safety before. There is no point of order.

Mr MERLINO — This is the chief officer of the CFA:

> So … my two primary concerns as we went along this journey was the powers of the chief officer and the protection of volunteers … the powers of the chief officer have now been assured and that again, for this summer and indeed, right throughout the year, CFA will be able to provide the services under the support and guidance and direction of their chief officer.

Those opposite do not understand. All they understand is industrial war. They went to war against our paramedics. They went to war against our nurses. They went to war against our firefighters.

Honourable members interjecting.

The SPEAKER — Order! I will not warn the member for Ringwood again. The Minister for Emergency Services is entitled to silence. The opposition asked a question of the minister. The minister will continue.

Mr Clark — On a point of order, Speaker, the minister is now debating the issue. I ask you to bring

him back to answering it. If he has concluded his answer, he should simply sit down.

The SPEAKER — Order! The minister will come back to answering the question.

Mr MERLINO — The CFA board went through an exhaustive process in terms of considering the agreement, engaging with the stakeholders, engaging with the United Firefighters Union and engaging with the VFBV. They have made a decision. The chief officer, the board, the chair and the CEO all contend that this will not impact on the vital and important work of our volunteers across Victoria.

Supplementary question

Mr BATTIN (Gembrook) — My supplementary is: you have attacked the VFBV for going to court to try to protect the rights of 60 000 CFA volunteers and you have even falsely claimed that the VFBV was using taxpayers money to do so. Minister, after presiding over a sham board and a stitch-up of the process and now lying about the VFBV, will you apologise to CFA volunteers for smearing them, or are your morals no better than Peter Marshall's?

Mr MERLINO (Minister for Emergency Services) — I thank the member for his supplementary question. We are getting a bit of bluff and bluster today. It does not make up for seven weeks of doing nothing. This lazy opposition had four years in government. I will not cop a lecture from those opposite, those that sought to raise money, to fundraise from the dispute. A question for those opposite is: was the Liberal Party one of the corporate donors? What have you done with the money that you raised?

Mr Battin — On a point of order, Speaker, in relation to relevance, we have asked specifically about volunteers, and I note that the minister does not want to talk about volunteers after being uninvited to all of his local CFA events. It is vital that he starts to refer to volunteers and give them the respect of an answer of why he does not want the VFBV to stand up in court and protect their rights of what they are entitled to and not take sides with Peter Marshall in this particular instance.

The SPEAKER — Order! The Chair does not uphold the point of order as put by the member for Gembrook, but the Chair does ask the minister to come back to answering the question.

Mr MERLINO — The VFBV indeed has an important role to play, whether that is through its members on the CFA board or the provision of welfare support for volunteer firefighters and brigades across the state. That is an important role for the VFBV. We have delivered an agreement that protects and respects the roles of our CFA volunteers.

Ministers statements: employment

Mr PALLAS (Treasurer) — I rise to inform the house about the Andrews Labor government's success in creating jobs for regional Victoria. The Australian Bureau of Statistics reports that the regional unemployment rate is 5.6 per cent. It is the equal lowest of all the states and below the national average. Since November 2014, 32 000 jobs have been created in regional Victoria, and 16 000 of these are full-time jobs.

Mr R. Smith interjected.

The SPEAKER — Order! The member for Warrandyte will not be warned again.

Mr PALLAS — To put these numbers in perspective, this is almost six times as many regional jobs as those opposite managed to create in four long, wasted years.

These sorts of jobs do not happen by accident. The indefatigable member for Geelong would no doubt know that in Geelong she has done fantastic work in her community, with 23 700 jobs created since November 2014, and of course the unemployment rate has dropped from 8.2 per cent down to 5 per cent. Up north, the resolute member for Bendigo West continues to be a strong advocate for her community, for her electorate and for jobs. She has been a driving force behind the 5400 jobs that have been created in the Bendigo region in the last year.

Now some members opposite would have you believe that you create jobs and growth by effectively — —

Mr Northe — On a point of order, Speaker, could I ask the Treasurer to also refer to the Latrobe region, where unemployment has gone from 7.3 per cent to 9.3 per cent under this government.

The SPEAKER — Order! There is no point of order.

Mr PALLAS — I will leave those opposite to have a tweet-led jobs recovery while we get on and do something.

Today the ANZ Stateometer has identified Victoria as the only state in the nation that is accelerating above trend in economic growth — and that is why our regional unemployment rate is the envy of the nation.

CONSTITUENCY QUESTIONS

Rowville electorate

Mr WELLS (Rowville) — (8098) The constituency question I ask is directed to the Premier and it relates to his constant bungling of the Country Fire Authority (CFA) enterprise bargaining agreement and the devastating effect it is having on the 60 000 CFA volunteers in this state, including those at the Scoresby and Rowville CFA stations in my electorate of Rowville. Premier, on 10 June you stated, 'That's why we've taken this leadership position today'; then on 15 June you said, 'This dispute had to come to an end, and I ended it'. Premier, given that the CFA dispute continues to be an embarrassing mess nine weeks after these public statements, can you confirm that this fiasco is your definition of leadership?

Dandenong electorate

Ms WILLIAMS (Dandenong) — (8099) My constituency question is to the Minister for Police, and I ask: what is the focus of the new police frontline tactical unit being deployed this month and how will this task force improve community safety and security in the Dandenong electorate? The police are vital to ensuring public safety is maintained, not just in my community but across Victoria. Residents often raise with me the importance of having a frontline visible presence out and about in our community. Regular uniformed patrols play an important role in crime prevention and upholding confidence in our police force. I was pleased to hear the news that this month a new frontline tactical unit is being deployed in and around Dandenong. Dandenong constituents are keen to hear more about this task force, its focus and how it will improve community safety in the area.

Murray Plains electorate

Mr WALSH (Murray Plains) — (8100) My constituency question is to the Minister for the Prevention of Family Violence. It is on behalf of a Rochester resident and his concerns about the deteriorating condition of Random House in Rochester. I have been informed that Random House is actually owned by the Department of Health and Human Services but is currently under lease to Ngurelban, which is funded under Indigenous family violence activity 31244. Minister, on behalf of my constituent: what arrangements are in place to maintain this important historic building in accordance with its heritage listing under the National Trust?

Bundoora electorate

Mr BROOKS (Bundoora) — (8101) My question is to the Minister for Public Transport. The previous Labor government invested in significant public transport in the northern suburbs; my favourite was the orbital SmartBus service. It also upgraded all the tram stops along Plenty Road, on route 86, in readiness for new low-floor accessible trams. Despite my calls to the former Liberal government, it failed to deliver the new trams. I note the Andrews government has invested in the purchase of 50 new E-class trams, and I ask: does the minister intend to deploy these new trams on route 86?

Sandringham electorate

Mr THOMPSON (Sandringham) — (8102) My question is to the Minister for Public Transport. A Sandringham electorate constituent has raised a range of serious concerns regarding the future development of the Frankston line, including the capacity of the current line to cater for Melbourne's expanding population, the need for a third track, the capacity of Mentone and Cheltenham stations to cater for the projected population growth, the suitability of platform lengths and whether precinct design processes allow capacity for future demand for passenger access and egress and bicycle traffic, and I ask: where can my constituent access the relevant network development plan information, data and statistics?

Yan Yean electorate

Ms GREEN (Yan Yean) — (8103) My constituency question is to the Minister for Education. The Andrews government and the minister in particular are working tirelessly to make Victoria the education state and to reverse four years of funding cuts to schools by the coalition. This is evident in my electorate and across Melbourne's north, with new schools being built, building upgrades underway and needs-based funding increases. However, there is still more work to do, particularly for Beveridge Primary School. I ask the minister when he intends to visit Beveridge Primary School to meet with staff, parents and students to hear firsthand the infrastructure challenges that the school and community face with increasing population growth and enrolment numbers.

Shepparton electorate

Ms SHEED (Shepparton) — (8104) My question is for the Minister for Police. As I travel throughout my electorate I continuously meet with constituents who are concerned with the lack of police resources in their

towns. Just last week I attended the Tatura police station, where I was faced with a locked office and a sign which advised residents to phone ahead before presenting at the station. In an emergency situation, the sign advised residents to call 000 or alternatively to contact the Shepparton police station. How many police officers are allocated to the Tatura police station, and what percentage of their time is spent in the Tatura area, providing direct service to that local community?

Eltham electorate

Ms WARD (Eltham) — (8105) My constituency question is to the Minister for Health. Minister, in both Nillumbik and Banyule we have seen improvement in ambulance response times since the election of the Andrews government in November 2014, for which you are to be congratulated. While ambulance response times have improved by more than a minute in Nillumbik, there are still improvements to be made. Minister, what is the Andrews government doing to continue to improve ambulance times in Nillumbik and to create a much-needed 24-hour service in the shire?

South-West Coast electorate

Ms BRITNELL (South-West Coast) — (8106) My question is to the Minister for Industry and Employment. Minister, what is the government doing to ensure that Portland Aluminium remains a viable employer and to secure the 2000 jobs associated with Portland Aluminium? The future of Portland Aluminium has again been in the headlines. There are again fears that the smelter is on the brink of closure after an energy supply contract was torn up in an effort to negotiate a better deal. The smelter is the largest employer in Portland, with 500 people employed directly. Around 2000 jobs are indirectly supported by the smelter's operations across my electorate of South-West Coast. The smelter's closure would be a disaster for my community and deliver another body blow to the government's floundering jobs plan. This along with the condition of roads are two of the biggest issues facing my electorate. It is in the best interests of everyone for the smelter to remain a viable and significant employer. Minister, what is the government doing to ensure Portland Aluminium remains viable so these 2000 jobs are secure?

Carrum electorate

Ms KILKENNY (Carrum) — (8107) My constituency question is for the Minister for Education. Minister, were Carrum Downs Secondary College and Patterson River Secondary College successful in their bids to participate in the Andrews Labor government's Doctors in Secondary Schools program for 2017? Both these wonderful schools in my electorate applied through the expression of interest process to be part of this $43.8 million program. The Doctors in Secondary Schools initiative, where a local doctor attends a school one day a week and bulk-bills students using their own Medicare cards, will help so many young people get good primary healthcare services, helping them to identify and address any health problems early. I know parents, teachers and students at Carrum Downs and Patterson River secondary colleges are particularly keen to know if their schools will be able to participate in this tremendous program in the 2017 school year, and we look forward to the minister's response.

LOCAL GOVERNMENT AMENDMENT BILL 2016

Introduction and first reading

Mr WYNNE (Minister for Planning) introduced a bill for an act to amend the Local Government Act 1989 to repeal section 76C(1) of the Local Government Act 1989 and for other purposes.

Read first time.

POLICE AND JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2016

Introduction and first reading

Ms NEVILLE (Minister for Police) — I move:

That I have leave to bring in a bill for an act to amend the Crown Proceedings Act 1958 and the Victoria Police Act 2013 in relation to Victoria Police, to amend the Crimes Act 1958, the Estate Agents Act 1980, the Sentencing Act 1991, the Serious Sex Offenders (Detention and Supervision) Act 2009 and the Sex Offenders Registration Act 2004 to update references to CrimTrac to the Australian Crime Commission and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation further to the long title.

Ms NEVILLE (Minister for Police) — The main components of the bill relate to amendments to the police registration services board in terms of annual report tabling et cetera and also to implementation of an election commitment in relation to tort law clarification under the Crown Proceedings Act 1958. The other components are just an updating of CrimTrac, as a result of the federal government merger, to be called the Australian Crime Commission under a range of pieces of legislation.

Motion agreed to.

Read first time.

MELBOURNE AND OLYMPIC PARKS AMENDMENT BILL 2016

Introduction and first reading

Mr EREN (Minister for Tourism and Major Events) — I move:

That I have leave to bring in a bill for an act to amend the Melbourne and Olympic Parks Act 1985 to provide for the reservation of land and strata of land as national tennis centre land for the purposes of a bridge across Batman Avenue and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation in addition to the long title.

Mr EREN (Minister for Sport) — The object of the proposed bill is to facilitate a key element of stage 2 of the redevelopment of Melbourne Park and the new bridge for pedestrians and cyclists over Batman Avenue linking Melbourne Park and Birrarung Marr. The bridge, which will be named Tanderrum Bridge, will be a new front door for Melbourne Park from the city and provide direct access to the precinct. And it is for operational purposes to change the acquisition of land to the Melbourne and Olympic Parks Trust so that they can have full jurisdiction over it.

Motion agreed to.

Read first time.

PETITIONS

Following petitions presented to house:

Country Fire Authority enterprise bargaining agreement

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly that Premier Daniel Andrews must not hand control of the Country Fire Authority (CFA) to the United Firefighters Union (UFU).

Volunteer firefighters have protected Victorians for more than 100 years across Victoria, and as a community we support the volunteers and send this message to Daniel Andrews and the Victorian Labor Party: keep your hands off the CFA.

By Ms McLEISH (Eildon) (698 signatures).

Country Fire Authority enterprise bargaining agreement

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly that Premier Daniel Andrews must not diminish the powers of the Country Fire Authority (CFA).

Volunteer firefighters have protected Victorians for more than 100 years across Victoria, and as a community we support the volunteers and send this message to Daniel Andrews and the Victorian Labor Party: keep your hands off the CFA.

By Mr NORTHE (Morwell) (12 signatures).

Kangaroo control

To the Legislative Assembly of Victoria:

This petition of residents of the Euroa electorate draws to the attention of the Legislative Assembly the dramatic increase in kangaroo numbers across country Victoria.

The petitioners therefore request that the Legislative Assembly demands the Victorian government undertake control measures to protect motorists and ensure the population is sustainable.

By Ms RYAN (Euroa) (327 signatures).

Gippsland Carers Association

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria and Gippsland draws the attention of the house to the failure of the Victorian Labor government to provide funding to assist Gippsland Carers Association (GCA) with administrative costs and carer support services delivered to the community.

GCA services some of the region's most vulnerable families in need, and unless funding is provided by the state government these services will be severely impacted. In Gippsland there are some 26 000 family carers, of whom more than half are primary carers.

The former Liberal-National coalition government provided funding for GCA during its term of government and had pledged to continue to fund GCA into the future.

However, the current Labor government has stated it won't provide one dollar of funding support for GCA.

The petitioners therefore request the Legislative Assembly of Victoria to direct the Labor government to adopt the Liberal-National coalition's pre-election financial pledge of $120 000 to support the GCA in the work it undertakes within the Gippsland community.

By Mr NORTHE (Morwell) (4 signatures).

Glenroy first nations community hub

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that the first nations of Victoria have been dispossessed, dispersed and deculturalised without free, prior and informed consent, their original lands and waters comprising 27 million acres reduced to 25 000 acres of inalienable land title. There is no treaty or agreed negotiated reparations for the loss of these lands and waters, nor for the pain and suffering of the first nations individually or collectively.

The petitioners therefore request that the Legislative Assembly of Victoria strongly and actively support the granting of 6 acres of land or more at 208 Hilton Street, Glenroy 3046, for the purposes of a multifunctional, state-of-the-art community hub owned and controlled by the first nations.

By Ms BLANDTHORN (Pascoe Vale) (599 signatures).

Tabled.

Ordered that petition presented by honourable member for Eildon be considered next day on motion of Ms McLEISH (Eildon).

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 10

Ms BLANDTHORN (Pascoe Vale) presented *Alert Digest* No. 10 of 2016 on:

Crimes Amendment (Sexual Offences) Bill 2016
Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016
Equal Opportunity Amendment (Equality for Students) Bill 2016
Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016
Melbourne College of Divinity Amendment Bill 2016
Owners Corporations Amendment (Short-stay Accommodation) Bill 2016

together with appendices.

Tabled.

Ordered to be published.

DOCUMENTS

Tabled by Clerk:

Crown Land (Reserves) Act 1978 — Orders under s 17D granting leases over North Park Reserve (two orders)

Duties Act 2000 — Report period ended 31 May 2016 of Foreign Purchaser Additional Duty Exemptions under s 3E

Environment Protection Act 1970:

Order varying the State Environment Protection Policy (Ambient Air Quality) *(Gazette G30, 28 July 2016)*

Sustainability Fund Guidelines under s 70C

Financial Management Act 1994 — Report from the Minister for Training and Skills that he had received the Report 2015 of the International Fibre Centre

Interpretation of Legislation Act 1984:

Notice under s 32(3)(a)(iii) in relation to Statutory Rule 87 *(Gazette S241, 4 August 2016)*

Notice under s 32(4)(a)(iii) in relation to code of Practice for Onsite Wastewater Management *(Gazette G30, 28 July 2016)*

Land Tax Act 2005 — Report period ended 31 May 2016 of Land Tax Absentee Owner Surcharge Exemptions under s 3B

Melbourne City Link Act 1995:

Deed of Lease (Southern Link) — SLU Company Lease

Deed of Lease (Southern Link) — SLU Trust Concurrent Lease

Melbourne Cricket Ground Trust — Report year ended 31 March 2016

Parliamentary Committees Act 2003 — Government response to the IBAC Committee's report Strengthening Victoria's key anti-corruption agencies?

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

Ararat — GC39

Banyule — C112

Bass Coast — C143

Benalla — GC39

Boroondara — C222 Part 1, C246, C247, GC43, GC47

Buloke — C30, GC39

Campaspe — C101

Cardinia — GC47, GC53

Casey — C208, GC47, GC53

Colac Otway — C78

Darebin — GC43

Gannawarra — GC39

Glen Eira — C121

Glenelg — GC39

Golden Plains — C72

Greater Bendigo — C213, C215

Greater Dandenong — C177, C190, GC47

Greater Geelong — C317, C329

Hepburn — GC39

Hindmarsh — GC39

Hobsons Bay — C110

Horsham — C78, GC39

Hume — GC53

Knox — C146, C148

Latrobe — C99

Loddon — GC39

Maribyrnong — C137, GC53

Melbourne — C207, C257, C289, C291, C293

Melton — C175

Mildura — GC39

Monash — GC47

Moonee Valley — C151

Moorabool — C51, C70

Moreland — C134

Mornington Peninsula — C192, GC53

Mount Alexander — C76

Moyne — C62

Murrindindi — C55, GC39

Nillumbik — C106

Northern Grampians — GC39

Port Phillip — C103

Queenscliffe — GC39

Southern Grampians — GC39

South Gippsland — C65

Stonnington — C183 Part 2, C212, C217, C219, C230, C232, C239, GC47

Strathbogie — C74, GC39

Swan Hill — C67

Towong — C34, GC39, GC53

Victoria Planning Provisions — VC130

Wangaratta — C59, C70

West Wimmera — C34, GC39

Whitehorse — C157 Part 1, C177, C187, C211

Yarra — C211, GC43

Yarra Ranges — GC39

Yarriambiack — GC39

Public Interest Monitor — Report 2015–16

Racing Act 1958 — Notification of modification to the Constitution of Racing Victoria Ltd under s 3B

Statutory Rules under the following Acts:

Aboriginal Heritage Act 2006 — SR 94

Administration and Probate Act 1958 — SR 83

Adoption Act 1984 — SR 85

Births, Deaths and Marriages Registration Act 1996 — SR 59

Building Act 1993 — SR 63

Children, Youth and Families Act 2005 — SR 72

City of Melbourne Act 2001 — SRs 91, 97

Conveyancers Act 2006 — SR 87

Corrections Act 1986 — SR 79

Court Security Act 1980 — SR 74

Crimes (Assumed Identities) Act 2004 — SR 60

Dangerous Goods Act 1985 — SR 90

Estate Agents Act 1980 — SR 86

Fisheries Act 1995 — SRs 71, 95

Guardianship and Administration Act 1986 — SR 76

Independent Broad-based Anti-corruption Commission Act 2011 — SR 70

Liquor Control Reform Act 1998 — SR 77

Local Government Act 1989 — SRs 91, 97

Magistrates' Court Act 1989 — SRs 73, 82

Private Security Act 2004 — SR 64

Residential Tenancies Act 1997 — SR 96

Retirement Villages Act 1986 — SR 78

Road Safety Act 1986 — SRs 92, 93

Serious Sex Offenders (Detention and Supervision) Act 2009 — SR 84

Subordinate Legislation Act 1994 — SRs 66, 88, 89

Surveillance Devices Act 1999 — SR 61

Terrorism (Community Protection) Act 2003 — SR 65

Tobacco Act 1987 — SR 62

Transport (Compliance and Miscellaneous) Act 1983 — SRs 67, 68, 69

Victorian Civil and Administrative Tribunal Act 1998 — SRs 75, 80, 81

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 95, 96

Documents under s 16B in relation to:

Cemeteries and Crematoria Act 2003 — Fees and Charges Guidelines for Class A Cemetery Trust Fund Setting

Corporations (Commonwealth Powers) Act 2001 — Proclamation of extension of Victoria's corporations law references

Environment Protection Act 1970 — Variation to the Code of Practice for Onsite Wastewater Management

Road Safety Act 1986 — Order declaring certain motor vehicles not to be motor vehicles — Electric Personal Transporters Trial

Transport (Compliance and Miscellaneous) Act 1983 — Specifications for Wheelchair Accessible Taxi-Cabs

Workplace Injury Rehabilitation and Compensation Act 2013 — Ministerial Direction — Return to Work Direction — Issue Resolution Process

Guidelines under s 26

Surveyor General — Report 2015–16 on the administration of the *Survey Co-ordination Act 1958*

Wrongs Act 1958 — Notice under s 28LXA.

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

Consumer Acts and Other Acts Amendment Act 2016 — ss 30(1) and 31 — 1 July 2016 *(Gazette S204, 28 June 2016)*

Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016 — Whole Act (except Part 3) — 5 August 2016 *(Gazette S239, 2 August 2016)*

Emergency Management (Control of Response Activities and Other Matters) Act 2015 — ss 6, 10, 11 and 15 — 1 August 2016 *(Gazette S233, 26 July 2016)*

Justice Legislation Further Amendment Act 2016 — Remaining provisions — 1 July 2016 *(Gazette S204, 28 June 2016)*.

ROYAL ASSENT

Message read advising royal assent on 28 June to:

Appropriation (2016–2017) Bill 2016 *(Presented to the Governor by the Speaker)*
Appropriation (Parliament 2016–2017) Bill 2016 *(Presented to the Governor by the Speaker)*
House Contracts Guarantee Repeal Bill 2016
Justice Legislation (Evidence and Other Acts) Amendment Bill 2016
Rural Assistance Schemes Bill 2016
State Taxation and Other Acts Amendment Bill 2016
Treasury and Finance Legislation Amendment Bill 2016.

APPROPRIATION MESSAGES

Message read recommending appropriation for Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016.

BUSINESS OF THE HOUSE

Standing and sessional orders

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

That so much of standing and sessional orders be suspended on Thursday, 18 August 2016, to allow the sitting to start at 2.00 p.m. and the order of business to be:

question time (2.00 p.m.)

formal business

statements by members

government business

adjournment debate (5.00 p.m.).

I appreciate the cooperation across the chamber in allowing leave to be granted for this motion to be dealt with immediately. I will only say a few short words because I know there are others who wish to speak, particularly the Minister for Veterans in the government. This is obviously to allow the procedures of our house to be suspended, if you like, to enable as many members as wish to attend either the important service that will be held at the Shrine of Remembrance on Thursday morning or indeed other events that it may be possible to attend around the state to commemorate the 50th anniversary of the Battle of Long Tan.

The anniversary of Long Tan has been commemorated on 18 August every single year since that battle took

place in 1966. It is a very important day not just for those veterans who served in Vietnam but for all veterans who have a shared experience of the theatre of war and associated activities.

I personally had the significant opportunity to visit the site of Long Tan some years ago, and it was quite a moving experience. We can reflect, and history will reflect, on how those Vietnam veterans were treated following the experiences in Vietnam, and this is a big opportunity to resoundingly acknowledge and thank them for their remarkable service and contribution to our country and to recognise that although war is something which is best avoided, it is important to honour and recognise their service. That is why I very strongly support the motion that I have moved to ensure that Vietnam veterans are appropriately recognised and honoured on this most important 50th anniversary of the Battle of Long Tan.

Mr CLARK (Box Hill) — The opposition agrees with this motion. It should go without saying that the 50th anniversary commemoration of the Battle of Long Tan is a very important occasion. I am sure most members, through their contact with Vietnam veterans in their electorates, know of the importance that veterans place on this commemoration. As the Leader of the House referred to, at the time Vietnam veterans were not treated as well as they should have been by many in this nation, and the contribution that they made was not accorded the recognition that it deserved. Fortunately attitudes generally across the nation have changed, and there is now broad recognition of the enormous sacrifice that many young men and women made in service of their country in Vietnam. In particular it is important to commemorate and pay tribute to the contributions made by those who took part in the Battle of Long Tan, so it is appropriate that those of this Parliament who are involved are able to take part in the very important commemoration events that are taking place on Thursday.

Given that there is a relatively light government business program this week, the opposition will not be suggesting that the sitting of the house be extended on this occasion. I think that does, however, need to be judged on a case-by-case basis. Where in other sitting weeks there is a heavier legislative program it may be appropriate that, if the house is unable to sit for good reason until later in the day, the sittings be extended so that the house can continue to give to legislation and other matters the attention they deserve. On this particular occasion, as I said, given the program that the government is proposing, we do not believe that is necessary.

I should make one other point without at all detracting from the appropriateness of making time for attendance at the Long Tan commemorations: it would have been better if there had been greater forward planning for this event and for the sittings of the house around it. We are now, on Tuesday, making arrangements for commemorations on Thursday. I think it would have been advantageous for everybody if there had been a greater lead time for people to arrange their affairs around these events, for the government perhaps to have anticipated an earlier time for sittings scheduled for the date of these commemorations and for a motion to have been dealt with by this house perhaps before the house broke for the winter break so that everybody knew where they stood rather than matters being brought on at short notice as they have been. Hopefully that is something that the Leader of the House and other members of the government can take on board for the future. Nonetheless, as I have said, the opposition does believe it is appropriate that time be made for those involved to take part in these very important commemorations, and for that reason the opposition agrees with this motion.

Mr EREN (Minister for Veterans) — I too wish to make my contribution on this very important motion before the house. Obviously I would like to thank the opposition for their cooperation and their bipartisan support. I have said on a number of occasions that I hold a number of portfolios of course — tourism and major events, and sport — and I would say veterans is one of the most important portfolios that anyone could hold. I am extremely honoured and privileged to be the Minister for Veterans in this state.

In all those other portfolios that I hold, we hold dear to our hearts some of the titles we have. In sport, we are the sporting capital of the world. We have been announced as the sporting capital for the last decade, having the best sporting infrastructure in the world. In major events, we are the major events capital of the nation. We do things really well in this state, and it is a great place to live, work and raise your family; there is no doubt about that.

But none of those things would be possible of course if it were not for the service that was provided by the men and women of this wonderful nation — indeed Victorians — in the military history during the short time that we have been in existence as a nation. You can consider the goodwill that exists right across the world in terms of the way we conducted ourselves in times of horror, and there is no question war is a horrific thing. Not many people have experienced it, and those who have experienced it of course should be treasured. When you consider those lives that have been

lost — the tens of thousands of lives that have been lost in our military history — I think it is important to acknowledge those days of significance such as 18 August.

The Battle of Long Tan was one of the costliest battles we have ever had. Of course the Vietnam War itself was the longest war that we have been engaged in as a nation, and it was a brutal war, as all wars are. This one was particularly nasty in relation to the servicemen that came back. They had to come back under the cover of night because there were some political tensions around this particular war and they were not treated very decently. This is our time to say to them, 'Thank you for the service that you provided'.

Five hundred and twenty-one lives were lost in that war, which was more than a decade long, and countless people were injured. The Battle of Long Tan was the most costly of all the battles. Eighteen people lost their lives in that particular battle, and 108 members of D Company resisted over 2000 Viet Cong insurgents in what would become known as the Battle of Long Tan. You can only imagine the horror. For each of the Australian soldiers there were 20 against them, and the Australians fought bravely.

As I have said on a number of occasions, many of us would not have encountered war. The closest some people would have got to war was probably watching *Saving Private Ryan* in surround sound, and that was horrific enough to watch, let alone being in that environment. There were those that did not make the ultimate sacrifice of giving their lives for our nation and for our state. Those that were injured and maimed of course came back. Those that did not die as a result of that war and were not injured or maimed of course came back psychologically damaged. That is why it is so important for governments to be acknowledging that. It is extremely important that we commemorate it and pay our respects. It is extremely important that on Thursday, if we can, we all attend a service either at the Shrine of Remembrance or in our electorates if it is possible to be back by 2 o'clock. There are badges for sale for $5 just outside the Speaker's office for those that would like to purchase a badge, and I would encourage all members to be wearing a badge.

As I indicated earlier, I thank the opposition for their cooperation in this. I thank all members again for their support and their cooperation on this matter and for supporting Vietnam Veterans Day. Lest we forget.

Mr CRISP (Mildura) — I rise on behalf of The Nationals to support this motion. Certainly when it comes to my electorate of Mildura it has a long history of soldier settlement, and many of those Vietnam veterans we will be commemorating this week are second or third-generation soldiers. To show that respect, particularly in relation to the country areas with that history of soldier settlement, the member for Ovens Valley is in fact en route to Long Tan to take his place with the RSL in commemorating the Battle of Long Tan this year.

Also I do concur with the manager of opposition business's point that we welcome and respect the decision to delay the start of Parliament on that day. However, I think notice needs to be very much taken into account for future years. It could be construed as disrespectful to be doing this just two days ahead of the commemoration, as it runs the risk at this very late stage of looking like an afterthought, something I know it is not amongst this Parliament and its members. As we look to future years I think we need to look at this in a similar way to the way we manage Remembrance Day in November — that is, to give notice and fit this into the calendar because of its importance to those surviving Vietnam veterans.

I do take into account the fine words that the Minister for Veterans has said in respect of some of the issues faced by those returning members from that war, and how life has panned out for many of them is not something that we can be proud of. It is certainly something we can now make amends for.

Ms SHEED (Shepparton) — I rise to speak in support of this motion. I was part of the generation of the 60s and 70s who would have seen many demonstrations in our streets against the Vietnam War. But many years have passed, and on Sunday I had the opportunity to attend our own Vietnam veterans association memorial at the cenotaph in Shepparton. We have 70 Vietnam veterans in the Goulburn Valley Vietnam Veterans Association. Only some of them came to that commemoration and service, and I think it speaks of the feeling that still exists among many of the veterans, the feeling of neglect and heartache really, that so many of them have gone through since their return.

The time was a very turbulent one, and the years that followed did not see us treat them with the respect and the honour they deserve. This is an opportunity on the 50th anniversary to redress that to some extent. I was shocked to hear the guest speaker on Sunday speak about the treatment some of the Vietnam veterans received and indeed just generally in pursuing the rights of Vietnam veterans. I am shocked to hear that when a memorial was to be put in Anzac Avenue in Canberra to commemorate the Vietnam veterans, they were told

to raise the money themselves for that memorial. It is truly a disgrace that something like that should happen, and I am very pleased that we have now moved to a time when we are hearing what we are hearing, that people understand that men go to war for the reason that our country requires them to, that they come home and often are not treated the way they should be, and I think many of us will have seen media reports over the weekend and understand that we are not supporting even the current veterans returning home from conflicts in Afghanistan and the like.

Time has moved on for the Vietnam veterans. They are being honoured, and this particular battle was a pivotal one during the Vietnam war. It is excellent that we are taking the opportunity to suspend Parliament to allow those of us who want to attend the memorial to do so and of course to do it in our own electorates where appropriate. I support the motion.

Motion agreed to.

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 bills be considered and completed by 5.00 p.m. on Thursday, 18 August, 2016:
>
> Crown Land Legislation Amendment Bill 2016
>
> Legal Profession Uniform Law Application Amendment Bill 2016
>
> Local Government Amendment Bill 2016
>
> Melbourne College of Divinity Amendment Bill 2016
>
> Owners Corporations Amendment (Short-stay Accommodation) Bill 2016
>
> Powers of Attorney Amendment Bill 2016.

In making a few brief comments on this program I am moving, and hopefully that will have the support of the chamber, I just make two points. One is, in terms of the running of the house this week, I thank the house for its support for just having agreed to the changed arrangements for Thursday to appropriately mark the 50th anniversary of the Battle of Long Tan and by extension honour the service of all those who served in the Vietnam conflict. It is an appropriate way to mark that service, and I appreciate the cooperation of the house in putting those arrangements in place.

The second matter I draw to the attention of the house is of course the change to the program that was circulated last Thursday. I have already had some discussion with the opposition that this was my intent, to add to the program the Local Government Amendment Bill 2016 that has just been introduced by the Minister for Planning representing the Minister for Local Government. As has been reported on in the press, there is a need for the government to move with some haste to address the issues that have arisen through the bill's introduction, which is a good and strong measure to strengthen local government through the code of conduct, but to support local councils to meet their requirements the government needs to move this amendment to the legislation.

The government's intent is clearly, by putting it on the government business program, to have it passed through the Assembly by the conclusion of this week. However, if there is some support from the chamber to have that dealt with more quickly and send it off to the upper house ahead of 5.00 p.m. on Thursday, I am happy to also accommodate that, pending other conversations that are had, which include a briefing between the government and the shadow minister, I understand, at 4.00 p.m. today.

The other matters that are on the program are, as has been circulated, a number of issues for colleagues to debate and discuss this week. I hope that I can gain the support of the chamber to have this program introduced.

Mr CLARK (Box Hill) — As I indicated in the debate on the previous motion in relation to the Battle of Long Tan commemorations and the sitting of the house, the business program proposed by the government this week is not a heavy one, even with the addition of the Local Government Amendment Bill 2016 that the Leader of the House has referred to. While each of the bills on the notice paper deals with a topic that is significant to the people and the area concerned, they are not ones that are likely to have major, protracted debate. Indeed what is striking about the government business program this week, particularly having regard to the additional bills of which notice was given earlier today, is that this does not show any signs of being a business program by a government that is keen to get on with things and keen to deliver results for the Victorian community.

We have had a winter recess in which day after day there have been reports of the growing levels of crime, violence and threats to community safety. We have had government promises of speedy action in relation to that, but the only bill relating to law and order of which notice was given earlier was in relation to police registration, Crown proceedings and the renaming of

CrimTrac, which is unfortunately hardly likely to be a bill that is going to cause would-be offenders to think twice about the damage they are inflicting on the Victorian community.

Similarly we have had promises and expectations of legislation on topics such as Uber and other ridesharing, yet no bill has appeared. This program is characteristic of a government that seems to be marking time and which seems to be struggling to get on with fulfilling its responsibilities to the community of Victoria; it seems to be struggling to actually respond to the many emerging problems that it is facing.

The one thing that was completely absent from the Leader of the House's remarks in relation to the program was any reference to a joint sitting of Parliament to fill the casual vacancy created by Mr Damian Drum's resignation from the Legislative Council to contest a federal seat and indeed be elected to the federal Parliament. That of course leaves the people of Northern Victoria Region under-represented in this Parliament. It is very concerning to the opposition parties that the government is showing no sign of scheduling a joint sitting this week to fill that vacancy. That is notwithstanding the fact that The Nationals have nominated a person to fill that vacancy. There is absolutely no reason why that joint sitting should not proceed.

It has been a longstanding convention in this Parliament that when a vacancy has arisen in the Legislative Council that it has been filled expeditiously, even if the vacancy concerned is from that of a party other than the party in government. For the Labor government to now not be moving to fill that vacancy, even though there is no obstacle to that occurring, and to leave the people of northern Victoria under-represented with a vacancy in their representation is very concerning indeed.

The government seems to be trying to link this to other matters in a way that is completely inappropriate and in some way, shape or form trying to use this issue of depriving the people of northern Victoria of representation to try to induce the opposition to agree to something or other that the government wants achieved. That is completely unacceptable. This vacancy should be filled and there should have been provision made around the government business program for that to occur. In the circumstances where the government is not prepared to fulfil this basic obligation of filling vacancies in the Legislative Council when they occur, the opposition opposes the government business program.

Mr PEARSON (Essendon) — It is wonderful to be back here in this spring session. I have missed you, Acting Speaker Thomson, I have missed all my colleagues and I have missed the government business program debate, so it is wonderful to be back. I feel like Tony Barber who has just come back for another season of *Sale of the Century*; it feels that great to be back.

I sat here earlier and listened to the contributions of a number of members in relation to the change of the sitting on Thursday and I too would like to add my voice to those comments. I think it is a fitting tribute to those who served in Vietnam that this house suspends its sitting and that we are afforded the opportunity to attend those services that might be in our electorates or alternatively go down to the shrine.

Many of us were in many ways touched and shaped by Vietnam. Many members served and there were also a significant number of members of our community who were conscripted or called up and who had to go through the process of working out whether or not they adhered to that call-up, so I think that Thursday is an important time for us to reflect on the impact that this terrible war had on so many in our community.

As the Leader of the House indicated, there were five bills on the government business program, and now a sixth, being the Local Government Amendment Bill 2016, which has been added to address some of the concerns we have recently seen in relation to the code of conduct in local government. Again I think this is an example of a government responding quickly and swiftly to those matters when they are raised, and I would hope that those opposite would work with the government to look at ensuring that this bill has a speedy passage both through this place and the other place.

The member for Box Hill indicated in his contribution that this is not a government business program from a government that is keen to get on with things. I think he was craving for a notice paper full of legislative items to tackle various issues in relation to law and order. I would have thought that it would be far better that we actually had a government that got on with things, one that delivered on our policies and our programs which we announced in the break. I am not sure where the member for Box Hill was in the break, but I certainly noticed with great glee the fact that for 37 days the Frankston line was shut down and three of Melbourne's most dangerous level crossings were removed. This is a government getting on with things. We are not hiding behind the statute book to demonstrate our work ethic. We are using legislation as a vehicle by which we can

implement our agenda, and that is what you would expect from a government that is getting on with it.

Similarly the member for Box Hill talked of a concern about a lack of action in the law and order space. What would people in our community want? Would they want more statutes looking at trying to regulate behaviour and conduct or would they rather have 406 new police officers on the beat and 400 additional custody officers on the beat? I think what the community wants is a government with a focus on providing real action and real solutions.

Mr Clark interjected.

Mr PEARSON — The member for Box Hill interjects and talks about stronger sentences. Those opposite when in government were I think a textbook case of what can go wrong when you have badly thought-up legislation that you propose to implement on a community. Baseline sentencing was clearly one of those thought bubbles that those opposite had which, after its passage and implementation, was widely discredited. The reality is that when you are dealing with complex matters there is no silver bullet; you need to look at using a number of different tactics and strategies to address an underlying issue. That is why we will be looking at taking a very careful and deliberative approach to tackling those matters which arise from time to time.

The member for Box Hill also referred to the joint sitting. The reality is that this is a bicameral Parliament. In terms of the timing of a joint sitting, that is really a matter for those in the other place. It is up to those in the other place to sit down and work out amongst themselves when they feel would be an appropriate time for the new member for Northern Victoria Region to take his place in the chamber. It is a good, solid government business program, and as I said, Acting Speaker, it is fantastic to be back.

Mr HIBBINS (Prahran) — I rise to speak just briefly to the government business program. We will not be opposing the government business program in this instance. There are now six bills on the government business program; I think some are largely technical amendments to those particular acts. There is the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016, which looks at a significant issue — and we feel that this particular issue could be delved into a bit further — and the Powers of Attorney Amendment Bill 2016, which makes certain changes to the Powers of Attorney Act 2014, following some concerns that were raised after the implementation of that act.

We have got the Melbourne College of Divinity Amendment Bill 2016, the Legal Profession Uniform Law Application Amendment Bill 2016 and the Crown Land Legislation Amendment Bill 2016 also on the government business program, with the proposed changes now to the Local Government Act 1993, and I understand that we will be briefed about that particular bill. After having looked at that, we will hopefully be able to work with the government in ensuring a speedy passage of that particular piece of legislation to ensure that we end the uncertainty that is now out there in local government land in regard to the concerns that have been raised about the non-signing or the non-applicable actions that have been taken in regard to the code of conduct. We will certainly be looking to provide certainty and avoid the unfortunate situation of a number of councils and councillors being dismissed, particularly being so close to the local government elections. So we will not be opposing the government business program in this instance. We have not sought to go into consideration in detail or to make any amendments to these bills, although there are some that we think deserve a bit more time and some closer scrutiny, particularly some of the issues raised in the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016.

In terms of the changes to the sitting hours and the Assembly starting at 2.00 p.m. on Thursday, the Greens support that particular opportunity of us being able to recognise the importance of the anniversary of the Battle of Long Tan. I know that in Prahran and from being a patron of the Prahran RSL that a lot of the work being done there now is by Vietnam veterans, and being able to honour them and their colleagues by having parliamentarians attend a service either here in Melbourne or in their electorates is very important. However, I do echo the concerns that have been raised around the organisation of this matter. After speaking to many of my colleagues today I note there was still uncertainty as to what was going on with the change to sitting hours, and also as to the invitations or what was happening with the service at the shrine. So I would hope in the future that for such significant events the organisation could be improved, because we obviously want as many members as possible to be able to attend that particular service or the services in their electorates.

I also, again, echo the concerns regarding the joint sitting. If we have a new member to be sworn in in the Legislative Council, replacing the previous Nationals member, I think it would certainly be appropriate that that is done as soon as possible, if that is what has happened previously. It would certainly be appropriate for that to occur as soon as possible this week. So, as I

said, the Greens will not be opposing the government business program.

Mr McGUIRE (Broadmeadows) — The Victorian government is building opportunity and a fair go for all. That is the message that is being sent. That is what is being heard and is being understood. We had the Treasurer actually stand in the Parliament again today and explain what is going on with our economic leadership, which is regarded as the best in the nation and which is being acclaimed by the media. These are the propositions relating to how we then roll out the legislation to underscore these main headlines, themes and strategies that the government has evolved. So that is the first proposition — the management of the economy, the building on our competitive advantages and then to actually have the jobs and growth responding from that. So that is the big-picture proposition.

Then we have the whole series of different projects that play out, and the rail crossing removals have actually been highly regarded in all their communities. I know for a fact that some people living nearby now regard them as tourist attractions. That is how popular they have become. So this is actually a government getting on with its business, with its program, and the community is seeing this in a way that is making them supportive of the government and also of its plan of action — that the government is actually doing things. The comparison and contrast of four years of the previous coalition government is stark regarding that proposition. So this government business program then goes to — —

Ms Ryall — On a point of order, Acting Speaker, I think the honourable member is straying from talking about the actual government business program, as opposed to what the content — —

The ACTING SPEAKER (**Ms Thomson**) — Order! There is no point of order.

Mr McGUIRE — So this government business program, as I was saying before I was interrupted, goes directly to this to address the issues of the day, to have the urgency to be able to bring them in and to provide remedies. This is what the public wants, and we see that in the way that we are going to deal with the Local Government Amendment Bill 2016 to improve the code of conduct for local governments and to be able to address that.

We have the other bills that address a whole range of different issues, and this is what the public want us to do — to get on with the business of delivering. I note that the manager of opposition business has raised an issue about democracy and representation, and I guess that is a bipartisan proposition that should play out for everybody in this chamber or in the other place.

I also just want to point out that the suspension of the Parliament to honour the Vietnam veterans and to acknowledge the 50th anniversary of the Battle of Long Tan is a significant commemoration and is in the public interest. I am heartened to see that there is bipartisan acknowledgement of that and also to see the broader community recognition, as history has passed and the Vietnam War has been reframed in a way that we actually can honour the sacrifices that were made by all of those who served us in war and the impact that it had on them and on their families.

I think that again this is a government business program that sets up where we are going in this session of the Parliament. The issues of law and order are being given the consideration and refined judgement that is required, and they will be coming to this house. I think that is what people look for in a government that is credible and a government that takes a responsible and a balanced view of how we address these issues. With that contribution, I recommend the government business program to the house.

Mr CRISP (Mildura) — I rise to speak on behalf of the National Party to oppose the government business program for many of the reasons that were outlined by the manager of opposition business in the house. But, firstly, let us look at the bills that are listed for debate this week. There is the Crown Land Legislation Amendment Bill 2016. This is a bill that is mostly about updating the fines regime for access to Crown land, and there is also a little bit about access issues for four-wheel drive vehicles. The Melbourne College of Divinity Amendment Bill 2016 is mostly about changing the name of the Melbourne College of Divinity to the University of Divinity, and there are some minor changes around the operation and status of the college in its becoming a university.

The Owners Corporations Amendment (Short-stay Accommodation) Bill 2016 is one that my colleague the member for Morwell is going to speak on in his role as shadow minister for consumer affairs. It deals with how people who are in short-stay accommodation interrelate with their neighbours. The Legal Profession Uniform Law Application Amendment Bill 2016 could best be described as a minor technical bill. The Powers of Attorney Amendment Bill 2016 is ironing out some issues post the changes made to the act last year.

By far the most important issue for the National Party this week is to have a joint sitting to fill the casual vacancy in the upper house caused by the resignation of a former member for Northern Victoria Region, Mr Damian Drum. I would like to congratulate him on going on and winning a federal seat, and I wish him well in representing the people of Murray in the federal Parliament.

Quite clearly, as the manager of opposition business pointed out, it is a convention that we deal with a vacancy just as soon as the name of the person for that casual vacancy has been proposed, and this is the first opportunity since it has been proposed to have that take place. That convention of this house should be above any other wheeling and dealing, and the convention quite clearly states that you fill the vacancy at the earliest opportunity. That casual vacancy should be filled, and it has been the convention of the house that we come together after 6.00 p.m. on a Wednesday in order to go through the procedure and have it happen.

I think that the constituents of Northern Victoria Region would be alarmed if their representation was not taken care of at the first opportunity. So I do call on the government to fulfil its obligations and give notice that the house needs to come together to have a joint sitting to maintain the convention of filling these vacancies in the shortest period of time after they have been notified.

House divided on motion:

Ayes, 45

Allan, Ms
Andrews, Mr
Blandthorn, Ms
Brooks, Mr
Bull, Mr J.
Carbines, Mr
Carroll, Mr
Couzens, Ms
D'Ambrosio, Ms
Dimopoulos, Mr
Donnellan, Mr
Edbrooke, Mr
Edwards, Ms
Eren, Mr
Foley, Mr
Garrett, Ms
Graley, Ms
Green, Ms
Halfpenny, Ms
Hennessy, Ms
Hibbins, Mr
Howard, Mr
Kairouz, Ms
Kilkenny, Ms
Knight, Ms
Lim, Mr
McGuire, Mr
Merlino, Mr
Nardella, Mr
Neville, Ms
Noonan, Mr
Pakula, Mr
Pallas, Mr
Pearson, Mr
Richardson, Ms
Sandell, Ms
Sheed, Ms
Spence, Ms
Staikos, Mr
Suleyman, Ms
Thomas, Ms
Thomson, Ms
Ward, Ms
Williams, Ms
Wynne, Mr

Noes, 35

Angus, Mr
Asher, Ms
Battin, Mr
Blackwood, Mr
Britnell, Ms
Bull, Mr T.
Burgess, Mr
Clark, Mr
Crisp, Mr
Dixon, Mr
Fyffe, Mrs
Gidley, Mr
Guy, Mr
Hodgett, Mr
Katos, Mr
Kealy, Ms
McLeish, Ms
Morris, Mr
Northe, Mr
O'Brien, Mr D.
O'Brien, Mr M.
Paynter, Mr
Pesutto, Mr
Riordan, Mr
Ryan, Ms
Smith, Mr R.
Smith, Mr T.
Southwick, Mr
Staley, Ms
Thompson, Mr
Victoria, Ms
Wakeling, Mr
Walsh, Mr
Watt, Mr
Wells, Mr

Motion agreed to.

MEMBERS STATEMENTS

Hazel Glen College and St Paul the Apostle Catholic Primary School

Ms GREEN (Yan Yean) — Last Tuesday I had the pleasure to join students, parents and staff at Hazel Glen College and St Paul the Apostle Catholic Primary School for their inaugural Ride2School day. Students, parents and staff were encouraged to ride, scoot and walk to school, and there was a high level of participation. The leadership and collaboration shown by principals Phil Doherty and Darryl Furze is outstanding. I would go so far as to say that Darryl Furze is the leading advocate of active transport across the north-east with his pioneering work as principal at Hazel Glen College, Laurimar Primary School and Diamond Creek Primary School.

A special mention to teacher Jarrod McGough, who worked extremely hard to organise the event, and to all the teachers and parents who assisted by participating and directing students along the path routes. Of course it was fantastic to see so many enthusiastic students from the schools participating as they rode their bikes and scooters.

I also want to acknowledge Ride2School, the nationwide initiative by Bicycle Network, supported by the Victorian government. They have developed a map of five designated safe walking and cycling routes to get to these schools. They are supported by on-path decals that give both school distance and safety advice. It is sad to see that the rates of walking and cycling to school have dropped from 8 out of 10 students in the 1970s to just 2 in 10 today. We need to change this and keep our kids fit.

Heathmont Meat & Poultry

Ms VICTORIA (Bayswater) A huge shout out to Shane Monaghan and his team at Heathmont Meat & Poultry on Canterbury Road, who have just brought home gold from the Australian Meat Industry Council smallgoods awards: a gold medal for ham on the bone, boneless leg ham, smoked Strasburg — again — pastrami-style bacon and the new jalapeño cabana. They were awarded a silver medal for their delicious chicken, cheese and cracked pepper cabana — again. As the daughter of a butcher, I am a very discerning connoisseur and can honestly say the judges got it right.

Aquinas College

Ms VICTORIA — Aquinas College recently rocked sold-out audiences with its production of *Grease*, the musical. The staging, acting and singing were all fantastic. Congratulations to everyone involved.

Wantirna College

Ms VICTORIA — Wantirna College never disappoints with its annual school production, and this year *Alice in Wonderland* took us all on a magical journey. The writing and the cast were amazing, but I also have to make special mention of the staging and the use of the screen. Wantirna, you keep raising the bar. Congratulations to everyone involved.

Mountain Highway, Bayswater

Ms VICTORIA — I would like to officially invite the Minister for Roads and Road Safety to attend a public meeting in Bayswater next week to hear from locals just how detrimental the permanent closure of two lanes on Mountain Highway will be. I hope the minister can come; my office can supply all the details to him.

The Family

Ms VICTORIA — Local filmmakers Anna Grieve and Rosie Jones have just debuted their brilliantly made and very disturbing documentary *The Family* at the Melbourne International Film Festival. It features archival footage and recent interviews with family members and the tenacious police, like Lex de Man, who sought to achieve justice for the dozens of people physically and psychologically damaged as a result of their association with that notorious Victorian cult. It is intriguing, heart wrenching and an absolute must to see when released in cinemas next February.

Revitalising Central Geelong Action Plan

Ms COUZENS (Geelong) — It was a great pleasure to join the Premier in Geelong recently to launch the *Revitalising Central Geelong Action Plan*. The Andrews government's recognition that Geelong is not only Victoria's second city but also a smart city that is a great place to live and work has been welcomed by the people of Geelong.

This plan sets out our government's plan to drive change in central Geelong with key catalyst projects such as planning for growth, creating a stronger CBD, more housing options, a smart city with significant projects such as the construction of the new tech school at the Gordon TAFE and an operating plan for our transport network. It will also focus on greening our public space and a link between the city and our great Geelong waterfront.

Delivering on the action plan will take time, but with the Geelong community working together we can ensure that our great city has a vibrant and prosperous local economy and the positive future it deserves. The action plan is an opportunity to create ongoing jobs in Geelong — real jobs in construction and the jobs that flow from that. I am proud to represent the people of Geelong in a government that is delivering on its commitments. The Andrews Labor government has ensured strong jobs growth in the Geelong region with an unemployment rate of 5 per cent, down from 6.2 per cent at the same time last year. We are getting on with the job.

Gippsland rail services

Mr T. BULL (Gippsland East) — I wish to make comment on the recommendation of the Labor-appointed citizen jury to convert the Gippsland–Melbourne rail line to a Gippsland–Pakenham shuttle, which raised the concern of many Gippsland groups and organisations in locations like Maffra, Bairnsdale, Stratford and Heyfield. While I strongly disagree with the proposal, I am more concerned with the fact a government-appointed body with no Gippsland representation is making recommendations that impact on our region. If you are going to have a group making recommendations about Gippsland, here is a thought: at least get some Gippslanders on the group.

Nothing should be put in place that has a major impact on the three direct daily services. Prior to the 2014 election the coalition announced a $173 million package that included such projects as duplicating sections of the Gippsland line to allow for trains to pass and therefore for more services. State Labor did not

have any similar policies for the Gippsland line, and this is the answer to getting more services into the region longer term.

Country Fire Authority enterprise bargaining agreement

Mr T. BULL — I also wish to raise my concerns over the signing of the United Firefighters Union enterprise bargaining agreement last week. In doing this I simply ask: why were the concerns of the former minister, former Country Fire Authority (CFA) board, former CFA CEO, former chief fire officer and Jack Rush, QC, among others, all ignored? They believe this agreement was either flawed or greatly disadvantaged CFA volunteers. Even the government's hand-picked board had concerns before clearly being pressured to sign.

Aislin Jones and Jason Whateley

Mr T. BULL — A quick mention of 16-year-old Aislin Jones from Lakes Entrance and former resident Jason Whateley for their performances at the Rio Olympics. There were no medals, but they had performances the region can be proud of.

Mickleham Road–Melrose Drive, Tullamarine

Mr J. BULL (Sunbury) — Job done. Thanks to the Andrews Labor government I am proud to say one of Hume's busiest intersections is now a whole lot safer. Thanks to just over $3 million as part of the Safe System Road Infrastructure Program, the Mickleham Road–Melrose Drive intersection has been fixed, creating jobs and making our community safer. The intersection has a significant crash history, particularly involving drivers failing either to recognise the intersection or to give way to other drivers.

As part of this project, traffic lights have been installed to control vehicles entering the intersection, with an additional traffic lane added to the north of Melrose Drive to ease congestion. Upgraded lighting, signage and line markings will improve conditions for all road users and further reduce the risk of crashes at this intersection. There will also be improved safety for cyclists using this intersection quite regularly.

want to take this opportunity to thank the community for their great advocacy and their patience during the completion of this important project. A number of residents have written and phoned my office since we came into office expressing their concerns in relation to having this intersection fixed. I want to also take the opportunity to thank the hardworking men and women who made this project possible, of course the team at VicRoads and the construction team who worked through the winter months and got it done. I also want to acknowledge Jarrod Bell from my office, who worked closely with a local resident to ensure that a wheelchair ramp was installed on the footpath just near the project. Too often it is easy to forget the small things that matter so much to our local communities, but, importantly, this ramp was installed to the great delight of this local resident.

Country Fire Authority enterprise bargaining agreement

Mr WELLS (Rowville) — This statement is to congratulate the Premier for his monumental bungling of the Country Fire Authority (CFA) dispute and for helping Malcolm Turnbull to remain Prime Minister. I did not think I would ever be thanking the Premier for anything, but here I am, for there is no single other person more responsible for the return of the coalition federal government than the Premier. And the Premier's contribution to Malcolm Turnbull's triumphant federal election win is no better demonstrated than looking at what happened at the federal election here in Victoria.

In a recent article by Tim Colebatch following the election, the question was asked:

> Victoria was the only state where Labor lost a seat, and the swing to Labor was by far the lowest of any state: 1.5 per cent, barely a third of the 4.4 per cent Labor won in the rest of Australia. Why?

The answer is that many Victorians were deeply disturbed at the treatment by Labor of the CFA's 60 000 loyal and dedicated volunteers, the sacking of the CFA board and the forced resignations of the CFA chief fire officer and the CEO. In particular the federal electorate of La Trobe, which takes in a significant southern portion of the high bushfire-risk Dandenong Ranges, was a seat that federal Labor no doubt would have had high hopes of winning at the election had it not been for the Premier's complete bungling of the CFA dispute. I now suspect that the Premier has been crossed off the federal opposition leader's Christmas card list.

Cancer research and treatment

Mr McGUIRE (Broadmeadows) — Victoria has secured a groundbreaking collaboration to help save lives and improve the quality of care for people suffering cancer. The historic memorandum of understanding between Victoria and the USA's National Cancer Institute, strengthening international

ties, encouraging greater cooperation and sharing knowledge in cancer research and patient care was put in place during US Vice President Joe Biden's recent visit to Melbourne. Declaring his admiration for the jewel in Australia's medical research crown, the $l billion Victorian Comprehensive Cancer Centre, the world's second most powerful man highlighted the international significance of the collaboration of 10 leading cancer organisations crucially locating patient care, clinical trials, research and education in one super-site in Melbourne. The Premier defined the significance when he said:

> One hundred Victorians are diagnosed every day with cancer, close to 1000 die every month. It's everybody's business.

The health-care sector is Victoria's largest and fastest growing source of employment, contributing more than $30 billion a year to the state's economy. The Minister for Health has unveiled Victoria's health and medical research strategy and its international health strategy to expand relations, commercialise opportunities and provide jobs for health workers at home.

I have been delighted and humbled to make a contribution as Victoria's first Parliamentary Secretary for Medical Research because combining Melbourne's leadership and excellence as the epicentre for Australian partnerships with America increases the chances of curing cancers and harks back to a successful scientific alliance not forged in war but in the Sea of Tranquillity. It is a partnership I called to extend to medical research within days of President Obama's challenge for a new moonshot — the quest to cure cancer.

Rye boat ramp

Mr DIXON (Nepean) — I wish to raise the matter of a state government grant of $588 000 to the Mornington Peninsula Shire Council for the extension of the Rye boat ramp. It would appear the grant was based on the fact that the Mornington Peninsula Shire Council assured the government that the project had broad community support. Evidence of that community support does not seem to exist, so it is misleading of the council to advise the state government of that fact.

I know that the Rye community are vehement in their opposition to an extra lane being added to the existing three-lane ramp. They have been consistent in this view for years and have made this known to council officers and to me on numerous occasions. The extra lane is one small element of a major plan for the entire Rye foreshore, encompassing the boat ramp precinct, pier precinct, park precinct and primary dune precinct. The community is generally keen for the master plan to proceed but not in drawn-out stages with the easy and cheaper elements completed first. It needs to be done as a total project to avoid moving the various problems onto another section of the foreshore.

The Rye boat ramp does not need a fourth lane. What needs to happen is the development of a new boat ramp at Rosebud, the main town of the Mornington Peninsula, which has plenty of suitable foreshore land available. It is a pity that the two Nepean ward councillors have ignored the pleas of the Rye community, listening instead to those opposed to any upgrade of the Sorrento boat ramp.

Barbara Czech

Ms BLANDTHORN (Pascoe Vale) — I rise today to congratulate Barbara Czech on receiving a medal in the Queen's Birthday honours. This award reflects Barbara's ongoing service and contribution to the Polish community of Melbourne. Barbara has not only worked hard for her community but been a leader and an inspiration to her fellow Poles. Barbara has worked with and on behalf of several Polish organisations, including the Polonez song and dance ensemble of Melbourne. She has also been instrumental in the organisation of events for her community, such as the National Polish Arts Festival. This is a fabulous celebration of Polish culture — not just music, dance, art and food but, amongst other things, history, politics, religion, innovation and advancement too.

These organisations and events are important in the lives of Polish people living in Melbourne. They help preserve and they help promote their identity. Indeed a dear friend of mine who is a Polish immigrant, Grazyna Blaszczyk Stueckle — Grace as she is known to me — proudly recalls being involved in a dance ensemble organised by Barbara on the occasion of the visit of Pope John Paul II to Melbourne. The efforts of people like Barbara help people like my friend Grace preserve and promote their identity. These organisations and events are also important in the protection and promotion of our world-renowned multicultural Victoria. Barbara continues to work incredibly hard for her community and is particularly committed to bringing diverse groups together to influence social harmony in a progressive society. I congratulate Barbara.

State Emergency Service east region awards

Mr D. O'BRIEN (Gippsland South) — Congratulations to the dozens of Gippsland State Emergency Service volunteers whose service was recognised at the east region annual awards in Leongatha on Sunday, including Yarram's Duncan

McConnachie, who has clocked up 35 years of dedicated volunteering. Duncan previously completed 20 years with the Country Fire Authority (CFA), so it was great to join my colleague in the other place Melina Bath and Gippsland mayors and other community members in recognising his and the other volunteers' service.

This is in sharp contrast to the actions of the Andrews Labor government, whose shameful capitulation to Peter Marshall and the United Firefighters Union (UFU) threatens to destroy the greatest volunteer organisation in the country. CFA volunteers in my electorate are aghast at the proposed enterprise bargaining agreement (EBA), which effectively hands power to the UFU. They are angry at the sacking of the former CFA board and the forced resignations of the member for Brunswick, the former chief executive officer and the former chief fire officer.

No-one who has read the EBA could argue that it is not a massive win for the UFU. To his great shame, the Premier has given the union everything it wanted to the detriment of our CFA, of the 60 000 volunteers who are its backbone and ultimately of the safety of all Victorians.

Dairy industry

Mr D. O'BRIEN — The ABC's *Four Corners* last night chronicled the debacle that is the recent trials in the dairy industry, caused in large part in my view by bad management at Murray Goulburn and cynical opportunism by Fonterra. It was a welcome report because, after wide media coverage in May, this issue had largely gone quiet, while dairy farmers are now really starting to feel the pinch. I spoke to one farmer in my electorate last week whose monthly milk cheque was $134, while I have heard of others who received just $1. The state government could be doing more to assist as these prices bite, including by providing municipal rate relief for those struggling most.

Battle of Long Tan commemoration

Mr D. O'BRIEN — Finally I pay tribute to all Vietnam veterans and those who paid the ultimate sacrifice during the Vietnam War ahead of the 50th anniversary of the Battle of Long Tan on Thursday.

Access Monash

Ms GRALEY (Narre Warren South) — I recently had the great pleasure, together with the Minister for Education, of meeting with the many outstanding mentors and their mentees from the Access Monash program at Monash University. This program aims to increase access, participation and success in higher education for students from disadvantaged backgrounds.

Earlier this year Monash University selected and trained over 300 of their students who are now mentoring secondary school students in 26 Victorian government schools. You could not ask for a more impressive group of young people, including mentor and ambassador Nikola Relijic, who spoke at the event. Nikola is currently studying a double degree in law and arts. In fact Nikola was in the very position many of the mentees now find themselves in and said that:

> I was afraid, confused, lonely and was uncertain as to what tertiary education could and would exactly provide for me.

He wondered if he was even good enough to pursue tertiary education. However, he has banished those doubts and now says:

> Let me be your example, an average kid from Dandenong who went to the same school as you … to show you that anything is possible.

We know that young people who have been mentored do better at school, are less likely to leave school early and have better relationships with their family, teachers and peers. That is why the Andrews Labor government has delivered on yet another election commitment to provide $1.6 million for the student mentoring program. This outstanding program aims to promote school connectedness, engagement and aspiration for disadvantaged young people to lift the bar and broaden horizons.

I would like to thank the contributions of the mentoring advisory group, which includes Ian McKenzie, Rob Casamento, Professor Sue Willis, Carmen Guerra, Steve Maillet, Anton Leschen, Georgie Ferrari, Paul McDonald, Karen Cain, Emma King, Deb Beale and Dave Wells. I cannot thank them enough for their insights, experience and passion.

Dairy industry

Mr BLACKWOOD (Narracan) — On 29 July the West Gippsland community supported a dairy farmer support day in Warragul. The event was coordinated by Rebbeca Olsson, who worked tirelessly to pull together a very successful get-together with assistance from a number of community groups. Rebecca was able to collect a tremendous number of donations from local businesses and individuals, totalling over $15 000 in coupons and goods that were passed on to farming families that attended the event and covered the cost of

the lunch provided for all to enjoy. The success of the event certainly puts beyond doubt the high regard our community has for our struggling but very resilient dairy farmers.

Battle of Long Tan commemoration

Mr BLACKWOOD — Next Sunday we will be commemorating the 50th anniversary of the Battle of Long Tan at the Longwarry North Vietnam veterans clubhouse. This Thursday, 18 August, is the day that commemorates the Battle of Long Tan, which occurred in 1966. The Battle of Long Tan was the largest single-unit battle fought in Vietnam by Australian troops. It began on the afternoon of 18 August and went right through the night until the morning of 19 August. The reason why it was looked on as decisive and significant was that the Australians had only been there a few months. It was the first major conflict involving Australian troops in Vietnam. Delta Company, from the 6th Battalion, Royal Australian Regiment, lost eighteen of their mates, and up to 1000 enemy lives were lost. The mateship displayed by our diggers in Vietnam continues today at the Longwarry North Vietnam veterans clubhouse, and I commend the work of T-Rat and Skull.

Annabelle Deall

Mr PEARSON (Essendon) — I rise to remember the life of Annabelle Claire Deall. Annabelle was married to Simon and was the mother of four beautiful boys: Ben, aged six; Dave, aged three; and twins Edward and Angus, aged two. Annabelle lived in Ascot Vale for three years and was active on the committee at Coronation Kindergarten before moving back to the Central Coast in New South Wales earlier this year after her husband, Simon, had completed his studies in Melbourne and had secured a job back in New South Wales.

Tragically on 6 August in Terrigal Annabelle was struck by a car and lost her life. I knew Annabelle, but I do not profess to know her as well as others in my community. Annabelle adored her husband, Simon, and her dedication and commitment to Coronation Kindergarten were a reflection of the love and devotion she had for her four beautiful boys.

It has been said that life should be measured not by how many breaths that we take but by how many times our breath is taken away. Annabelle lived a rich and full life, albeit far too short, losing her life at just 32 years of age. She was the most giving, kind, generous, selfless friend to so many. She was the first to help, gave the best advice and is sorely missed, but she will always be remembered by those she touched, and her legacy will live on in Ben, Dave, Edward and Angus. Vale, Annabelle Claire Deall.

Farah Warsame

Mr PEARSON — It was with great delight that I attended the Spirit of Moonee Valley Community Awards on Saturday night, where Farah Warsame, president of the Somali Community of Victoria, was awarded the Contribution to Neighbourhood award for 2016. Farah has made an outstanding contribution to Somali-Australians and has worked tirelessly to deal with issues in relation to inclusiveness, and he is working incredibly hard in his community.

Catherine Skinner

Ms McLEISH (Eildon) — The town of Mansfield really punches above its weight when it comes to champion athletes. Simon Gerrans and Alex 'Chumpy' Pullin have put the town on the world stage with their achievements. Last week it was Catherine Skinner's gold medal in the women's trap at Rio that set the town abuzz. Winning an Olympic gold medal is an extraordinary achievement, and I congratulate Catherine on her wonderful win. Her parents, Ken and Anne, the Mansfield Clay Target Club and the community as a whole celebrate her victory. This was a victory for Catherine and young women in rural Victoria.

Kinglake Primary School

Ms McLEISH — Students and teachers at Kinglake Primary School are especially proud of their latest mosaic, which lays resplendent at the front of the school. Spanning many metres, the rainbow serpent was the creation of parent and acclaimed artist Michelle Day, who worked patiently with all the students to maximise buy-in and participation. It was wonderful to attend the unveiling and see the level of excitement among the students and school community and the ownership and pride they have in this project.

Little Yarra Valley community plan

Ms McLEISH — I was pleased to attend the launch of the Little Yarra Valley community plan in Powelltown at the end of June. The plan encompasses the small communities of Powelltown, Gilderoy and Three Bridges. As is typical of small communities, the heavy work was done by dedicated volunteers who want to make sure their communities are understood and appropriately recognised and that there is a shared community vision for the future. Given the size of the

communities, I was so impressed that 26 residents were part of the community planning group. This is really quite remarkable. They were supported by the Yarra Ranges Shire Council as well as local Department of Environment, Land, Water and Planning staff, who really are part of those communities. Congratulations to all of those involved. I look forward to working with the group to help their dreams and ideas become reality, particularly in the coming year.

Battle of Long Tan commemoration

Ms WARD (Eltham) — Last Saturday the Diamond Valley community recognised and remembered Australian soldiers who served in Vietnam during that very long war and the 521 Australians who died there. It was a huge community effort. The Diamond Valley Vietnam Veterans Sub-branch, the DViets, has over the years created a friendly, welcoming and respectful service at the Greensborough memorial park, and Saturday was no exception. It is an inclusive service, and it is indicative of the generous spirit of our local Vietnam veterans. They have worked hard to include not only the broader community in their commemorations but also primary and secondary school students, ensuring that the lasting memory of this war is never lost.

This included the exceptional musical skills of the Viewbank College concert band and Jordan Di Palma from Parade College, who gave a memorable, thoughtful and moving speech regarding the very difficult journey undertaken by our soldiers. Kathleen O'Reilly was again terrific with her playing of the last post. I thank the local schools who laid wreathes showing their respect for those who lost their lives and the many who still carry the scars — physical, emotional and mental — from the war in Vietnam.

The respect paid by the Diamond Valley community did not end there. At 1.30 p.m. we gathered at the Lower Plenty football oval and watched as players from the Lower Plenty Bears and Greensborough shook hands with a stream of Vietnam veterans who came onto the oval and stood proudly in front of all of us before the game began. It was a great game, and I am glad to say that the Bears prevailed to win on the day.

I want to thank the DViets, the Diamond Valley football league, the Diamond Valley Trophy Centre, the Lower Plenty Bears, the Greensborough Football Club and the many, many locals who came along to show their respect for our local Vietnam veterans.

State Emergency Service Ararat unit

Ms STALEY (Ripon) — I was privileged to be invited to attend and speak at the 50th birthday of the Ararat State Emergency Service (SES) unit. It was a beaut night at the Gum San Chinese Heritage Centre in Ararat. Special acknowledgement must be made of controller Donna Dunmore, who remains a driving force behind the widely acclaimed service levels of the Ararat SES. The Ararat SES is one of the busiest highway incident response teams as they serve the Western Highway area. Their professionalism and dedication is outstanding. The Ararat SES is an all-volunteer service of great importance to the community. Happy birthday, and the cakes were amazing!

Country Fire Authority Maryborough brigade

Ms STALEY — The Maryborough fire brigade annual general meeting once again provided an opportunity for me to thank Country Fire Authority (CFA) volunteers in the electorate. I joined emergency services commissioner Craig Lapsley in presenting a number of service and other awards to brigade members. The total number of years of volunteering of just those in the room was well over 2000 years, a deep and profound record of service to the Maryborough community.

The Maryborough fire brigade has been exceptionally proactive in their stance on the independence of the CFA from United Firefighters Union control. I was proud to march in solidarity with them down the main street of Maryborough and to help them collect signatures for the #handsofftheCFA petition which I will be lodging in the Parliament this sitting week.

Georgia Jenkins

Ms STALEY — In the week of 4 July I was delighted to welcome Georgia Jenkins from Ararat College as my first work experience student placement. I was mightily impressed with her dedication and willingness to learn and have a go. I look forward to watching her progress as she finishes high school and goes to university. I also look forward to hosting more work experience students in my office.

Battle of Long Tan commemoration

Mr BROOKS (Bundoora) — On Saturday I joined over 100 people, including the member for Yan Yean and the member for Eltham, at a memorial service commemorating the 50th anniversary of the Battle of Long Tan and honouring all those who served in the

Vietnam War. The service was held at the Greensborough War Memorial Park and organised by the Diamond Valley Vietnam Veterans Association. It was great to see such a show of support from the community in honouring the service and sacrifice of our veterans.

The memorial service was followed by the inaugural Long Tan Cup match between the Lower Plenty Football Club and the mighty Greensborough Football Club. The match was preceded by a short but moving ceremony where veterans were greeted by players and club officials. I was proud to be joined at this match again by the members for Eltham and Yan Yean and to be involved in the ceremony. Although I could not stay to the end, I am informed the match went down to the wire, with Greensborough unfortunately losing to Lower Plenty.

Huge congratulations to all involved in making this day such a great success, in particular the Diamond Valley Vietnam Veterans Association and its president, Peter Blackman, for the extra effort in organising the memorial service and the inaugural Long Tan Cup match. The Vietnam War was Australia's longest war and saw 60 000 men and women serve during the period 1962 to 1975. Five hundred and twenty-one Australians lost their lives in the conflict and thousands more were wounded. It was fitting to see our local community come together last Saturday to honour their sacrifice.

Moyne Shire Council

Mr RIORDAN (Polwarth) — The people and communities within my electorate covered by the Moyne shire were yesterday shocked to read in the papers that their local council was to be sacked. The Andrews Labor government has continued its disregard for people and institutions that serve the greater good. The Moyne shire was one of many outed yesterday by this government to be disqualified and dismissed as of 1 September 2016. I spoke by phone late yesterday to Moyne shire mayor Colin Ryan, who was stunned and could not believe a government could treat people so badly. He and his shire CEO had been unable to get confirmation or feedback from local government authorities as to what was happening.

In a rural municipality the last-minute, permanent removal of local representatives delivers a poor message to the community. The new codes of conduct that have forced these sackings have themselves been controversial, with many candidates for election across my six shires vowing to change them again once elected. But in the short term, what cost will our rural communities have to pay? What jobs will be put at risk? This is a monumental administrative stuff-up. A stuff-up is what it is; there is no other word for it. Combined with the disrespect and chaos caused by the forced signing of the Country Fire Authority (CFA) enterprise bargaining agreement, country people are rightly beginning to form a very firm view of what this current Labor administration cares about. It is about their agenda, their way, or as we have seen with the CFA and now our local governments, it is the Premier's way or the highway.

Level crossings

Mr STAIKOS (Bentleigh) — The Andrews Labor government recently completed a 37-day winter construction blitz to remove level crossings at Bentleigh, McKinnon and Ormond. This is the first time that three level crossings have been removed at once in Victoria's history. The 37-day works program constituted the biggest rail disruption since the city loop was built in the 1980s, such is the scale of our government's infrastructure agenda.

During this time a total of 1000 people worked around the clock across day and night shifts; around 750 000 work hours were clocked; 250 000 cubic metres of soil and rock was removed from the rail corridor — that is enough to fill the MCG — 33 000 cubic metres of concrete was poured, equivalent to 40 house blocks; 180 semitrailers left the site every hour during the major haulage program; more than 850 000 commuters travelled on bus replacement services, with over 70 buses running during the program; and thousands of people visited the bridge decks to view the works. I met a lot of people taking part in that activity, including family members of the late Alana Nobbs, who at 15 was killed by an express train at the Centre Road level crossing a number of years ago. Rail Safety Week is a timely reminder of the importance of the Andrews government's level crossing removal project. My community is absolutely delighted that this government is getting it done.

Green Gully Soccer Club

Ms SULEYMAN (St Albans) — I rise to congratulate St Albans own Green Gully Soccer Club on their victory over the Central Coast Mariners earlier this month. Green Gully defeated the A-League club 2-1, making it the second time in FFA Cup history that a local team has beaten an A-League team and a first for Victoria. I acknowledge the hard work of the president, Raymond Mamo, and congratulate the players, volunteers and the committee of management for their dedication and commitment to the sport.

St Albans Panigiri celebration

Ms SULEYMAN — On another matter, on Sunday, 24 July, the St Albans Greek Orthodox church hosted their annual Panigiri celebration. I note that the event was a huge success. I thank the president, committee members and volunteers for once again hosting a very successful event which really is a key event for the year.

St Albans and Ginifer railway stations

Ms SULEYMAN — Also recently, the St Albans and Ginifer stations have landed on-site, literally. The modules were built off-site and were delivered to St Albans earlier this month. This meant that the station buildings came together without any interruptions and were placed down in just one day, which I saw firsthand on my recent visit to the Kilsyth factory.

Western Ring Road upgrade

Ms SULEYMAN — On another matter, the contracts were recently awarded for the Western Ring Road upgrade between Sunshine Avenue and the Calder Freeway. The $300 million project will see improvements to the E. J. Whitten Bridge, with four new lanes from Sunshine Avenue to the Calder.

Box Hill to Ringwood bike path

Mr CLARK (Box Hill) — I express my concern about the government's continued disregard for the Blackburn community in relation to the route chosen for the bike path from Box Hill to Ringwood. The government are ignoring the needs of the community, and they should listen instead of acting arrogantly in the way they have been.

NATIONAL DOMESTIC VIOLENCE ORDER SCHEME BILL 2016

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter'), I make this statement of compatibility with respect to the National Domestic Violence Order Scheme Bill 2016.

In my opinion, the National Domestic Violence Order Scheme Bill 2016, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

On 11 December 2015, the Council of Australian Governments agreed to establish a national domestic violence order (DVO) scheme, so that a DVO issued in one state or territory will be recognised and enforceable in all others. Every jurisdiction committed to introduce laws to give effect to this agreement in the first half of 2016. This bill fulfils that commitment by enacting the Domestic Violence Orders (National Recognition) Model Provisions (model laws) giving effect to the national DVO scheme into Victorian law, with necessary adaptations and modifications to ensure they work with the existing Family Violence Protection Act 2008 (FVP act). The bill also amends the FVP act so that its system of family violence safety notices (FVSNs) and family violence intervention orders (FVIOs) continues to operate as intended, and makes consequential amendments to other relevant acts.

The national DVO scheme will replace the existing administrative process under which protected persons must apply to a court to have a DVO made by a court in another state or territory registered in order for the DVO to be recognised and enforced in that other state or territory.

Key features of the national DVO scheme, as implemented by the bill, are:

The bill provides that a DVO made anywhere in Australia, or a New Zealand DVO registered anywhere in Australia (a 'non-local DVO'), is recognised and enforceable in Victoria, by virtue of this Victorian law, as if it was made in Victoria;

A police-issued FVSN or a court-made FVIO made in Victoria under the FVP act (a 'local DVO') is recognised and enforceable in any other state or territory as if it were made in that jurisdiction;

A DVO that is nationally recognised can be amended in any jurisdiction, but only by a court;

If a DVO made in one jurisdiction is in force, a new DVO can (if necessary) be made in another jurisdiction by a court, in which case the latest in time DVO will prevail;

If a court-made DVO may be in force in another jurisdiction, police in Victoria can issue a new FVSN if necessary to ensure the safety of an affected family member or to preserve their property or to protect a child. Until the matter returns to court, the respondent must comply with both the new FVSN and any recognised court-made DVO that is enforceable in Victoria. If it is not possible to comply with both the notice and the order at the same time, the respondent must comply with the notice.

In Victoria, the national DVO scheme will apply to all FVSNs and FVIOs, whether they already exist or are made after the commencement of the bill.

Although the adoption of a national uniform legislative scheme can raise issues of non-Victorian laws applying in Victoria, in this case the national DVO scheme is being implemented through each state and territory separately enacting legislation based on the model laws, with any modifications necessary in each jurisdiction. While DVOs made in one state or territory will now be recognised and

enforceable in all participating states or territories, they will be enforced according to the model laws as enacted by the jurisdiction where the enforcement is taking place. Accordingly, no non-Victorian laws will be applied in Victoria under the bill. Further, although the bill will require Victorian police officers and courts to enforce DVOs made in other jurisdictions, these non-local DVOs will be enforced under the FVP act as if they were local DVOs. As such, police and courts will be exercising their enforcement functions according to Victorian law, and the charter's operative provisions will apply.

In addition, the nature and effect of DVOs in each jurisdiction are comparable in respect of key matters such as the types of conduct that may constitute domestic or family violence and the grounds on which DVOs may be made, the kinds of prohibitions, restraints and conditions that a DVO may impose on the person against whom it is made, and the effect of contravening a DVO (i.e. a criminal offence). Accordingly, I am satisfied that no issues affecting the human rights compatibility of the bill arise from the enforcement within Victoria of DVOs made under non-Victorian laws. Likewise, in light of the similarities between the DVO regimes of each jurisdiction, and the content and nature of the rights that are relevant (which are identified and discussed further below), in my opinion the fact that Victorian DVOs can now be enforced interstate does not raise human rights concerns.

Human rights issues

Protection of families and children

By adopting a national DVO scheme, the bill reduces barriers to the recognition and enforceability of DVOs throughout Australia with the aim of preventing family violence to the greatest extent possible, maximising safety for persons who have experienced family violence and promoting the accountability of perpetrators for their actions. In doing so, the bill promotes the right in section 17 of the charter. Section 17 provides that families are entitled to be protected by society and the State, and that every child has the right to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

Recognition and enforcement of non-local DVOs in Victoria

Under the provisions in divisions 1, 2 and 3 of part 3 of the bill, DVOs made in other jurisdictions on or after the commencement of the national DVO scheme will now be automatically recognised and enforceable within Victoria. Subject to how other jurisdictions apply the model laws, older DVOs made in other jurisdictions before the national DVO scheme commences will either be automatically recognised and enforceable within Victoria or only recognised and enforceable if declared by a court or registrar of a court to be a recognised DVO.

Clause 10 of the bill provides that local DVOs, non-local DVOs and foreign orders that are registered foreign orders in any participating jurisdiction are recognised DVOs in Victoria. Clause 15 sets out when a recognised DVO will become enforceable in Victoria. In the case of non-local DVOs, an interstate DVO becomes enforceable against a respondent in Victoria when the respondent is properly notified of the making of the DVO under the law of the jurisdiction in which it was made, and a foreign order becomes enforceable against a respondent in Victoria from the time it becomes a recognised DVO, which, in accordance with clauses 9 and 10, is when the order is registered as a registered foreign order. Transitional provisions in part 7 of the bill provide for the declaration process by which a registrar of a court may declare a DVO made in any jurisdiction that is in force in the issuing jurisdiction, but is not a recognised DVO in Victoria, to be a recognised DVO. DVOs that are recognised pursuant to a declaration are enforceable in Victoria from the time the declaration is made. Clause 16 provides for the meaning of 'properly notified'. Clause 17 provides that a non-local DVO that is a recognised DVO and which is enforceable against a respondent in Victoria may be enforced in Victoria as if it were a local DVO and as if the respondent had been properly notified of the making of the DVO under the law of Victoria. Clause 18 provides that a non-local DVO has the same effect and may be enforced in Victoria as if it were a local DVO. The effect of these provisions is that, while the prohibitions, restrictions or conditions imposed against a respondent under a non-local DVO will remain the same, respondents who contravene a non-local DVO in Victoria will now automatically be subject to the enforcement regime in the FVP act, where previously a non-local DVO was only enforceable in the jurisdiction in which it was made unless it had been registered in another jurisdiction.

The right not to be punished more than once (section 26) and the right to be protected against a retrospective penalty (section 27)

The effect of the provisions in division 3 of part 3 of the bill is that a respondent to a DVO made pursuant to the legislation of another participating jurisdiction will now be subject to the enforcement mechanisms in Victoria. To the extent that the expansion of a DVO's enforceability appears to place additional burdens on respondents to non-local DVOs, the charter rights not to be punished more than once (section 26) and the right to be protected against a retrospective penalty (section 27) require consideration. However, for the following reasons, in my opinion neither of these rights are relevant to the bill.

In relation to the right in section 26, the fact that a DVO is recognised and may be enforced both in the jurisdiction in which it was made and in Victoria, does not offend the principle of double jeopardy. This is because a respondent cannot be tried or punished more than once for contravening a DVO in respect of the same contravention. Moreover, for the avoidance of doubt, clause 56 inserts a new section 125B into the FVP act expressly stating that an accused person is not liable to be punished for an offence of contravening a local or non-local DVO where the accused person has been punished for the same conduct in another jurisdiction.

Section 27 of the charter provides that a person must not be found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in. I am satisfied that clause 18 of the bill does not create retrospective criminal liability. In the case of non-local DVOs that are already in force when the bill commences, the territorial operation and enforceability of those DVOs will be expanded by the bill. However, the rights and obligations between the parties that are the subject of the DVO will not change. The bill will create criminal consequences within Victoria if a respondent contravenes a recognised non-local DVO after the commencement of the bill; however, that criminal liability is not imposed retrospectively.

Accordingly, in my view, these provisions do not limit the charter criminal process rights to protection from double jeopardy or retrospective penalty.

Right to fair hearing (section 24)

Section 24 of the charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The fair hearing right encompasses the concept of procedural fairness, which includes the requirement that a party have a reasonable opportunity to put their case under conditions which do not place that party at a substantial disadvantage relative to their opponent.

The right in section 24 is relevant to clause 30 of the bill. Clause 30 is an averment provision which provides that a certificate in writing purporting to be signed by an authorised officer of another jurisdiction, certifying that the making of a DVO, or the variation to a DVO made in that jurisdiction has been properly notified under the law of that jurisdiction, is admissible evidence and, in the absence of evidence to the contrary, is proof of the matters certified. To the extent that clause 30 affects the manner in which evidence is led by deeming certificates from other jurisdictions to be taken as prima facie evidence of proper notification, I am of the opinion this does not limit the right in section 24. The purpose of clause 30 is to streamline prosecutions under the FVP act, and to ensure that the extension of the jurisdiction to recognise non-local DVOs does not increase cost and delay by requiring evidence to be led about the making or variation of a DVO in another jurisdiction. The matters that can be certified are non-controversial given the statutory context in which DVOs are made or varied, and an accused may still lead evidence to the contrary challenging the evidence that is certified. Finally, clause 30 does not interfere with a court's ability to conduct its proceedings as it sees fit, including the manner in which it evaluates the evidence of an alleged contravention, or the manner in which it affords procedural fairness after the charge is brought.

Accordingly, in my opinion clause 30 of the bill is compatible with the right to a fair hearing.

Presumption of innocence (section 25(1))

Clause 30 of the bill, discussed above, also engages the right to be presumed innocent in section 25(1) of the charter. This right is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that he or she is not guilty of an offence.

Clause 30 of the bill can apply in proceedings in which a person is charged with the offence of contravening a recognised non-local DVO, and will operate to treat certain matters that are specified by an authorised officer of another jurisdiction as proof of the matters certified, unless the accused can raise evidence to the contrary. As such, this provision may be viewed as engaging the right to be presumed innocent by placing an evidential burden on the accused. However, clause 30 does not create a legal burden on an accused to disprove the matters certified so as to limit the right. The prosecution must still prove the essential elements of the offence to a legal standard. I am of the view that there is a negligible risk that this provision would allow an innocent person to be convicted of an offence. Given this, and also the discussion above regarding the purpose of clause 30, in my opinion clause 30 is compatible with the right to be presumed innocent.

Licences, permits and authorisations and property rights (section 20)

Clause 19 of the bill provides that, if a recognised non-local interim DVO expressly disqualifies a person from holding a non-local firearms licence, or a type of non-local firearms licence, the person is also disqualified from holding a local firearms licence or local firearms licence of the same type (as the case requires). Similarly, clause 20 provides that where a recognised non-local interim DVO expressly disqualifies a person from holding a non-local weapons licence, or a type of non-local weapons licence, the person is also disqualified from holding a local weapons licence or local weapons licence of the same type. If the person is so disqualified, the Chief Commissioner of Police must cancel any local firearms or weapons licence they hold. The bill also amends the Firearms Act 1996 to ensure consistency with the bill.

Because the bill provides for the cancellation of firearms and weapons licences, as well as amending the provisions in the FVP act relating to the search and seizure powers, the right in section 20 of the charter may be relevant. Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public and are formulated precisely.

Statutory rights are inherently subject to change and, for this reason, are less likely to be found to be proprietary than other rights. This conclusion is even more likely where what is being considered is a statutory licence, where the licence-holder did not have a reasonable expectation of its lasting nature. Statutory provisions that provide for the making of firearms and weapons licences make it clear that licences are granted on the basis that they can be suspended, cancelled, varied or have conditions imposed upon them, and are therefore inherently contingent. In these circumstances, I am of the opinion that the cancellation or alteration of a licence will not amount to a deprivation of property, rather they are the crystallisation of an inherent contingency. Even if the statutory licences were considered proprietary in nature and a decision by the chief commissioner to cancel licences therefore resulted in the deprivation of that property, it is clear that the process for cancelling licences is precisely set out in the bill and related acts and is not arbitrary in nature. The cancellation is not arbitrary because it has a legitimate objective, the protection of a protected person and other family members.

Various provisions in part 7 of the FVP act deal with the search for and seizure of firearms and weapons and, as such, may result in a deprivation of property. For the reasons given above, to the extent that these clauses allow for the deprivation of property, the deprivation is in accordance with law and there is no limitation on the right.

Exchange of information and the right to privacy (section 13)

Part 5 of the bill makes provision for the exchange of information between courts and law enforcement agencies, to ensure there are no impediments to the sharing of information for the purpose of the national DVO scheme. Part 5 of the bill

covers information about FVSNs, FVIOs and recognised DVOs, but only applies to the exchange of information between Victorian issuing authorities (courts and other persons with power to make DVOs) and Victoria Police, and issuing authorities and law enforcement agencies in other States and Territories. It does not deal with the exchange of information within Victoria.

Clause 27 provides that an issuing authority of Victoria may obtain information about a DVO from an issuing authority of another jurisdiction, or interstate law enforcement agency, and use that information for the purpose of exercising its functions under the bill. Clause 28 provides that a local law enforcement agency may obtain information about a DVO from an issuing authority of another jurisdiction, or from an interstate law enforcement agency, and use that information for the purpose of exercising its law enforcement functions. Clauses 29(1) and (2) require an issuing authority of Victoria to provide to a court in another participating jurisdiction, or to an interstate law enforcement agency, prescribed information about a DVO that is reasonably requested for the purpose of their functions. Clause 29(3) requires a local law enforcement agency to provide to an interstate law enforcement agency any prescribed information it holds about a DVO that the interstate law enforcement agency reasonably requests for the purpose of exercising its law enforcement functions.

As these provisions will require or permit the collection or disclosure of personal information relevant to DVOs that may relate to both respondents and protected persons and their families, the right to privacy and reputation in section 13 of the charter is relevant. Section 13(a) of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 13(b) provides that a person has the right not to have his or her reputation unlawfully attacked.

While these provisions interfere with a person's right to privacy, they do so in a manner that is neither unlawful nor arbitrary. This is because the bill sets out proper processes through which the information is disclosed and any disclosure will be for the purpose of the exercise of issuing agencies' or law enforcement agencies' functions. The ability of courts or police officers across different jurisdictions to readily ascertain the existence and content of a DVO in another jurisdiction is essential to achieve the bill's purpose of protecting victims of family violence, regardless of where they are and where the DVO was made.

Consequently, I am satisfied that the right in section 13 of the charter is not limited by the exchange of information provisions.

Amendment of Family Violence Protection Act 2008

The bill makes a number of consequential amendments to the FVP act, including clarifying the powers of police under the FVP act in respect of both local and non-local DVOs.

Expansion of police holding powers — right to freedom of movement (section 12)

The bill makes a number of amendments to part 3 of the FVP act, which provides for police holding powers to protect victims prior to matters going to court, and to part 7 of the FVP act, which provides for other police enforcement powers.

In respect of part 3 of the FVP act, clause 83 substitutes a new section 13 into the FVP act, which sets out the criteria for exercising the holding powers under part 3 in relation to the issuing and serving of FVSNs and FVIOs. Clause 42 introduces a new section 13A which prescribes the criteria for exercising the holding powers in relation to recognised DVOs. The new criteria will include:

at section 13(1)(a), that a police officer intends to make an application for a FVIO, for an order varying a FVIO, or for a FVSN;

at section 13(1)(b), that a police officer reasonably believes that a FVIO has been made or a FVSN has been issued against the person but not served, and the police officer intends to serve a copy of the order or the notice on the person;

at section 13A(1)(a), that a police officer intends to make an application for an order varying a recognised DVO; or

at section 13A(1)(b), that a police officer reasonably believes that a person is a respondent to a recognised DVO, and the police officer intends to obtain a copy of the recognised DVO and, if the DVO has not been served, serve a copy on the person.

It is intended that the amendments contained in part 9 of the bill which include clause 83 (relating to holding powers in relation to FVIOs and FVSNs) will be proclaimed first, with clause 42 (relating to holding powers in relation to recognised DVOs) to commence at a later date, with the rest of the national DVO scheme.

Clause 84 makes necessary amendments to section 17, which sets out the procedural requirements of the holding powers. These apply if a person is directed under section 14 to remain at, or go to and remain at a police station, or if a directed person is apprehended and detained under section 15. Clause 85, and, subsequently, clause 43, amend section 18 of the FVP act which relates to the duration of holding powers. Under existing section 18(1), the maximum duration for the holding powers is 6 hours after the direction is given, subject to extension by a court under section 19 to a maximum 10 hours. The bill inserts new subsections 18(2A) and 18(2B), which provide for when the new holding powers exercised under sections 13(1)(b) and 13A(1)(b) end. Despite section 18(1), the duration of these holding powers ends either when the relevant unserved order or notice is served on the directed person or a copy of the recognised DVO is obtained, or, if it is established that the directed person is not a respondent to the relevant notice or order, at the time that a police officer becomes aware of that fact.

The holding powers under the FVP act limit the right to freedom of movement in section 12 of the charter because section 14 empowers a police officer to direct a person to go to and/or remain at a particular location, and section 15 empowers a police officer to apprehend and detain a person if a directed person fails to comply with a direction under section 14. However, in my opinion the limitation on the right to freedom of movement in this context is reasonably and demonstrably justified in accordance with section 7(2) of the charter. The new powers are confined to circumstances where the police officer has a reasonable belief that there is an unserved FVSN or FVIO or a recognised DVO in place. They may only be used where the officer suspects the person is an

adult and believes on reasonable grounds that use of the powers is necessary to ensure the safety of a family member of the person or to preserve the family member's property. Further, the more serious power of apprehending and detaining a person will only occur if a directed person fails to comply with a direction under section 14. The nature and extent of the limitation is also minimised by the context in which any detention occurs, namely to ensure the protection of another person from family violence.

Expansion of police holding powers — right to liberty (section 21)

A further right that is relevant to the holding powers is section 21 of the charter. Section 21 provides that a person has the right to liberty and security, that a person must not be subjected to arbitrary arrest or detention, a person must not be deprived of his or her liberty except on grounds, and in accordance with procedures, established by law, and that a person who is arrested or detained must be informed of the reason for the arrest or detention. In my opinion, the right in section 21 is not limited by the holding powers because any deprivation of liberty will be on grounds and in accordance with procedures established by law. Further, the detention of a directed person may only be for specified, limited purposes, and only for as long as the relevant purpose (e.g. establishing that a DVO is in place or effective service of notices or orders) remains but must not exceed the maximum period set out in sections 18 and 19 of the FVP act. As such, and for the reasons given above, I am satisfied that any deprivation of liberty pursuant to these provisions will not be arbitrary.

Expansion of police enforcement powers — property rights (section 20) and right to privacy (section 13)

In respect of part 7 of the FVP act, clause 59 amends section 157(1)(b) of the FVP act which provides for police officers to enter and search premises without a warrant on the basis of a reasonable belief that: a person has assaulted or threatened to assault a family member; a person is on the premises in contravention of a FVIO, FVSN or recognised DVO; a person is or has refused or failed to comply with a direction; or with the express or implied consent of an occupier. Clause 60 of the bill amends section 158(1) to provide that where a person is a respondent to a recognised DVO, or a police officer intends to serve or has served on a person a recognised or interstate DVO or an application for such a DVO made against the person, police may direct the person to surrender firearms and weapons. Clause 61 makes a similar amendment to section 159(1) which provides for police power to enter and search certain premises without a warrant. Clause 62 amends section 159A which provides that, in the case of serving applications, there are additional requirements for police to give a direction under section 158 and to enter and search under section 159. Clause 63 amends section 160(1)(a) and section 160(1A)(a) to extend the power of police to apply to a magistrate for a search warrant to include where a person is a respondent to a recognised DVO, or where a police officer intends to serve or has served on a person a recognised or interstate DVO or an application for such a DVO made against the person.

As outlined above in the discussion regarding licences, permits and authorisations, powers in respect of surrendering firearms and weapons engage the property rights in section 20 of the charter. However, for the reasons given above, I am satisfied that that right is not limited.

The entry and search powers in part 7 of the FVP act also have the potential to interfere with a person's privacy as protected by section 13 of the charter. It is arguable that, particularly where the searches occur in the absence of a requirement to seek a warrant, these searches have the potential to arbitrarily intrude into the private and home spheres of individuals. However, I am of the view that any such interferences will not constitute a limit on the right to privacy because they will occur lawfully and not arbitrarily. The interference is not arbitrary because it is in accordance with the provisions, aims and objectives of the charter (particularly section 17, which provides for the protection of children and families) and is reasonable in the circumstances, where the intent is to protect a person from further family violence incidents. The power to enter and search without a warrant is confined to circumstances where a DVO has been issued, or an application has been made, and a police officer is aware or has reasonable grounds to suspect that the person who is subject to the DVO or application is in possession of a firearm, a firearms authority, ammunition or a weapon. Where entry is authorised pursuant to a warrant, the procedures governing search warrants under the Magistrates' Court Act 1989 apply, and there are additional safeguards such as the requirement to announce before entry under the warrant.

For these reasons, in my opinion, the bill's amendments to the police holding and enforcement powers under the FVP act are compatible with the charter.

Presumption of innocence (section 25(1))

The bill amends sections 123 and 123A of the FVP act, by inserting new defences to the offences of contravening a FVIO. The right to be presumed innocent in section 25(1) of the charter is relevant to these provisions, because they place the legal onus of proof on a defendant.

The right to be presumed innocent is an important right that has long been recognised under the common law. However, the courts have held that it may be subject to limits, particularly where, as here, the defence is enacted to enable a defendant to escape liability. The new defences will apply where:

> the accused was the respondent to a recognised DVO; and
>
> a FVSN was issued after the recognised DVO and was in force at the time of the alleged offence; and
>
> the accused's conduct complied with the FVSN; and
>
> the accused could not have complied with the order at the same time.

In these circumstances, the existence of the FVSN and the recognised DVO are matters that are peculiarly within the defendant's knowledge as they will have been personally served with copies of both the notice and the order or otherwise have had the making of the order brought to their attention. The imposition of a burden of proof on the accused is directly related to the purpose of enabling the relevant offence to operate as an effective deterrent while also providing a suitable defence where in these particular circumstances new section 40 of the FVP act provides that the respondent must comply with the FVSN. Further, the limit on the right to be presumed innocent is imposed only in respect of the defence. The prosecution will still first have to establish

the elements of the offence. Although an evidential onus would be less restrictive than a legal onus, it would not be as effective because it could be too easily discharged. The inclusion of a defence with a burden on the accused to prove the matters on the balance of probabilities achieves an appropriate balance of all interests involved.

Accordingly, in my view, the limitation imposed on the right to be presumed innocent by these provisions is reasonable and justifiable in accordance with section 7(2) of the charter act.

Restricting where a respondent may be and who they may contact — freedom of movement (section 12) and right to home (section 13)

The provisions of the FVP act, as amended by the bill, provide for the making and enforcing of orders pursuant to which a respondent may be excluded from a protected person's residence, prohibited from being within a particular distance of a person, or prohibited from approaching a person. Accordingly, the right to freedom of movement in section 12 of the charter is relevant and limited. However, for the reasons outlined in the statement of compatibility for the Family Violence Protection Bill 2008, and given the importance of protecting protected persons from further family violence, I am satisfied that the limitation of those rights in the circumstances is justified in accordance with section 7(2) of the charter.

The right of a person not to have their privacy, family or home unlawfully or arbitrarily interfered with, as protected by section 13(1) of the charter, is also relevant. The exclusion of a respondent from a protected person's residence may have the effect of interfering with a respondent's right to privacy and home. However, in my opinion this interference is lawful and not arbitrary, as such an exclusion is integral to ensuring the prevention of further family violence. Further, in relation to provisions which provide for the exclusion of a respondent from a protected person's residence, any exclusion only occurs if a court or police consider it necessary in the circumstances.

Amendment of Open Courts Act 2013 and restrictions on publication of proceedings

The bill amends the definition of 'family violence offence' in the Open Courts Act 2013 so that it refers to non-local DVOs (interstate and foreign orders) rather than to corresponding interstate and New Zealand orders. This relates to the grounds on which a court may make a closed court order under the Open Courts Act 2013.

As such, this amendment engages the right to a fair hearing in section 24 of the charter, which includes the right to a fair and public hearing. However, sections 24(2) and (3) of the charter enable a court or tribunal to exclude persons or the general public from a hearing and to prohibit the publication of judgements or decisions made by a court. Even if the power of a court may affect the qualified right to having a matter decided by a court or tribunal after a fair and public hearing, I consider that this is reasonable and justifiable in the circumstances. A court's powers in respect of closed courts are subject to the presumption in favour of disclosure, and the grounds on which closed court orders can be made are strictly limited and designed to serve legitimate and important ends such as protecting a person's safety and protecting parties and witnesses in certain criminal proceedings from distress or embarrassment.

The right to a fair hearing may also be relevant to the provisions in the bill that provide for restrictions on publication of proceedings relating to recognised DVOs and declarations that a DVO is a recognised DVO as well as the recognised DVO to which the proceeding or declaration relates. However, any limit on the charter's prima facie requirement for all judgements or decisions made by a court or tribunal to be made public occasioned by the bill will be within the exceptions in section 24(3), as being either required for the best interest of a child, or permitted by another law. As such, these provisions do not limit the right to a fair hearing.

Amendment of Residential Tenancies Act 1997

The bill amends the Residential Tenancies Act 1997 to extend the existing protections for persons protected by a FVSN or a FVIO to also apply to recognised non-local DVOs. These protections make provision for a person protected by a DVO that excludes the respondent from a rented premises to change the locks of the premises, whether or not the protected person is a party to the tenancy agreement. As discussed above, where a person is excluded from a residence, the rights to freedom of movement in section 12 and the right to privacy in home are relevant. However, for the reasons given above, I am satisfied that the bill's amendment to the Residential Tenancies Act 1997 is compatible with the charter because any limitation is reasonable and justified.

The bill also amends clause 73A of part 17 of schedule 1 of the Victorian Civil and Administrative Tribunal Act 1998 which prevents a respondent to a FVIO from personally cross-examining a protected person without the leave of the tribunal. The amendments makes similar provision where a recognised non-local DVO made by a court is in place between the parties. Although the right to a fair hearing in section 24 of the charter is relevant to any alternative arrangements for giving evidence and conducting proceedings, the right is not limited because a person will still have the proceeding decided by a competent, independent and impartial tribunal after a fair and public hearing. Where the alternative arrangements are taken in relation to children, they are in their best interests and therefore work to promote section 17 of the charter, which recognises the special right of children to protection.

Conclusion

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

The Hon. Martin Pakula, MP
Attorney-General

Second reading

Mr PAKULA (Attorney-General) — I move:

That this bill be now read a second time.

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

A new national scheme for domestic violence orders

Family violence is the no. 1 law and order issue in our state.

The number of family incidents recorded by Victoria Police increased by 82.7 per cent from 35 666 incidents in the 2009–10 financial year to 65 154 in 2013–14. From July 2009, the number of applications heard in the Magistrates Court increased by 34.5 per cent to 35 147 in 2013–14 while the number of applications heard in the Children's Court increased by 33.0 per cent to 1872 in 2013–14.

Victoria is not alone in facing this problem. Family violence is a national problem, and our laws need to recognise this.

On 11 December 2015, the Council of Australian Governments (COAG) agreed to 'introduce a national Domestic Violence Order scheme so domestic violence orders issued in one state will be recognised in all others, with every jurisdiction committing to introduce laws to give effect to this in the first half of 2016'.

The National Domestic Violence Order Scheme Bill 2016 fulfils this commitment. This bill tailors the model laws as agreed by COAG to the Victorian legislative environment whilst maintaining the core of the national framework.

I note that although this initiative is one that the commonwealth has promoted, and is one that we support, the commonwealth has not provided the necessary infrastructure to allow this to happen seamlessly. Under the proposed interim scheme, police have no quick and reliable way of seeing the content of a domestic violence order made in another jurisdiction, which will hamper efforts to enforce these orders.

The Victorian government is introducing this bill, in line with our COAG commitment, but it will not commence until we are satisfied that it will not jeopardise the safety of victims, or impose an unreasonable burden on our police and courts.

The problem of family violence

The impacts of family violence are severe. Family violence causes terrible physical and psychological harm to victims, often with long-term impacts. It destroys families, undermines communities, and has substantial economic and social costs.

As evidenced by the Royal Commission into Family Violence, and the $572 million committed in the 2016–17 budget to begin implementing its recommendations, the Victorian government is taking real action to address this devastating social problem. It is hoped that through the extensive work being undertaken, we can begin to build a society in which women, children, and men can live in homes that are free from violence.

The current domestic violence order system

Domestic violence orders are an important tool in providing protection for victims and families. Each Australian state and territory, and New Zealand, has a form of domestic violence order. In Victoria, these are known as family violence intervention orders. Breach of a domestic violence order is a criminal offence.

Most jurisdictions also have police-made notices that similarly protect victims of family violence. In Victoria, these are known as family violence safety notices. Breach of a family violence safety notice is also a criminal offence.

If a victim moves from New Zealand to Australia, or moves from one Australian state or territory to another, and they wish to have their court-issued domestic violence order enforced in that state or territory, they must register that order with the court of their new jurisdiction. Failure to do so means that the domestic violence order is unenforceable in the new jurisdiction.

Key principles of the new scheme

This bill creates a scheme under which all domestic violence orders, wherever they are made in Australia, are recognised and enforced nationally without protected persons having to take any further action.

Under the model laws, any domestic violence order, whether made by a police officer or court, will be automatically recognised across Australia when it is made. A recognised domestic violence order will be enforceable nationally as soon as it is in force in the state or territory in which it is made. In most cases, this will mean that the domestic violence order can be enforced nationally when it is served on the respondent.

A domestic violence order made in New Zealand that is registered with a court in one state or territory will be automatically recognised and enforceable against the respondent across Australia when it is registered.

Under the model laws, a new domestic violence order will supersede a previous domestic violence order between the same parties, unless the new domestic violence order was issued by a police officer.

Variation and revocation of recognised non-local domestic violence orders

The model laws allow applications to be made to a court in any state or territory to vary or revoke a recognised domestic violence order, unless the domestic violence order cannot be varied or revoked in the state or territory in which it was made. This limitation means that a court in another state or territory will not be permitted to vary, extend or revoke a Victorian police-issued family violence safety notice. These notices, which act as an application for a court-made family violence intervention order and a summons for the respondent to attend court, operate for a limited period and cannot be varied or revoked by a Victorian court. In some states, such as South Australia, a domestic violence order cannot be varied or revoked by a respondent for a certain period after it is made. A respondent cannot apply to vary or revoke a recognised domestic violence order such as this in any other state or territory during that period.

Courts will have a discretion to decide whether or not to hear an application to vary or revoke a recognised domestic violence order that was made in another state or territory. In general, the decision whether or not to hear an application to vary or revoke a recognised domestic violence order that was made in another state or territory will be decided in accordance with the laws of the state or territory where the application is made. However, in deciding whether to hear the application, the court will consider a range of factors, including whether there has been a material change in the circumstances on which the order was made, and whether the application is a de facto appeal against the order. This clause is designed to prevent 'forum shopping' by respondents — to stop respondents from engaging in vexatious proceedings in

another state so that they can continue to harass the person protected by the order.

If the respondent contravenes a recognised domestic violence order, they will be prosecuted according to the laws of the state or territory in which the domestic violence order was contravened and subjected to the penalties that apply in that state or territory.

Exchange of information

The national domestic violence order scheme will only be as good as the information that underpins it. For the first time, all Australian police forces and courts will be required to work together. The model laws contain information exchange provisions to underpin this cooperation and Victorian police and courts will be expressly empowered to exchange information with their interstate counterparts.

To avoid confusion, the bill is more specific than the model laws about the type of information that can be exchanged under the scheme, and provides that the type of information that can be exchanged will be prescribed by regulation. This prescribed information will be in addition to other forms of information that can already be exchanged — it does not derogate from existing powers to exchange information.

Implementation

On their face, once enacted, the model laws provide complete portability of domestic violence orders throughout Australia. However, they rely on police in each jurisdiction having access to every domestic violence order that is in force. Unfortunately, this is not yet possible. The COAG communique dated 11 December 2015 states that COAG agreed to:

> 'develop a comprehensive national domestic violence order information sharing system that police and courts will be able to use for evidentiary purposes or to enforce domestic violence orders, noting this will take several years to fully implement; and
>
> in the short-term, establish an interim information sharing system that will provide police and courts with information on all domestic violence orders that have been issued, but will not have the same evidentiary or enforcement capacity as the permanent system'.

The comprehensive national domestic violence order information sharing system is some years away. In the meantime, the interim information technology system relies on CrimTrac's national police reference system — the NPRS. The NPRS will only be able to show police whether a domestic violence order may be in force against the respondent.

If police are called to an incident and a person says that they have a domestic violence order from another jurisdiction, police will not be able to confirm this order, or its status or conditions, simply by checking the NPRS. In most cases, we expect police will have to contact the interstate court that made the DVO to get a copy of the order. This may not be possible for some days, as most other states and territories do not operate a court registry that is open after hours or at the weekend.

This is not an acceptable basis for a national scheme. The commonwealth has advocated for this scheme for some years — it is a commitment in the National Plan to Reduce Violence Against Women and Their Children 2010–2022. But the commonwealth has not committed the resources to ensure the NPRS can support the national domestic violence order scheme in the short term, while the long-term information technology system is developed.

Victoria is considering the best way to make this scheme work, but we will not commence the bill until adequate systems are in place to support its implementation and keep victims safe. I have written to the federal Attorney-General, the Honourable George Brandis, QC, about the government's concerns.

Family violence safety notices to prevail

The agreed model laws were predicated on the idea that only one domestic violence order could be in place at any one time, and that the last in time order would prevail. It was also agreed that a police-issued order could not prevail over an existing court-made order. For this position to be workable and ensure victims can be protected, police and courts need access to all relevant information about a domestic violence order, including whether or not it was in force, and the conditions attached. The interim information technology arrangements for the national domestic violence order scheme do not provide the functionality required to ensure this information is easily or quickly accessible.

The interim information technology system will not enable police to determine whether an interstate domestic violence order is in force, the conditions attached to it, or other vital information. The bill therefore departs from the model laws and allows police to issue a family violence safety notice to protect a victim, whether or not a recognised domestic violence order made by a court in another jurisdiction is in place between the parties. The family violence safety notice will prevail over a recognised court-made domestic violence order if it is not possible for the respondent to comply with both the notice and the order. This will be a rare occurrence. Usually, family violence safety notices and court-made domestic violence orders will only contain prohibitions — for example, that the respondent must not go within 500 metres of the protected person's house. If the family violence safety notice says that the respondent cannot go within 100 metres of the protected person's house and the recognised court-made domestic violence order says that the respondent cannot go within 500 metres of the protected person's house, the respondent can comply with both legal instruments by staying 500 metres away from the protected person's house. As the vast majority of court-made domestic violence orders impose general prohibitions, a direct conflict will be a very rare occurrence. Failure to comply with the family violence safety notice will be a criminal offence.

Family violence safety notices not only provide short-term protection for victims of family violence, they also act as an application for a family violence intervention order. In the time between the issuing of the family violence safety notice and the return date at court, Victoria Police will determine whether there is a recognised court-made domestic violence order in place between the respondent and the victim. If so, Victoria Police may withdraw the family violence safety notice at the first court date and take appropriate further action, such as charging the respondent with breaching the recognised court-made domestic violence order or applying to the court to have the recognised order varied to add protections for the victim.

If there is a conflict between the order and the notice, the family violence safety notice will have legal precedence over the recognised court-made domestic violence order if it is not possible for the respondent to comply with both the notice and the order.

This is not an ideal situation, but our priority is to ensure that there are no gaps in the protection that can be offered to victims. The fact that we do not yet have an adequate information technology system to support the national domestic violence order scheme means we must allow notices and orders to co-exist.

Holding powers

The Family Violence Protection Act 2008 currently provides powers for Victoria Police members to hold a person while protective measures are being put in place. These powers are necessary to ensure that an alleged perpetrator of family violence does not flee a scene before police have the chance to issue a family violence safety notice or apply for a family violence intervention order to protect a victim or victims.

The bill will amend the Family Violence Protection Act to allow a police officer to use the holding powers where the police officer reasonably believes that a person is a respondent to a recognised domestic violence order and the officer intends to obtain a copy of that order. This may occur where the police officer needs a copy of the order so that it can be enforced or served, or so that the officer can determine whether additional protective measures are necessary to ensure the safety of the victim.

Consistent with this amendment, the bill also amends the Family Violence Protection Act to allow police to use the holding powers where there is an existing family violence intervention order or family violence safety notice in place but which has not been served on the respondent. These new holding powers will allow police to detain the respondent for the purposes of serving the notice or order, from which time it will be enforceable.

Commencement of the scheme

The Victorian government is committed to ensuring that the national domestic violence order scheme maximises safety for victims, holds perpetrators to account justly and fairly, and is efficient and effective for our courts and police to administer and enforce.

We will not commence the bill until we are satisfied that the interim information technology system will adequately support the enforcement of recognised domestic violence orders under the national domestic violence order scheme, and will not put the safety of victims of family violence at risk.

We owe it to victims of family violence to get the scheme right. The stakes are too high for us to get it wrong. For this reason, the bill does not contain a default commencement date, and will not be commenced until the government is assured the interim information technology system will not jeopardise victim safety.

When we do commence this national scheme, we intend that all current Victorian family violence safety notices and family violence intervention orders will be part of the scheme regardless of when they were made.

Scope of the scheme

The model laws do not apply to intervention orders that do not relate to family violence — such as Victoria's personal safety intervention orders. Persons who are protected by non-family violence intervention orders should continue to have their orders registered in any other state or territory where they require protection.

Conclusion

Family violence is a scourge on our community. We, as a government, and as a Parliament, have a moral imperative to do what we can to address it. The national domestic violence order scheme will be an important step in ensuring protection for victims from family violence and holding perpetrators to account. However, the systems required to implement the scheme are contingent upon work being undertaken by the commonwealth government together with states and territories.

We will clearly communicate with stakeholders and the public when the new scheme is ready to start. In the meantime, victims of family violence who move interstate or who live in border towns are encouraged to register their domestic violence order in their new state or in their bordering state.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Tuesday, 30 August.

CROWN LAND LEGISLATION AMENDMENT BILL 2016

Second reading

Debate resumed from 25 May; motion of Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change).

Mr BATTIN (Gembrook) — I rise in relation to the Crown Land Legislation Amendment Bill 2016, and I will put on the record our position, which is to not oppose this bill. There are some changes in this bill specifically around fines and the way we deal with our parks in Victoria, probably more so about the way that people deal with our parks and people have access to our parks who want the ability to use them for recreation purposes. It is very important we get on the record that on this side of the house we very much support the recreational purposes of our parks. That is something that we know is a very good pastime. We know the saying 'healthy parks, healthy people', and we know it is important that people have access to our parks throughout our state.

However, when you take the responsibility of getting into a park, you have got to take the responsibility of

caring for that park. I know whilst I was running a program down in Dandenong — Operation Newstart — we had a theory that when you went into a park you left the park better than you found it, so if you go to a camping site and you find rubbish there that is not yours, that does not mean that you just walk past and leave it. We were teaching young people of that generation that they must go in there and take that extra bit of rubbish with them or report it if it is bigger dumping through that area or there is larger furniture. Obviously if you are backpacking through some parts of Victoria, it is very difficult to carry out a couch, which some people have managed to find dumped in our parks in Victoria. It is quite difficult to fit one in a backpack to get it out of there.

But it is important that the people who are going through our parks have the responsibility of working in that park to make sure it is a better place for all people, because they are there for reasons other than just for public access. Obviously parks in Victoria have their environmental purposes. They are there for our flora and our fauna; obviously we have got protected species. There are a whole range of reasons why we have our parks in Victoria. That is why I was saying that good management is vital.

I will not go through all the fines and details exactly as they are. They have been put into the second-reading speech and are obviously emphasised in the bill, but it is about making sure that the fines et cetera are basically in line. This makes it a bit easier for everybody to understand what those fines are, and some of those fines are more appropriate to today. A lot of the fines were introduced when this bill was originally introduced. Those fines could be as low as $30 and up to $70, and we need to make sure that they are in line with today's expectations for people who are using our parks.

Locally, as the member for Gembrook, we have got the Gembrook state forest, and there is a local issue in relation to four-wheel drivers. One of the big issues I believe this bill will assist us to address is looking at four-wheel drivers and how they use our parks. Most four-wheel drivers — and I do not think there are many in this house who would disagree — are conservationists. I would use the word 'conservationist'. They want the parks to be in the best condition for the future for their recreational purposes, and there are some fantastic four-wheel drives around the state and some fantastic places that our four-wheel drivers can go. That goes for other recreational purposes, but for four-wheel drivers specifically.

In Gembrook we have Ure Road, and over the years Ure Road has deteriorated. I will give a prime example of how bad Ure Road got. On my very first opportunity to go and meet a constituent after I was elected in December 2010, it had been quite wet. I drove down the middle of Ure Road. As we know most of us drive Territories, and my Territory got bogged in the middle of Ure Road. It was a quality road that had a few ongoing issues. Over a period of time they have managed to block off that section of road, and that is just for the safety of people who are driving down there. I can imagine driving down there in a Corolla; you would not get right through the area, so it was put in as a safety issue. Barriers were put in. Parks Victoria worked with some in the local community. Some in the local community did not appreciate it, but the overall effect was to try to close it off for improved safety.

The four-wheel drivers who I would say are not conservationists or do not care much about the environment manage to either cut down trees or force their way through other parts of the bush and create their own four-wheel drive tracks. They create tracks that are not suitable. They create tracks that are dangerous, but more importantly they are actually taking out part of the environment that we are looking to protect. Most of the community, particularly the walking community in those areas, want to make sure they are going down there to Gembrook to have a look at some of the most beautiful scenery in the world. They are going through, and instead they are seeing massive destruction from four-wheel drives that go through. I think these four-wheel drive drivers themselves must be held to account, and they must have penalties that are in line with community expectations. They must have penalties that are actually a deterrent to what they are doing — not a penalty that is in place from yesteryear but one that is current and is a deterrent to what they are doing. I think it is important that that gets done.

There are also the positive four-wheel drivers — the ones that go out there and clear fire tracks. If they go through a fire track and they notice a tree down, they will go and clear that fire track. You can go and look through the vehicle of a good four-wheel driver and you will know them from the good preparation they have got, the understanding of the tracks — —

Mr Noonan interjected.

Mr BATTIN — Like Russell Coight, I have just been informed. I probably would not put him exactly in the 'good' category.

Ms Graley — Do an impersonation for us.

Mr BATTIN — The good thing is that Hansard cannot pick up impersonations; I would give it a go otherwise. You could see Russell Coight as a good example of what not to do in some of our forests throughout Victoria. Our four-wheel drive community, as a whole, when you go through the four-wheel drive magazines, they talk about the positive impact they can have on our environment. They talk about the positive nature of ensuring that they stick to the tracks that are already there and ensuring that they open up the tracks for safety around fire tracks.

You can go down to Won Wron. In the past Won Wron prison had a program where they used to go and clear the fire tracks down there quite regularly. The prisoners would go out. There were 10 prisoners with 1 prison officer. They would generally have one or two chainsaw operators and a few slashers, and they would go through and clear tracks to make sure the Won Wron state forest always had access for fire trucks but more importantly had access for people to get out if they were camping in those areas down there and there was a fire. Today, with Won Wron prison gone and those bush gangs no longer available, it is important that the four-wheel drivers take up that role. They are taking up that role and they are making sure that in Victoria we are in a position to have the forest protected.

We spoke about the need to protect our wildlife. We hear much about the helmeted honeyeater. I am lucky that in the Gembrook electorate we have actually got the helmeted honeyeater and the pink heath. I believe in the past we had gold; I have not found any as yet, but I believe we had some there. We have got the Leadbeater's possum. I have got them all there, I think. The only one missing is the sea dragon, which I know we have not got through Gembrook.

Mr Noonan interjected.

Mr T. Bull — The weedy sea dragon.

Mr BATTIN — The weedy sea dragon. Thank you very much. It took three of us, but we eventually got there. I think it is vital that we have the protection up there, particularly through the Yellingbo part of the state forest, to ensure that we have got the viability going forward. Again, a bill like this is ensuring that Victorians totally understand why we have those parks up there in Victoria.

I think when you bring in a bill like this I would implore the government to look at it and to also have an education-style program that goes around this to inform people that the penalties are changing and to inform them why they are changing. We have seen the dumping of rubbish. As I said before, we have seen the dumping of couches. There have also been caravans. You can go through a whole list of things that have been dumped in our forests. It is important that we get the message out to people about what they can and cannot do and what their responsibilities are. An advertising campaign for this is probably not one you would want to run through networks 7, 9 and 10, but you could go directly through hunters' magazines and four-wheel drive magazines and ensure that their readers are aware of these changes so they know what is coming forward in the future for them.

Hunting in Victoria is a sport that is very well respected. Over the years we have had a great history of hunting tourism in Victoria, and I think it is one we should be proud of. I think it is one we should endorse going forward. Again you can go and speak to Field and Game Australia. I know I have met quite regularly with David McNabb. He speaks about the conservation for them as well. They do not want to go in there and destroy our forests. They want to make sure the forests are protected for the future. They want to make sure their industry is surviving as well. They have got an industry that is reliant on a healthy forest system. They have got an industry that is reliant on regeneration, and they have got an industry that is reliant on tourism. It is important to have those three things down there, including the education program, through all of the hunters.

I will state quite confidently that most hunters on the whole are pretty good and they do want to protect the environment while they are out there. They are conservationists for that land. David McNabb talks about the programs that they run internally to make sure that hunters are aware of it and the extra education they do from there. The other thing he does mention is that there are also some hunters out there who are not great and that go through and leave the place worse than when they first found it. I think it is important that we get the message out there. We cannot throw out the whole industry because of a select few in the industry. I think that is where this bill will hopefully be heading in the future.

The only real concern that is raised around this particular bill from my view is in relation to the penalties, but they are in the regulations and the regulations have to be written later. I have not seen those as yet. It is important to make sure that those regulations are in line with the intent of the bill — that is, to ensure that the bill is targeting the right people, that it is targeting those people who do not take care of our land and that it is targeting those people who

intentionally go out of their way to cause disruption through our parks in Victoria and create an issue through the whole of Victorian lands.

As the shadow minister for environment I have had the pleasure in the past to tour many of our parks. We are lucky that we have got many staff within Parks Victoria and within the Department of Environment, Land, Water and Planning, previously the Department of Environment and Primary Industries. We have got people who genuinely care about our land. Places like Hattah Lakes and down through Gippsland are some of the most beautiful parts of the world, and we have them because overall, as a rule of thumb, the staff within these departments care about their land and they want to get out there and supervise and make sure that this land is protected for ongoing use in the future.

Mike Timpano I know has been down Gippsland way. When you go and speak to him he is so proud of the staff he has had involvement with down there. He knows and understands the exact needs of the forest down there to see the growth within the industry, whether that is within the timber industry or in protecting our environment for the future. He also understands the need to have the crossover with tourism, which is bringing more people into our parks.

I know the new CEO of Parks Victoria, Bradley — I am having a mental blank; he is French, from Canada — is doing a fantastic job. He is trying to encourage that — —

The ACTING SPEAKER (**Mr Carbines**) — Order! Fauteux.

Mr BATTIN — Thank you very much, Acting Speaker. Bradley Fauteux has come across from Canada, and we all know that Canada has been one of the leading models on access to parks for people, and they use it not just within the normal system that we talk about where people have access to national parks and camping et cetera but they also use it for mental health. I think it is one of the greatest attributions. I think it is something we should use more often. South Australia does it as well. We should actually encourage less use of medical intervention and more use of our national parks — walking through them and getting out there and seeing what nature is all about. That can also be used on the other end as a challenge to yourself, challenging yourself to do something outside of your normal comfort zone.

I spoke before about Operation Newstart, but education itself with younger people today is more and more out in our parks. We have heard of nine-day treks that a lot of schools do. A lot of schools go out there for a nine-day period, and they physically and mentally challenge young people. One of the challenges through a lot of these courses now is a 24-hour period where you are by yourself. You go out, you have a tarp and some food et cetera and you set up in a national park or in a state park by yourself for a 24-hour period and you reflect on different things in your past and where you want to go in the future. We are lucky because that can only happen in Victoria. I think we have got some of the best spots in Victoria to do that. I should not say it can only happen in Victoria, but one of the best spots in the world to do it is Victoria.

When you go through the Grampians and when you are camping you can go up there into some of the cave areas. It is a stunning place to go for mental health, for physical health and to challenge our young people. That is the time to educate them around where we want our national parks and where we want our parks to be in the future. I think it is something that has been instilled in our education system now.

I have noted on here that we have got a few speakers coming on our side, and I have noted that among the people not speaking on this are the Greens. I would actually be interested to hear the Greens' view on this because it is something that is fundamental. They talk about what is important to them in our parks. The preference from the Greens is to lock up these parks. I do not think there are many in this house who would support the idea of totally locking up our parks, because they need to be there for the future and for future generations. We want to see more trees. We want to see more forests. We want to see an area that has a productive system for the whole of the community, and we want to make sure that that is there for the future. I would love to hear what the Greens are saying about that and whether they would have more interest in actually the preservation of the park rather than the conservation of our parks going forward.

The biggest aspect of our parks legislation is in relation to fire prevention, which is very, very important. It is the topic of a committee hearing at the moment. It is a topic that everybody understands totally. We have seen the effects of bushfires throughout our state. We understand that throughout the history of Australia we have burned our forests for reproduction, and that is not just the white settlers. That practice goes back 40 000 years to the Indigenous inhabitants who also use fire to ensure they have a food source and that the forests and parks are kept in the best condition. I think when we look at these areas we need to make sure that we have got plans in place for fire prevention and

projects in place to ensure that the future of the park is protected in that way as well.

That leads back to probably the last point. I am going to put on the record, finally, that responsibility falls squarely back on the community who use our parks. We encourage everybody to use our parks. We encourage people to get out there and get active. We encourage them to do bushwalking, we encourage them to go camping and we encourage them to use our parks with their families. We have got Crown land and assets that are managed or leased by private enterprises, and we encourage people to go and use those facilities. What we do not encourage is for people to leave a mess. It is vital that we leave our parks in a better condition than we found them, that we get a system in place whereby people understand they are responsible for that and that there are consequences that are going to put a dint in their pockets. We need to make sure that people totally understand and take that on board on their way through.

As I finish my contribution, I will say our parks in Victoria are super important, and whilst this government is in office we obviously say that it has got to keep the protection of parks in front of mind. We have to look at how we can protect our parks going forward, keep that productivity in there and make sure they are open for all people, for user groups, particularly four-wheel drive groups — which included hunting in the past as well — environmental groups, bushwalking groups and hiking groups. Many of those user groups are not just in my electorate but are from areas across the state.

On that, as I said, we do not oppose this bill, but going forward we would like to see the regulations surrounding this. Maybe they could be sent out so we can see where they are going and that they are not abused to make sure that these groups are protected in the future.

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the Crown Land Legislation Amendment Bill 2016. As the member for Gembrook said, it is a largely technical bill. It looks at improving the effectiveness of enforcement for breaches in relation to people who are active or involved in the conservation of forests and lands. It relates to the Conservation, Forests and Lands Act 1987, the Crown Land (Reserves) Act 1978, the Land Act 1958 and the Land Conservation (Vehicle Control) Act 1972.

It would come as no surprise — and certainly, Acting Speaker Carbines, it would come as no surprise to you — that this government has been very clear in terms of the policy direction it has set in relation to caring for the valuable assets that the state owns through Crown land. Really this bill is trying to look at regulating behaviour in those assets to make sure that there are effective punitive arrangements in place for people who engage in damaging or destroying native vegetation, who drive off-road or who damage or pollute the environment on this land that is owned by the people.

What I found particularly interesting when I was preparing for this bill is that it would have been around 10 years ago that the former Labor government looked at instituting regular increases in terms of fees and charges. Before that time, your registration would be a set amount and if you were looking at trying to vary the amount paid to take account of inflation, then that would form the basis of an annual piece of legislation. Now about 10 years ago the former Labor government changed that to make sure that there was not a requirement every year to come before the Parliament to ask for a CPI increase for some of those fees and charges. But what I found interesting here was the fact that some of the offences had not been updated or modernised since the passage of the original legislation and so by nature were quite low. Some of the offences for penalties were around $30 to $750. That would not seem like an extremely big deal if the legislation was recently passed, but if you look at the maximum penalty being $500 in relation to breaches of the Land Conservation (Vehicle Control) Act, you see that that legislation was passed in 1972.

I was reminded of that in terms of the passage of time and the net present value of money. I know scholars, for example, have gone back and looked at artefacts and writings from the Roman times where they found that, for example, a single loaf of bread would cost half a sestertius. A sestertius was about $5 in modern money, so half a loaf was about $2.50. From that point of view if you look at the period from ancient Rome until today, the cost of bread in terms of it being an indicator of the cost of living has not really changed. It is interesting that in comparatively more recent times this was examined by a Welshman called Rice Vaughan. Rice Vaughan wrote a book in 1675 entitled *A Discourse of Coin and Coinage*. What Vaughan was trying to do in this piece of work was separate the inflationary effect of the influx of precious metals brought by Spain from the New World from the effect due to currency debasement.

Vaughan was looking at labour statutes from his own time in 1675 and comparing them to that of Edward III's time. Those statutes set wages for certain

tasks and provided a good record of the level of wage changes. Vaughan in his piece argued that the market for basic labour did not fluctuate much with time and that a basic labourer's salary would probably buy the same amount of goods in different time periods, so that a labourer's salary acted as a basket of goods. Having said that, if you looked at that period of time he researched from 1575 to 1675, he indicated that price levels in England had actually increased between sixfold and eightfold over the course of that time.

It is interesting that that then sort of led to an Englishman called William Fleetwood in 1707 creating the first true price index. This was important because an Oxford student had asked Fleetwood to help show how prices had changed. The reason he did that — and it is the old adage that you always back self-interest because you always know that self-interest is trying — was that the student stood to lose his fellowship, since a 15th century stipulation barred students with annual incomes over £5 from receiving a fellowship. What the student did was that he went to Fleetwood and said, 'It is now 1707 and this rule has been in place since the 15th century, so I would argue that £5 back 100 years ago is worth less than it is today'. What Fleetwood did in his studies was that he proposed an index consisting of average price relativities and used his methods to show that the value of £5 had changed greatly over the course of that period of time.

That brings me to an analysis by Thom Blake. You can value money in terms of different notions — in terms of looking at the inflation rate or you can look at the power price parity as a contrast. There are different measures to try to work out, in this case, what $500 in 1972 would be worth today. If you are looking at a very simple calculation in terms of the retail price index, which would probably broadly most closely correlate power price parity rather than inflation, you would find that $500 would be worth $4873, as an example. Clearly $500 today is not worth the same as $500 in 1972, so it is important that the legislation reflects the times. This is an important piece of legislation because it reflects that. This bill really looks at trying to modernise and bring this legislation and the penalty regime into the 21st century, as you would expect.

The reality is that we are custodians of great assets. One of the great things that the state government owns, more so than the commonwealth, is land. Effectively when the commonwealth was established and created, land remained invested with the state, as opposed to the commonwealth, although the commonwealth obviously was able to have land in relation to foreign affairs and defence installations. We need to make sure that we have an appropriate arrangement in place in the way in which land is being appropriately protected and regulated. Where you have instances where there are actions by people who go out of their way to deliberately damage native vegetation, pollute our environment or degrade the environment and those lands are owned by the state, then it is appropriate that you have got mechanisms in place that have suitable penalties ascribed to them.

It is important that this bill does bring the penalty regime into the 21st century. Again, when you look at the net present value of money, it is always important that people feel that there is a suitable regime in place that reflects current practice and that people are motivated or incentivised to behave appropriately, fairly and responsibly, because if they do not, the reality then is that you will see further degradation in terms of these important assets owned by the state. Again, as I said, it is a technical bill, largely technical in nature, but it is nonetheless quite an important piece of legislation. I commend the bill to the house.

Mr T. BULL (Gippsland East) — It is a pleasure to rise and make a contribution on the Crown Land Legislation Amendment Bill 2016. As we heard from our lead speaker on this side of the house, this bill amends several acts relating to Crown land and is primarily focused around improvements to bring, as the member for Essendon just touched on very briefly, the severity of enforcement matters more into line with current-day standards.

We know that good land management includes deterring behaviour that threatens the health of our environment — and in this great state of Victoria we have a number of areas that boast extraordinary natural landscapes — and also those who undertake activities that might represent a risk to public safety. As the minister stated in her second-reading speech, many offences in Crown land legislation are aimed at regulating behaviour that may cause considerable or permanent damage to the environment. Such offences might include driving off-road, damaging or destroying vegetation, natural features or fauna and then polluting at various levels.

One of the keys to ensuring that these regulatory measures provide effective deterrents is the ability for those authorities that oversee these areas to be able to impose suitable and appropriate penalties that act as a deterrent. As we have just heard from the member for Essendon, the fines that are in place presently, you could very strongly argue, do not provide a realistic deterrent to people who may be considering or have undertaken these actions or have no respect for the environment in which they are operating.

Representing the electorate of Gippsland East, which has very large tracts of Crown land and national park, I want to make comment on some of the offences that either detract significantly from our region or, more importantly, pose significant threats to the natural landscape within my region. The first of those is rubbish dumping, which has been a very big problem in my patch over recent years. It was very pleasing to read last week that representatives of the Department of Environment, Land, Water and Planning had undertaken a significant amount of background work on people who were dumping rubbish in a very picturesque part of East Gippsland called the Colquhoun Forest, just out of Lakes Entrance. As a result of the investigations they had undertaken, they laid a number of charges in relation to people who had been dumping rubbish. There is nothing more infuriating than seeing this happen in an area that is not only your own area but also an area that is extremely dependent on tourism and an area that is extremely dependent on its clean and green reputation, if you like, and natural environment.

People who were dumping things like stretcher beds, couches and a whole lot of household rubbish will now be held accountable; they will be fined and charged. The penalties that this amendment act refers to — the changes that are being made — will mean that people who commit these crimes in the future will receive a punishment that better fits that crime rather than being let off with what many would have deemed in the past to have been a relatively insignificant fine that did not match the crime.

People who perpetrate these sorts of crimes have no respect for the environment. We have a situation in East Gippsland where our local council, apart from its kerbside rubbish collection, provides I think three vouchers to every ratepayer for free large-scale trips to the tip, so when you have ratepayers not using that and choosing to dump their rubbish in the bush, you have to question the mentality of undertaking such a course of action.

Another area that I would like to touch on relates to illegal four-wheel driving and hunting. I want to put on the record that the vast majority of our four-wheel drive community and hunting fraternity are absolutely law-abiding people and very respectful of the regulations that are in place. In my electorate both of these sectors bring a lot of economic benefit into the region, but, as in the majority of recreational pursuits, you also have an element that does not have respect for the appropriate laws that have been put in place. As I said, both of these pursuits are very important to my region; they attract large numbers of people to the electorate that I represent. But it is important for these people to be absolutely doing the right thing, and we do not always see that. Examples are hunting in illegal areas and some four-wheel drivers going off track to tear up sections of the bush. It is not the right thing to do.

Those involved in these sectors who do the right thing have been quite outspoken on a number of occasions about wanting harsher penalties for those who do not do the right thing and those people who give a bad name to the majority of people who undertake these recreational pursuits. We certainly hope that in these areas this legislation brings a greater level of accountability to those people who enjoy our bushland.

The third area I want to touch on is leaving unattended camp fires, which is an offence in national parks and also on Crown land. It is an area that enormously threatens community safety. During a recent holiday period our department representatives in East Gippsland found 50 unattended lit camp fires over one holiday period. When we are talking about very popular holiday areas like Cape Conran, Tamboon Inlet, Wingan Inlet and Shipwreck Creek, we have townships that are in very close proximity to those camp sites and they are under enormous threat from fire. They are coastal townships that generally have one road in and of course only that one road out. We are talking about towns like Mallacoota, Bemm River and Marlo. All of these places have one road in and one road out, are very prone to bushfire and have big camping areas adjacent to them, and people are leaving camp fires unattended. This is a practice that has the potential to result in significant loss of life under the wrong conditions, so to put steps in place to better fit the crime is absolutely paramount in making people accountable for their actions in these areas.

We know the penalties for a range of offences on Crown land are currently very low. As the previous speaker mentioned they are from around $30 up to $750. When we are talking about the seriousness of some of these offences and the potential repercussions, no-one would argue that those fines are significantly low and need readjusting. When we are talking about loss of life, there is no greater or more significant element.

The previous speaker on our side, the shadow minister for environment, also spoke about the benefits of enjoying our bush. As the shadow Minister for Mental Health — and with the Minister for Mental Health now on the other side of the table — I know the research around exercise and the benefits that it can have on people who are suffering from depression and other

mental health-related illnesses has been very well documented. To have these great areas for people to be able to enjoy recreationally also benefits the wellbeing of the Victorian community, so we need to preserve these areas in pristine condition to allow the Victorian public to partake in activities that are of great benefit to them.

We also have within our bush a number of Indigenous locations of extreme significance. As the previous Minister for Aboriginal Affairs, I believe the last thing we need is people tearing around the bush doing the wrong thing and impacting on these sites. We have a number of sacred sites, particularly in my patch, and they are not always made public; the traditional owners of the land do not want those sites made public for fear of desecration and they also do not want to attract visitors to areas that are very special to their tradition, so the last thing we need is people ripping around and doing the wrong thing.

Ms GREEN (Yan Yean) — I am delighted to join the debate on the Crown Land Legislation Amendment Bill 2016. The bill before the house amends several acts relating to the management of Crown lands. It seeks to improve the effectiveness of enforcement for contravention of regulations made under the Conservation, Forests and Lands Act 1987, the Crown Land (Reserves) Act 1978, the Land Act 1958 and the Land Conservation (Vehicle Control) Act 1972. The bill will improve and modernise the regulation-making power in the Crown Land (Reserves) Act to enable better management of these reserves; improve the regulation-making power in the Land Act relating to fees; and make other minor or consequential amendments and corrections.

I want to go fairly quickly to the Land Conservation (Vehicle Control) Act. As a four-wheel driver myself, I really enjoy getting out into our beautiful network of parks, which are the envy of many around the world. When Victoria was established as a state, we were very fortunate that attention was paid to preserving large areas of land, and this has continued.

I must say that I am disappointed that the Greens political party members are not in the chamber; they have not been in the chamber for this debate and do not seem to be participating in it. They are always critics of the so-called 'old' parties and talk about stewardship — that they would make better stewards of public land — yet when they have the opportunity to speak on this, they are not here; their appearance is found wanting.

In the Green family we do not have that shyness about speaking on the importance of the management of our national parks. The Green family is very happy to get out in our four-wheel drives and be responsible.

I was very fortunate to have the Minister for Energy, Environment and Climate Change recently visit the Yan Yean Reservoir Park, which is the heart of the Yan Yean electorate and one of the many beautiful state parks within it. I joined with the minister and the four-wheel drive community there. Four-wheel drive owners and drivers cop a fair bit of stick, but just like licensed shooters in Victoria they are a great and responsible group that care for their environment whilst they are going out and undertaking outdoor activities, so much so that when I was with the minister on that day she announced a $750 000 grant to Four Wheel Drive Victoria. It is the first time that Four Wheel Drive Victoria has attracted recurrent funding from any government.

The member for Gembrook before, in supporting the bill before the house, advised those of us on this side that we should undertake an education campaign and utilise the leaders of groups like Four Wheel Drive Victoria. I have no doubt, now that they have $750 000 worth of funding, that Four Wheel Drive Victoria will be in the absolute driver's seat and will be leading the education campaign about why it is really important to stick to existing tracks, not to make your own tracks and not to disturb your environment, which causes erosion issues, and generally educating those formally within their organisation but also those joining the four-wheel drive community.

I also had the privilege some months ago to represent the government up in Jamieson, alongside beautiful Lake Eildon, also with the four-wheel drive community and one of the best, biggest and brightest characters in the four-wheel drive community that I have met — Rudi Paoletti. I was there launching interpretive signage that was almost single-handedly researched by Rudi Paoletti, but was very much supported by Parks Victoria and our water authorities, which means that people can go four-wheel driving. There are dirt roads and tracks that fan out from Jamieson right up to Matlock, into the High Country, and you can connect either down into Gippsland or back to Marysville and to Lake Mountain. It is just a beautiful, beautiful day out, with fabulous people to meet and just beautiful bird life. There is the forest, whether it is the parts impacted by the Black Saturday fires and you see that regrowth or other parts of the forest that were not affected then. It was just a fabulous day out.

Rudi has spent decades just walking through the bush, finding old goldmining sites and finding old cemeteries of early European settlement. He is able to tell of hotels

that operated in the High Country. I was surprised to learn that day that there is actually a trail that goes all the way from the back of Jamieson, right up into Mount Hotham, a place that I know really well, and I really was unaware that you are able to do that on a track. So Rudi and others very much show the way for how four-wheel drivers are contributing to us learning about our history and also learning about the fabulous environment that is within our park system.

The benefits of four-wheel driving include that it supports the communities through which people travel. The four-wheel drive community actually contributes to the state's economic wealth to the extent of over $100 million annually. It is a fantastic way to access the natural beauty of Victoria and to be able to enjoy Victoria's natural landscapes and remarkable cultural heritage, and it is a great way to escape from the pressures of everyday life and to spend time with family or friends.

We currently have the Visitor Economy Ministerial Advisory Committee. We used to talk about tourism only in that bland sense of, 'Let's go and have a holiday', but by naming tourism as the visitor economy, we understand that it is much broader than that and that it can be just getting out in nature, having a look at our cultural heritage and everything in between, all the while getting out and doing the four-wheel driving and visiting the many, many fabulous townships and villages across Victoria, which can certainly benefit from that. So I am sure we will see some future job growth in that.

The Four Wheel Drive Victoria community have certainly been very welcoming of the increased penalties that have been proposed under the bill that is before the house, and I think that is a credit to them. I think the minister and departmental staff have done a great job in putting together the various amendments that are before the house, and I commend the bill to the house.

Ms McLEISH (Eildon) — I rise to make a contribution to the Crown Land Legislation Amendment Bill 2016. As we have heard from other speakers, this bill amends the Conservation, Forests and Lands Act 1987, the Crown Land (Reserves) Act 1978, the Land Act 1958 and the Land Conservation (Vehicle Control) Act 1972. This is all in relation to regulation-making powers, and of course, as is very typically the case, there are consequential amendments made to other acts.

The purpose of this bill is fairly clear. It is about improving the effectiveness of enforcement of any contravention of the regulations made under the above acts. So we have a whole lot of regulations made under those acts, but this is about improving the effectiveness of the enforcement, and I guess, underlying that, the most important aspect of this is to enable better management of our reserves through the modernisation of the regulation-making power in the Crown Land (Reserves) Act.

As has been said by a number of speakers, and I think we all agree, our parks are a wonderful asset and the more that we get out and enjoy them the better. But what is important is that we look after these parks and our assets. Of course what happens in many areas is there are a number of offences that take place on Crown land. These offences include things such as driving off-road, damaging or destroying a number of features, whether that be vegetation, other natural features or flora and fauna, and even pollution and the dumping of rubbish.

I just want to talk about the dumping of rubbish for a moment. That is actually quite an important issue for me, certainly in the area around the Upper Yarra. It was only a couple of days ago that I received a letter from a constituent complaining about the dumping of illegal rubbish at Mallesons Lookout, which is on Don Road, Healesville. I had another one not so long ago about the dumping of rubbish in Britannia Creek at Yarra Junction. In both instances it was very difficult to determine who was the responsible authority and then to actually get the ownership and to get something done about that.

In one instance, the most recent instance, the person who dumped the rubbish was able to be identified. This would have been a wonderful case for prosecution, but it was very difficult for the person who identified the dumper of rubbish to work through the shire and the Department of Environment, Land, Water and Planning and to try and work out what could be done and what should be done about it. Some of the dumping happens on very steep gradients, and it is not easy for people to get onto those steep gradients. It is quite costly and difficult to clean up rubbish on them. If we think about the staff that are required, it also provides a safety risk for them. In one instance it was said that a winch was going to be needed, and that involves a big cost. Whilst it is very good to have regulations in place and to tighten them and increase the penalties, we still have to have the manpower out there on the ground actually enforcing this. I do have concerns that that may be lacking.

One of the groups that visit Crown land frequently is four-wheel drivers. We have heard from a number of

speakers that some of these recreational drivers are wonderfully responsible and some are dreadfully irresponsible. In 2014 I had the honour of attending an announcement by a former minister for Environment and Climate Change, the member for Warrandyte. We worked with the Victorian Four Wheel Drive Club in promoting touring opportunities and responsible four-wheel driving. One of the things I was impressed with was that the four-wheel drive group had a program that involved helping to remove rubbish from the forest as their members drove in it. Members had GPS locations. They would go and take photos and GPS the location of the rubbish so that if it was too big for them to take it away with them they could direct the authorities where to go to remove perhaps a tyre, a dumped car part or something like that. So on the one hand we have a four-wheel drive group being extremely responsible and promoting that responsibility, which is fantastic. But conversely there are those who are out for a bit of a lairise and a bit of an off-track tear-up of public lands. They do not care what destruction they cause. I am really pleased that these sorts of penalties will look at tackling bad behaviour, because what we are about here in increasing the penalties is tackling poor behaviour.

Many of the penalties that are in place have not changed much for decades. If we think about 1 penalty unit being about $155, some of the penalties in the Conservation, Forests and Lands Act 1987 went up to a maximum of 5 penalty units, and in this bill they go to a maximum of 20. That is going from about $155 to over $3100. Penalties in the Crown Land (Reserves) Act 1987 went up to a maximum of 2.5 penalty units, and the new penalties relating to those offences also go up to 20, which again is around that $3000 mark. That is quite a substantial increase. As I said, it is really good to have in place these penalties, which are sizable and which can hurt people's back pockets. However, the most important thing is that we have the manpower in place to back up the penalties, because people find it extremely disappointing when they identify offences and nothing gets done about them.

Whilst this bill is very much about the protection of our Crown land through enforcement, I urge the government to also provide greater protections through better management techniques, particularly of invasive species. I am thinking mostly of weeds such as blackberries. I am sure that you, Acting Speaker Ward, would know that in your electorate a number of waterways are absolutely rife with blackberries going through them. The more you lock up these waterways, the more the blackberries take off and become a major fire hazard. We see that also with a lot of burgan, which is a tea-tree.

I have serious concerns about the government's approach to land management protections. Whilst this bill is one positive move, in my electorate many landowners have Crown river reserves, and they are being treated extremely shabbily by this government, particularly in relation to the implementation of the Victorian Environmental Assessment Council Yellingbo investigation.

For the record, this investigation has extended way beyond the environs of Yellingbo. I think the Yarra Ranges Shire Council really pushed this further and further into the Upper Yarra. Landowners are having to give up their river frontage and to lock it off. They have been told, 'You have to give up all of this land, but it would be really great if you could actually then help us by managing it'. However, they have managed their river frontages really well. They have looked after the weeds and the invasion of pests — for example, blackberries. They are very concerned that this will become a great fire hazard if this land gets locked up and not managed, because the manpower never seems to follow the locking up of this land. I call on the government to consult genuinely with the landowners and not just consult with environmental groups, which is often the case. Many of the landowners consider themselves to be conservationists, but they are often ignored and only engaged with at the last minute.

I am also extremely concerned about the *Protecting the Yarra River (Birrarung)* discussion paper that is out at the moment. The government has undertaken listening posts and workshops. What I find absolutely extraordinary is that these listening posts have continued after the date for submissions has closed. It has absolutely riled people in my electorate that listening posts are being used to find out the community's concerns after people have learnt more about the project and after the submission date has closed. There have been sessions in Warburton and Healesville. I know that people are extremely angry and upset, and that people have been moved to tears.

I am extremely concerned that this has been a sham consultation by this government, which is known for sham consultations. The government has neglected people with Crown leases. These people have cared for and loved their land over a very long time, and they are being asked to move their assets from it in a very short period of time, such as having to remove pumps from a river way back, as if this is going to allow them easy pumping. To help people understand the nature of pumping, the further you move the pump from the river, the greater difficulty you will have accessing the water. I do not think these things have been thought through or considered by the government. I urge

government to get on board and undertake genuine consultation, not the sham consultation that it has been known for, and which is what is happening certainly in the Yellingbo investigation as well as in relation to the Yarra River protections.

Mr KATOS (South Barwon) — I am pleased to rise this afternoon to make a contribution on the Crown Land Legislation Amendment Bill 2016. The bill before the house today has the effect of amending several acts: the Conservation, Forests and Lands Act 1987, the Crown Land (Reserves) Act 1978, the Land Act 1958 and the Land Conservation (Vehicle Control) Act 1972.

A lot of this involves, as my colleagues have said before me, four-wheel drive access to reserves. A lot of those reserves are accessible through private land, and this bill brings the fees and fines into sync — and also increases them, which I will touch on in a moment — and also gives an ability to have fines raised on private property. With the way it is at the moment — and most four-wheel drivers and hunters, for example, do the right thing — some fool could come along and totally destroy a track on private property leading to a reserve which is Crown land. With the way the acts are written at the moment a fine issued against that person would be minimal, so this bill allows for the increasing of fines.

As the member for Essendon said earlier — I think he was talking about Roman times; I do not know if I will get back to Roman times, but I might touch on Greek times — these fees have not been looked at since 1972. The fines for offences range from $30 to just over $750 for the damage that is caused to the environment by what really is a small minority of four-wheel drivers — it is not a lot of them. Most four-wheel drivers want to preserve the land to be able to enjoy it; they are not fools who want to rip up the land. But unfortunately you will get some of these things.

There are offences, for example, such as driving off road, damaging or destroying vegetation, destroying natural features or native fauna, and polluting. The member for Eildon mentioned rubbish earlier. Some rubbish can be in quite inaccessible places, which brings a substantial cost in remedying those issues. So it is important that the fines go up, and I am certainly confident that they will be invested back into the parks.

So far as the Conservation, Forests and Lands Act is concerned, the maximum penalty will go from 5 to 20 penalty units for offences on private land where the government has entered into an agreement with the landowner to allow public access. As I said earlier, that is very important, because 5 penalty units, or approximately $775, for an offence will go up to almost $3000, so hopefully people will think twice before they do anything silly on private land that allows access to public land.

So far as the Crown Land (Reserves) Act is concerned, the bill amends the regulation-making power for Crown land to provide managers with the ability to set aside areas in a reserve. For example, there might be areas being rehabilitated, so that area of the reserve will need to be set aside and four-wheel drivers will be prevented from accessing that part. That is a fairly commonsense solution. We do not want areas under repair, if you like, further damaged. It would be like playing golf and trampling over the ground under repair. That would be silly.

Mr Thompson interjected.

Mr KATOS — I do not think that I will be playing golf anytime soon, member for Sandringham. Although I do not mind playing it, I am not very good at it.

The bill sets fees for land authorised by a permit, and it provides the ability to exempt, reduce, waive or refund fees. That is very important with the management of riverbanks. There is often quite a cost in the management of private land that abuts a Crown reserve and river frontages, so waiving these fees gives an incentive for landholders to maintain that area on the banks of rivers. I have seen that firsthand in my electorate where there are creeks, including Thompson Creek, which is a catchment area. There has been some very good work done by some landholders, particularly around Mount Duneed. Simon Faulkner is a farmer there who has done some excellent work on the banks of the Thompson. Waiving these fees will provide an added incentive. The bill also increases penalties up to 20 penalty units under the Crown Land (Reserves) Act.

Amendments to the Land Act provide the ability to exempt, reduce, waive or refund fees and the penalty units have been increased to 20 so there is synchronicity between the acts; there are similar penalties now.

As members on this side of the house have stated, we are not opposing this bill. I think it is sensible to bring the penalty units, fines and fees into line with a more modern time. When they were last looked at I was two years old, so it has been a while. We want to have a deterrent for people who do the wrong thing but also provide an incentive for those who are willing to assist in the management of the land, particularly

watercourses. So as I said, the opposition will not be opposing this bill.

Mr THOMPSON (Sandringham) — I am very pleased to contribute to the Crown Land Legislation Amendment Bill 2016. The principal purposes of the bill before the house are to amend the Conservation, Forests and Lands Act 1987, the Crown Land (Reserves) Act 1978, the Land Act 1958 and the Land Compensation (Vehicle Control) Act 1972 in relation to regulation-making powers and other miscellaneous matters and to consequentially amend other acts.

Victoria has been the beneficiary of the vision and foresight of those who have gone before us. One of the last acts that Charles Latrobe undertook when he left Melbourne, on the day of his departure in 1854, was to review the marking out of the boundaries of Royal Park. The Latrobe legacy going back to yesteryear and the years thereafter has left us with an inner ring of parks such as Flagstaff Gardens, Treasury Gardens, Fitzroy Gardens, the botanic gardens and the Kings Domain. Then there is an outer ring of parks as well that cover Faulkner Park, Albert Park and Studley Park. The bill before the house mentions Yarra Park, which is a heartland of Melbourne.

There is also this aspect of regulation review dealing with Victoria's national parks. There is the Mount Buffalo National Park, which is a matter of serious focus at the moment because the great chalet built by the Victorian Railways is not available any longer for accommodation and there are many community interest groups that are left to camp at Lake Catani in the absence of there being accommodation available on site. It will be interesting to see what does happen in the fullness of time to ensure that Victorians have access to such a wonderful natural resource that was described in the 1980s as an island in the sky with biodiversity, the flow of water and the opportunity for people to experience the splendour of our natural heritage.

In addition to the setting aside of a place like Mount Buffalo there is the vision and foresight of those who set aside other tracts of land, whether it be the Mount Eccles National Park in the west of Victoria, which is built around a volcano, or whether it be the Croajingolong National Park in the east of Victoria through to the mighty Wilsons Promontory, which has had different incarnations. At one stage it was used for grazing but when it was set aside it was revegetated. It has been a marvellous place for Victorians to recreate in.

There were some plans to intensify the tourist usage of national parks and our park structure had a threefold aspect to it. The highest levels of protection were afforded to national parks and then there were state parks and local reserves. There was a range of regulations which prescribed what could be undertaken within those areas so they could be enjoyed. The highest level of protection was given to the national parks, and then there are the state reserves where there are other levels of activity.

As Victoria's population grows — and this will be a theme that I will continue to pursue — it is important we set aside and preserve areas of land so that the mantle of the garden state is one that continues into the future. As our population doubles it is important that our recreational lands also double for the recreation and enjoyment of future generations of Victorians.

Down my way we have a large area of coastal land, and there is a reference in the bill to jetties, but they may be more applicable to inland waterways. There are certainly the coastal reserves around Port Phillip Bay and along the whole of the Victorian coastline which require good management. There is a coastal review underway in Sandringham at the moment as to how the foreshore might be better managed and how we maintain safety. With rising tide levels in Port Phillip Bay there has been a serious undercutting of the foreshore in Sandringham. Its causes are not fully defined. Is it attributable to the channel deepening? Is it attributable to higher storm activity? Is a king tide under a full moon something that leads to the increased level of erosion that takes place and the cost to repair and maintain our beaches, whether it is at Queenscliff, Blairgowrie, Aspendale or along the Sandringham foreshore?

One of the great achievements of former coalition governments was to have a renourishment program that replenished beaches with sand to help better protect the cliff face and provide amenity for the people of Melbourne. There was also a program within the Sandringham electorate to look after the biodiversity along the foreshore and to see a replanting of native vegetation within the area. Also within the Sandringham electorate we are the beneficiaries of the legacy of Crown land that has been set aside for park use, and Cheltenham Park is a case in point. It has in its overall precinct sporting ovals which are used for cricket, football and soccer, as well as a golf course that is leased from the Crown and managed by local government that provides amenity.

One of the great things we can be thankful for in this chamber is the vision of those who have gone before us in this place, where there has been a focus on conserving the best of our natural heritage to respect the

Indigenous aspects of our heritage as well. Whether it is up towards Coranderrk or down in western Victoria, north of Warrnambool, in Framlingham near the Grampians, there has been land set aside that has had respect given to our Indigenous heritage, and that forms part of what an increasing number of tourists can take great delight in.

In not opposing the bill before the house I note the work that it takes to manage parks wisely and well: to control pest animals and pest weeds and to ensure that those who go in there for bushwalking and hiking take out what they take in so that the pristine aspects of what our natural heritage and natural resources offer to Victorians and those who travel from further afield to visit our state can be enjoyed to the optimum degree into the future.

Ms BRITNELL (South-West Coast) — I rise to speak to the Crown Land Legislation Amendment Bill 2016. The bill has the purpose of altering the enforcement of infringements under the Conservation, Forests and Lands Act 1987, the Land Act 1958, the Crown Land (Reserves) Act 1978 and the Land Conservation (Vehicle Control) Act 1972. The bill improves dated regulation, makes power in the Crown Land (Reserves) Act a feature, updates the regulation-making power in the Land Act relating to fees and makes additional minor or consequential amendments and corrections.

It pleases me to see the improvements made in this amending bill because I think it is really important that as a community we make the management of the landscape a high priority as a way to respect and show that the future is something we must be thinking about all the time. Managing the landscape is something that we will always have to prioritise, and particularly in regional Victoria the community members do see it as a high priority, as of course do my counterparts in the city. Farmers in particular, as I have been in the past, have always prioritised management of the land, so the areas of Crown land are of particular importance.

We see that people want to enjoy the landscape, and that is why we have set aside areas of land like, in my electorate, Mount Eccles National Park, which my colleague has just spoken about, where you can enjoy the landscape around an old volcano and the caves that are there. Tower Hill Wildlife Reserve is frequently used by people wanting to increase their enjoyment of the landscape and to increase their fitness. Just down the road from me we have the Wickham bush, which has some fauna that is not found anywhere else in the world. So there are some really precious environmental assets that must be protected.

But of course sometimes we see people who do not understand the value of protecting these assets and who sometimes do not take into consideration the result of their actions. By going off-road when there are tracks that have been made for people to enjoy the landscape, people are doing damage to the flora and fauna. We need to have penalties that reflect that that is not going to be tolerated at all in today's society. So making people feel that a penalty is something they do not want to encounter rather than a pathetic fine that is not worth worrying about is a very, very important way of making people aware of their responsibilities.

The dumping of rubbish is something we are seeing a lot of today. The cost of rubbish is hard for people to manage, but the landscape is not the place for it to be dumped in, and so the reflection of that in the fines is a really big improvement that I am quite happy to endorse. It is good to see that in this place we are taking landscape management as seriously as we are. I am happy to talk today to make sure that this bill goes through and indicate that we are not opposing it.

Debate adjourned on motion of Mr FOLEY (Minister for Housing, Disability and Ageing).

Debate adjourned until later this day.

MELBOURNE COLLEGE OF DIVINITY AMENDMENT BILL 2016

Second reading

Order of the day read for resumption of debate.

Declared private

The ACTING SPEAKER (**Ms Ward**) — Order! The Speaker has examined the Melbourne College of Divinity Amendment Bill 2016 and is of the opinion that it is a private bill.

Mr FOLEY (Minister for Housing, Disability and Ageing) — I move:

> That this bill be treated as a public bill and that fees be dispensed with.

Motion agreed to.

Second reading

Debate resumed from 8 June; motion of Mr MERLINO (Minister for Education).

Ms RYAN (Euroa) — It is my pleasure to rise today to speak on the Melbourne College of Divinity Amendment Bill 2016 as the coalition's shadow

minister for training, skills and apprenticeships. This is a rather straightforward bill. It is in effect a name change for the Melbourne College of Divinity and it is a tidy-up of a few redundant provisions in the current Melbourne College of Divinity Act 1910. The coalition will not be opposing this bill, but from the outset I would like to thank officials from the Department of Education and Training for their professionalism in briefing me on it last week. I think they were perhaps somewhat puzzled that I requested a briefing on this bill given its simplicity. However, I do think it is an important process to go through, so I certainly thank them for taking the time to do that.

I understand from talking to both the department and the university itself that the changes outlined in the act were in fact a request of the University of Divinity. My consultation with both the university and the denominations which are now affiliated with the university indicates that they are quite comfortable with where the act is at. While this amendment bill is no doubt of importance to the University of Divinity, I do not think there would be many that would call it earth-shattering legislation. I do note that it is only the second piece of legislation that the minister has brought forward in his portfolio in almost two years, but I will come back to that a little bit later.

The institution of the Melbourne College of Divinity, now known as the University of Divinity, has a very long history in Victoria. It was first established by an act of the Victorian Parliament — obviously the act that we are now amending — back in 1910. At the time the college was made up of a number of denominations, including the Church of England, Baptist, Congregational, Methodist, Presbyterian and Churches of Christ, and the awards were overseen by a president and a registrar of the college. The first president of the college was actually the Anglican Melbourne archbishop, the Right Reverend Henry Lowther Clarke, who arrived in Melbourne from England in, I think, 1906 — several years before the creation of the college. When he arrived he quickly identified that there was a need to improve the training and conditions of the clergy but also the effectiveness of parishes. To that end he went on a mission to actually create what became the Melbourne College of Divinity, and he persuaded the Victorian Parliament to do so after the University of Melbourne decided that it was opposed to granting degrees in divinity. The next major change for the college probably came in 1972, when the act was revised to include the Roman Catholic Church and also to recognise associated teaching institutes, which of course taught the degrees offered by the college. The role of dean was also created at that time.

In 2005 the act was again amended to bring the college into line with more modern academic standards. Obviously when you write legislation in 1910 it probably takes some time to bring it into line with modern provisions. Obviously our expectations of teaching institutions in 1910 were probably quite different to what they are in this century. Those amendments also created a council and an academic board, which of course is in line with modern university practices.

Perhaps the most significant step in the college's history to date, and the reason for this amendment, was the transition from a college to the University of Divinity in 2012. The college, as I understand it, applied to the Victorian government. Peter Hall was then the relevant minister, and the college applied to officially commence as a university. That approval was granted with the support of Peter Hall, and the university subsequently became Australia's first university of specialisation. I have an article that was published in the *Australian* at that time that talks about the fact that a university of specialisation must be able to offer research masters and PhDs in one or two broad fields of study, and of course the Melbourne College of Divinity offers courses from a diploma to a postgraduate level in ministry, theology and philosophy, so it qualified to become Australia's first university of specialisation.

As part of that change, it also appointed its first chancellor and vice-chancellor, and the teaching institutions officially became colleges of the university. Today we have eight denominations that are represented within the college, and they are represented by 10 separate colleges. That includes Anglican, Baptist, Churches of Christ, Coptic Orthodox, Lutheran, Roman Catholic, Salvation Army and the Uniting Church. All the staff and students actually join the university through one of those 10 theological colleges that are run by those denominations.

The collegiate model is unique in Australia. The University of Divinity is the only university that runs along those lines, although it is a model that is quite well known in both Europe and North America. In effect that allows both staff and students to teach in their own denomination, but it ensures that the conferring of awards from the university is consistent, and of course when people are looking at those degrees they recognise that they are University of Divinity degrees.

The university itself believes that the collegiate model actually creates a more intimate learning environment and that it protects and fosters academic freedom and

theological diversity, and of course it gives staff and students access to a wider range of disciplines than they might have had if they were studying at just one of those colleges in isolation. Under the act universities can create what are known as collegiate agreements with an institution, which then becomes a college of the university. That involves a number of mutual undertakings. So staff and students of the college become members of the university and the college can then apply to the academic board for accreditation to offer awards of the university.

The university's academic board accredits the staff at each college and students can take units from other colleges that are actually under the umbrella of the university as part of their course of study. I imagine it is quite important to have a more intimate knowledge of other denominations and their teachings. I think the collegiate model has served the institution quite well over its long history in Victoria, and these are quite sensible amendments to effectively reflect the fact that the university has moved from being a college created more than 100 years ago to a more modern university.

The other minor amendments that are contained in this bill relate to the name changes of the 'president' and the 'vice-president' to the 'chancellor' and the 'deputy chancellor', again to reflect a modern academic environment. It extends their appointment term from one year up to three years, which I think is a very sensible change and one that, in speaking with the university, they have said that they have basically adopted as a matter of course anyway because a one-year appointment term obviously acted as somewhat of a disincentive for them in trying to recruit people to those positions. They have actually been appointing people for longer than that one-year term, but the change to the act gives a bit more formality and bit more security, I suppose, to people who wish to take up those positions. The amendments also remove the redundant position of registrar and introduce some gender-neutral changes. Again, back in 1910 when the act was first written it was somewhat appropriate to refer to 'his' because that was the language of the time, but in the modern age we obviously recognise that it is not just men who are entering the clergy.

All of these changes, I think, contemporise the act. They make sense. I would not have thought that, whilst of course they are important to the university, they would be the most pressing orders of the day for the government. They certainly are not earth-shattering, and the fact that this is just the second piece of legislation to be brought forward in the minister's portfolio in almost two years really leads to some questions about the minister's broader priorities. We have seen in recent weeks that the minister has taken months to appoint new TAFE boards, for example, at a time when we have the state's Auditor-General pointing to serious financial risks — long-term sustainability risks — for TAFE. It is interesting that the minister is not actually focused on those priorities but is making name changes for a university.

I think it would be good, after those opposite took a position prior to the election that the training sector was in crisis, to actually see some legislation brought forward to address what was that apparent crisis, because as we know certainly enrolment numbers are getting worse under this government. We have seen a 15 per cent decline in student enrolments across the training sector and huge declines in apprenticeships and traineeships. Of course we have seen data released by the National Centre for Vocational Education Research just in the last week which shows further declines in enrolments. After the government came to the election promising that it was going to rescue TAFE, we have seen that it has introduced virtually no legislation to apparently back up those claims and instead it is preoccupied with making minor changes to legislation which, let us face it, would not create major disruptions for the university if they were not to go through.

In summary, I would urge the minister perhaps to re-examine his legislative priorities. I hope that we will see a real agenda for training in particular come forward from the minister because I think Victorians have a real need to see some direction from this government within the training sector in particular. In conclusion, we will not be opposing this bill. It outlines some sensible changes. However, they are very, very minor changes, and as I say, when we have some really important issues confronting this state, Victorians could be forgiven for questioning the government's priorities in bringing forward a name change to a university.

Ms GRALEY (Narre Warren South) — It is a pleasure to rise this afternoon to speak on the Melbourne College of Divinity Amendment Bill 2016 and to follow the opposition spokesperson on this bill, the member for Euroa, because frankly I understand there were no issues raised by the speaker about this bill. She managed to get some information out of the department which formed the content of most of her contribution this afternoon, so I do not think she has done very much research on this situation. Certainly she made some very inaccurate comments where this government's commitment to funding and supporting TAFE is concerned. As we all know on this side of the house, TAFE was left in a deplorable state, and we have had to really get behind it, support it with funding and make sure that it can turn itself around so that every

Victorian has the opportunity to go to a quality skills-training institution.

But I will return to the bill. The purpose of this bill is to bring the college's governing legislation into alignment with its new name, status and operation as an Australian university of specialisation. It will do this by making a series of technical amendments to the Melbourne College of Divinity Act 1910. The bill has been prepared at the request of the college to reflect its current practices and governance arrangements and has been developed, as is the case with much of the legislation brought to this house by this government, in consultation with the college. The college has been consulted confidentially about the drafts of this bill, so we think what we have before us is a very in-tune piece of legislation.

I want to return to some comments that were made in this house in 2005 by a former member for Burwood, Mr Bob Stensholt, who I must say represented the seat of Burwood. He was a top performer. He actually won that seat three times, which I suggest might be a few more than the current member for Burwood may be given the opportunity to do, and certainly he represented that seat with dignity and success. I refer to the fact that Bob in fact studied at the Melbourne College of Divinity. He said in *Hansard* in 2005:

> I was one of the first Catholic students to undertake the bachelor of divinity course, which before that had been very much the preserve of the Protestant ministry. I also undertook an honours in Islamic studies; I was probably one of the first to do that course. I must admit that that has stood me in good stead over the years, as it does even today, with a multicultural Victoria and Australia and the need for moderation and understanding between faiths being much more important than before, given the world situation.

Those words are just as relevant today. In Victoria we are always celebrating the fact that we are a tolerant and understanding multicultural community, but we also know that in times of strife worldwide we have to make sure that those practices of understanding and tolerance, especially expert knowledge and guidance from faith communities to others, and the skilling up of practitioners are very important things to have happen in our state. We also know that Melbourne is probably the best place to study if you are going to university, and the college of divinity is probably one of the best places you can go to study in that particular area.

I refer to the fact that Melbourne is a great university city, and the academic ranking of world universities has just come out in the last couple of days. I am very pleased to see that Australia has 6 in the top 100, and in fact 2 of the top ones are in Victoria — Melbourne at 40 and Monash at 79. That attests to the fact that, as I said earlier, we are a great university city. We are a city that values knowledge, practises tolerance and is a progressive place, but above all we are a really smart place and the college of divinity is an integral part of that.

As has been also mentioned this bill contains a series of technical amendments. References throughout the bill to the Melbourne College of Divinity will be replaced with references to the University of Divinity. References to the president, dean and vice-president will be replaced with references to the chancellor, vice-chancellor and deputy chancellor respectively. These changes reflect a new governance structure, and these are common practices in other universities. It is common language that we understand and associate with universities, so it is certainly practical and a step forward for the University of Divinity. The position of the registrar is redundant and will be removed from the act. This position no longer exists, with its functions instead performed by the university council and the vice-chancellor, and that is completely in line with how other universities operate as well.

I heard the spokesperson from the opposition talking about the fact that this is indeed a second piece of legislation that the Minister for Training and Skills has brought to the house. I am strongly of the opinion that over time you are not measured by the number of laws you make and the number of bills you bring to the house but indeed by the funding you put into the sector, and that is really what this government is committed to. But I do note that the minister actually brought before us only last year the Education Legislation Amendment (TAFE and University Governance Reform) Bill 2015, which from memory the opposition opposed because they did not like the fact that the new governance arrangements for Victoria's eight public universities were to require elected staff and student members.

I remember speaking against the previous government's alterations to governance arrangements for TAFE when they were promoting their new governance arrangements, and we were pointing out to them that it is very important to have those people who work at your universities and attend your universities as members of your university council. So I think that was a very, very important piece of legislation that the minister brought to the house, and I note that the new governance arrangements for the college contained in this bill remain consistent with recognised best practice legislative arrangements for university governance as set out in the Ministerial Council for Tertiary Education and Employment's *Voluntary Code of Best Practice for the Governance of Australian Universities*, and it is consistent with the best practice code.

The bill ensures that the council is chaired by a chancellor to oversee the operations of the college and a vice-chancellor to perform the functions equivalent to the chief executive office. As the college is a private university, some of the changes in that previous amendment were not intended to apply, but the college is taking steps to make sure it is in tune with that.

As I said, this is an important bill for the college. I note that the Scrutiny of Acts and Regulations Committee (SARC) raised some issues around timing — the delay of the commencement of the bill — and I know that the minister has allayed some of those concerns by writing back to the chair of SARC and saying:

> Both the Melbourne College of Divinity and I are eager to ensure the bill is considered by Parliament in as timely a manner as possible. It is intended that proclamation will be arranged as soon as practicable after the bill receives royal assent, assuming it is passed by both houses.

And I think it should be; it is a reasonable and practical bill. The minister continued:

> It is therefore highly unlikely the default commencement date will be triggered.

As I have said on numerous occasions in my role as Parliamentary Secretary for Education, this government is committed to building the education state, and this takes many different forms. Yes, it means that we bring good legislation to the house. We also very, very much — indeed, in my opinion, more importantly — walk the walk by making sure that every school in Victoria, whether it be a primary school, a secondary school, certainly in our TAFE sector and where practical at a tertiary level, is being adequately funded and that staff are being properly resourced so that we can ensure that every child, no matter where they live in Victoria, whether that be in an urban environment, the outer suburbs, regional areas or the country, gets access to the best possible education. Unlike those on the other side of the house, who took a sledgehammer to the education system and left many people floundering in trying to get a job because they could not access the skills and training they required, we on this side of the house certainly understand that a good education gives you that very important qualification towards getting the best job you can and living a successful, healthy and prosperous life.

Ms RYALL (Ringwood) — I rise to speak to the Melbourne College of Divinity Amendment Bill 2016. This is a bill that reflects the change in title of the Melbourne College of Divinity to the Melbourne University of Divinity. It also makes the necessary transitional and consequential amendments that go with that. The bill tidies up the existing legislation so that it reflects that the college has commenced operation as an Australian university of change. The college has a new name, as I have just mentioned, and therefore a new status. We need to make sure that the relevant legislation reflects the change from a college to a university and reflects that fellows and registrars of the college are no longer titles that are applicable and have therefore been removed. This bill ensures that the chancellor and vice-chancellor will have three-year appointments as opposed to one-year appointments. I can say that the coalition does not oppose the bill.

The Melbourne College of Divinity is a private university, and it has a unique model — or a unique model in Australia — in accrediting colleges to deliver degrees on its behalf. That was established in 1972, and it allows the associated teaching institutes to be recognised to teach the degrees offered by the college. This is a model that in fact exists overseas both in Europe and in North America.

In 2012 the former coalition government supported the College of Divinity in its bid to become the first university of specialisation. That was approved at the time by the Victorian Registration and Qualifications Authority and the Australian Securities and Investments Commission, and the commonwealth enabled the college to trade under the name of the University of Divinity. As I mentioned, the opposition will not be opposing this bill. Given that it is a fairly straightforward, non-technical bill, I wish it a speedy passage through the houses.

The ACTING SPEAKER (**Ms Edwards**) — Oh! The member for Dandenong.

Ms WILLIAMS (Dandenong) — Thank you, Acting Speaker, and sorry to give you a bit of a shock. It is my pleasure to speak on the Melbourne College of Divinity Amendment Bill 2016. I must say at the outset that part of my motivation for wanting to speak on this bill was because at a recent event I met Dr Graeme Blackman, who I note is in the gallery here today along with Vice-Chancellor Peter Sherlock. Graeme also happens to be the chair of Leading Age Services Australia (LASA), and it was at a LASA event that I met him. Graeme told me, with great enthusiasm I might add, that this bill would soon be coming before the house. After hearing a bit about it, I promised I would contribute to the debate. I hope that this fulfils that promise; I do not like breaking them, that is for sure.

As we have heard, the purpose of this bill is to bring the college's governing legislation into alignment with its new name, status and operation as a university. Graeme

informed me a bit about the history of the university, which, as we have heard, was formerly known as the Melbourne College of Divinity. I would like to run through some of that now. We have heard that the University of Divinity constitutes 10 theological colleges from eight denominations. The university promotes study in theology, philosophy and ministry. It was established by an act of this Parliament in 1910.

In talking about this bill I mentioned to Graeme at the time that I had worked at another great Victorian university, the University of Melbourne, and he proceeded to tell me that the University of Melbourne Act 1890 was drafted in a climate of sectarian disputes over education and that this effectively caused the university to confer degrees in any faculty except divinity. The concession to the churches at this time was that land was granted to them for the purpose of establishing residential colleges, and theological lectures could take place in these colleges. When the University of Melbourne council declined the request to have a theological faculty its motion states:

> … all educational requirements could be met by giving legislative power to some independent bodies to confer degrees in divinity only.

This idea was taken up, and a meeting with the Premier at the time was arranged. This was on 20 April 1910. At this meeting a request was made that an act be adopted by state Parliament empowering a body to confer degrees in divinity. This had support from Protestant Catholic archbishops, even though the Catholic Church at that time did not seek representation in the Melbourne College of Divinity. They later did gain representation, and from memory that was formalised in about 1972. That sticks in my memory because as a Roman Catholic myself I like to see representation in all forms of life.

The buy-in from the Catholic Church at the time, despite them not regarding themselves as necessarily needing to have representation at the college — the reason they felt they did not need representation was because they had other ways of gaining degrees, so it did not seem like it was necessary for them at that time — was valued. Having their input, I think, and that level of cooperation was valued. There is certainly a suggestion that it was valued by the Premier of the time, and the act ultimately established a college of members proportionate to the number of each church's ministers in Victoria. That comprised ministers of the Church of England, Presbyterian ministers, Methodists, Baptists and one Congregationalist. The college was overseen by a president and a registrar, and its first graduates received their degrees in 1913.

Over subsequent decades the act was amended a number of times. One of those amendments came through in 1972 to allow for the recognition of associated teaching institutes to teach degrees offered by the college. In 2005 the act was further revised to bring the college into line with contemporary academic governance standards, including the creation of a council and academic board. It allowed the college to confer degrees and award diplomas and certificates of divinity and associated disciplines. In structure it started to look a lot more like a lot of the public universities that we would be familiar with.

In 2012 the college commenced operation as an Australian university of specialisation. I believe it is the first university of specialisation in Australia and has been approved and registered with all the relevant bodies to be such. It is a private university and receives commonwealth government funding for research through the Higher Education Support Act 2003. In light of these changes that have happened gradually over time but also more drastically in recent times it is appropriate that the legislation be amended to align with its new operation.

In getting to the provisions of this bill — and we have heard a summary of them by previous speakers — I will run through a few of them myself. We know there are references throughout the act to the Melbourne College of Divinity, and they will of course be replaced with references to the University of Divinity to bring them up to date. References to the president, dean and vice-president will be replaced with references to the chancellor, vice-chancellor and deputy chancellor respectively, and these changes will also reflect the new governance structure that I just alluded to.

The position of registrar is redundant and will be removed from the act. This position no longer exists, with its functions being performed instead by the university council or the vice-chancellor. References to recognised teaching institutions will be replaced with references to colleges of the university. Since 2012 the Melbourne College of Divinity has redesignated and renamed recognised teaching institutions as colleges of the university, which I think probably makes it a little bit simpler for people to comprehend and understand. The position of fellow of the college is now also redundant and will be removed from the act. The college has not appointed and does not intend to appoint fellows of the college any further.

Two separate but duplicate provisions in the act which empower the college to award a doctorate of divinity will be consolidated into one provision, and that is obviously an administrative change to the legislation. In

order to give the council greater flexibility and efficiency, the act will be amended to allow appointments of chancellors and deputy chancellors for a period of up to three years without the need for these positions to be renewed each year. These amendments will be supported by related transitional and consequential amendments to the act to ensure, for example, that nothing is affected because of the changes to the title of the act, the name and status of the college or the titles of key office-holders on the council of the college that are to be made by this bill.

As a previous speaker, the member for Narre Warren South, discussed, we are very lucky in this state to have some wonderful educational institutions, and she also made reference to the fact that in the last few days it was announced that six Australian universities had entered the top 100 in the *Academic Ranking of World Universities*. I note that the University of Melbourne is now ranked 40th in the world, which is an incredible achievement for the university, which has gone through some quite substantial changes in recent years to the way it carries out its degrees and also in restructuring the way it governs itself. I think this rise in rankings would suggest that the work that has been undertaken there is paying off.

I am also glad to see that Monash University, where I graduated, also broke into the top 100 and is now being ranked in 79th place. I am sure that is a source of great pride for its new, or fairly new, vice-chancellor, Margaret Gardner. She has been there for about 18 months, I think. We should be very proud as Victorians of its achievements and very grateful that we have the levels of support that we do in Australia for quality educational institutions, and the University of Divinity is no exception here. It may be lesser known — I think that is fair to say — but in my background research in preparing for this bill I was very impressed to see how much it had achieved in its long history, particularly in the area of research.

One fact that grabbed my attention was that the funding for research has increased by 500 per cent over 10 years, and I think that is an incredible achievement for the University of Divinity and really shines a light on its priorities and focus going forward and the sorts of discussions and debate that it tries to encourage and be a part of in our mainstream community. I think in this day and age, with the level of diversity in our community and indeed in our world, those are exactly the sorts of discussions and cooperation that we should be encouraging. On that note, I commend the bill to the house and hope sincerely that this piece of legislation enables the university to fulfil its aims and mission going forward.

Mr CRISP (Mildura) — I too rise to speak on the Melbourne College of Divinity Amendment Bill 2016. The purpose of the bill is to change the title of the Melbourne College of Divinity Act 1910 to the University of Divinity Act 1910, to make other changes to reflect the University of Divinity's title, operation and status as a university and to make various transitional and consequential amendments.

As mentioned by many of the speakers on this bill, this particular institution has been around a long time. If this act goes back to 1910, the institution has been involved in social and religious training for quite some time. The Melbourne College of Divinity is a private university which accredits colleges to deliver degrees on its behalf. As I said, with its long history it is now making the transition, and has been making it for some time, to become a university. The model that it is currently operating under was established in 1972 and amended to allow for recognition of associated teaching institutions that teach degrees offered by the college. While it is familiar in Europe and North America, it was not widely found elsewhere in Australia.

In 2012 the college commenced operation as an Australian university of specialisation with the approval of the Victorian Registration and Qualifications Authority. It was subsequently given permission by the commonwealth to trade under its own name as the University of Divinity, and this bill is about reflecting those changes.

The bill does a number of mechanical things. As well as enabling the transition from a college to a university it removes the positions of registrar and fellows of the college, as these positions will no longer exist, and extends the appointment terms of the chancellor and deputy chancellor from one year to a period of three years.

What the college is most involved in is its research areas and the way it prepares material for the training of people who will work mostly in the mainstream churches. I do note that in consultation for this bill the shadow minister spoke to the Anglican Church, the Uniting Church, the Catholic Church, the Baptist Union of Victoria and the Churches of Christ.

This is, again, a Melbourne institution. It has been with us for a very, very long time. I think we all welcome these institutions choosing to update themselves and moving with the times, and that is certainly what the Melbourne College of Divinity has been doing. I think all of us support this bill, and that is why the National Party, I should say, are not opposing this bill but wish it a speedy passage.

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the Melbourne College of Divinity Amendment Bill 2016. Certainly the members for Narre Warren South and Dandenong gave a full and thorough description of the importance of this legislation. As those speakers and as the opposition's lead speaker indicated, this bill is largely technical. It ensures that the Melbourne College of Divinity can be modernised by becoming the University of Divinity.

I think this bill demonstrates, highlights and showcases the great strength of our educational institutions in this state. The reality is, as the member for Dandenong indicated, Melbourne is home to the premier academic institution in the Asia-Pacific region, being the University of Melbourne. It is an outstanding educational facility, complemented by a range of other educational facilities, and the new University of Divinity will play an important role in relation to broadening out that value offering, particularly in relation to people from the Asia-Pacific region who might, for example, wish to study in Melbourne and pursue a degree in divinity or, for that matter, theology.

It was interesting, as I was preparing for this bill, to look at the courses available. If you are a full fee-paying student, you are looking at a significant amount of money to get a degree. I think the full fee-paying course was about $30 000 in 2016. It is interesting to contrast the bachelor of theology and the bachelor of ministry course descriptions:

> The bachelor of theology critically examines life and faith through the study of scriptures, theological traditions and historical contexts. It aims to broaden self-understanding and facilitate cultural engagement. The bachelor of theology assists students to develop knowledge across broad areas of theology and depth in particular areas of interest. It develops research and communication skills, and prepares graduates for further theological study.

So that is clearly a far broader degree in its intent, as opposed to the bachelor of ministry, which, as it indicates:

> … prepares students for the practice of ministry. It establishes foundations for ministry through the study of scriptures, theological traditions, historical and contemporary contexts. It requires concentrated study in ministry praxis. The bachelor of ministry provides a foundation for graduates to understand and articulate their identity and place in the world.

Clearly if you want to spend a career working on the tools, then I would suggest the bachelor of ministry to you, but if you have more than a passing interest in all matters scriptural or a theological perspective, then perhaps the bachelor of theology is more for you.

I note too that clause 7(e) refers to the insertion of the titles 'chancellor', 'deputy chancellor' and 'vice-chancellor', and that made me ponder, because I do recall being at university and thinking, 'Why is it the fact that really the boss of a university is the vice-chancellor, whereas the chancellor is merely a figurehead; as opposed to, for example, the Vice President of the United States of America, which is seen as a lesser role than the President of the United States of America?'. That led me to look at the University of Cambridge. The role of vice-chancellor, according to the University of Cambridge website, evolved throughout history:

> Until 1504 the statutes of the university required the chancellor to be normally resident in Cambridge, and vice-chancellors were appointed as the chancellor's deputy, to act only in his absence.

Obviously in those days they did not have women holding these lofty positions.

> After the beginning of the 16th century, however, the chancellorship was made a non-residential position, and the election of a new vice-chancellor became an annual occurrence. From the early 16th century, most elected vice-chancellors were already heads of colleges within the university, and from 1587 to 1992 all were — and the vice-chancellorship was held concurrently with the headship of a college.

Clearly there was that transition between the two.

That then led me to think about where the word 'chancellor' came from. Acting Speaker, you might not know this, but in Scrabble 'chancellor' has a word score of 17 while 'vice-chancellor' has a word score of 26 — emphasising the point. 'Chancellor' comes from the old French 'chancelier' from the 12th century, a derivative of late Latin 'chancellarias', which is keeper of the barrier, secretary, usher of a law court and so called because he — again, roles held by men — worked behind a lattice at a basilica or law court in the Roman Empire, a sort of usher, as it were. So you are looking at those distinctions.

The other interesting point I found is that Cambridge had its first vice-chancellor in 1412, whereas Oxford had its first in 1230, which really goes to show that really Oxford would be the premier academic institution in the United Kingdom, as opposed to Cambridge, which was once described to me as a school in a field of paddocks up the road from Oxford, but I digress.

This is an important bill. As has been recently said, it is largely technical in nature. It does improve the educational outcomes for those who pursue a full-time career on the tools, in the faith, at the pulpit, through a

bachelor of ministry or alternatively for people who just simply have an interest in church history and the role that churches have played, you could say, being an important part of Western liberal democracy and underpinning that or alternatively stymieing Western liberal democracy as well, depending on the view you take.

It is important that institutions like the University of Divinity make sure that they act in accordance with the Victorian Registration and Qualifications Authority (VRQA). This is an important regulatory body because really at the end of the day — and this was borne out to me recently when I had a meeting with the member for Narre Warren South and a number of Indonesian academics, and they indicated that this is the case for many people in Indonesia who choose to study in Australia — it is about quality. It is about making sure that if you are spending $10 000, $20 000 or $30 000 on a qualification, you get a very high standard, or high-quality education. Making sure that we address quality through having the VRQA is really an important function of that and ensures that we have a very good standing in the Asia-Pacific region as a place of academic excellence and expertise.

As I said, this is a largely technical bill. It brings the college into the 21st century. It is a very good piece of legislation. I note there are a number of different courses available at what will now be called the University of Divinity, covering a whole range of areas including theology and Biblical languages — you could probably have a major in Babel — church history, liturgy, missiology and pastoral care. There are a wide range of courses. I was upset or somewhat disappointed that there is not a graduate diploma in the Reformation; I would have thought that the Reformation would at least have warranted a course in its own right, but maybe you could do that as a minor course load as part of your PhD or graduate certificate in spirituality. Nonetheless, it is an outstanding piece of legislation. It enhances and enforces the quality education that people can experience in Melbourne and in this great state. I commend the bill to the house.

Ms BRITNELL (South-West Coast) — It pleases me to speak on the Melbourne College of Divinity Amendment Bill 2016. The main purpose of this bill is to amend the Melbourne College of Divinity Act 1910 to change the title from the Melbourne College of Divinity Act 1910 to the University of Divinity Act 1910 — so it is basically a name change — to make other changes to reflect the University of Divinity's title, operation and status as a university and to make various transitional and consequential amendments. The Melbourne College of Divinity, as a self-accredited higher education provider since 1910 — as I said with regard to when the act came into being — was created at the request of a group of Victoria's churches to provide for the award of degrees, diplomas and certificates in divinity and associated disciplines. The college was significantly enlarged in 1972 with the inclusion of the Roman Catholic Church and the Churches of Christ and the adoption of the collegiate structure of the delivery of its awards. The Melbourne College of Divinity is a private university, and it accredits other colleges to deliver its degrees — eight denominations in all. This has not been done before in Australia, but it has certainly been seen overseas.

The bill also removes the position of registrar and fellows of the college, as these positions no longer exist, and extends the appointment and terms of the chancellor and deputy chancellor from one year to a period of up to three years.

I have a strong allegiance to the study of theology. My grandfather studied theology and planned to become a priest in the Roman Catholic Church but left just prior to being ordained, so my family has a very strong history of being involved in the study of theology. It is a very interesting area of study, and you can gain a lot of history and knowledge from it. However, I find it intriguing that we are here today to basically talk about a name change, and whilst I think that it is really important that the study of theology continues and the name change progresses the opportunities for this university, it is baffling to see that the highest priority of this government is to put such legislation forward.

Education, as the member for Narre Warren South spoke about, is an incredibly important part of every person's growth. Every child, as was quoted, needs to have, no matter where they are, access to good education from primary through to secondary and right through to university level.

As many members would know, we have some great universities. In my region of South-West Coast we have a university that began as the Warrnambool Institute of Advanced Education and progressed over time to become part of the Deakin group. Deakin University has a proud history in the South-West Coast region and delivers some fantastic courses.

As a nurse I know that we have been producing quality nurses in Warrnambool for many years. The university has been doing that since 1984. I think that was when the first university nurse was trained at Deakin University in the South-West Coast region. I cannot work out right now whether it was Warrnambool then; I

think it might have been the Warrnambool Institute of Advanced Education at that point in time.

The Warrnambool Base Hospital still takes on quality nurses year in year out. This is the case for accountants as well; companies like Sinclair Wilson from Warrnambool take graduates year in and year out. We have a quality marine science course; we recently had our first student from Alaska commence study in that course. So as the member for Narre Warren South said, it is very valuable to have equitable access to education for all children, no matter where they live. Right out to the South Australian border we need to make sure we have access.

Right now we have a real issue in South-West Coast. Deakin University is not keen to stay, but we are very keen to make sure the community is getting behind them, and it is doing exactly that. I met with a group of community members just last week to talk about how we can support Deakin to do what they do best, which is delivering quality education to all students. If you are living in Portland, 4½ hours or more from Melbourne, it is quite difficult for you to access education.

In our part of the world the quality of life is very high from the point of view of livability. You can be at the beach surfing just minutes before you have to attend class. You can be fishing, and you can be in class without any of the challenges of getting to and from the course due to traffic issues. We have incredible facilities, probably the best of all of Deakin's campuses, with the ability to be working in what they call 'the cloud', so you are able to access and interact with lecturers from all over the state. I experienced this myself last week listening to a lecture and interacting, where the speaker would come to you, as in the microphone would be turned on if you spoke and the camera would flick to the person who was speaking, so the technology available is fantastic.

But it does not detract from the need to have that education facility in our region so students can actually benefit from living in their own area. Some students do not have the capacity to go to the big city of Melbourne; others do not have the ability financially to do that, so it is incredibly important. I am very pleased that the member for Narre Warren South pointed out that this government has a commitment to education, and I ask it to remember that when it comes to making sure that we support Deakin University to be able to stay and grow its numbers and allow my community the opportunity to work with it.

The community have asked me to call on Steve Herbert, the Minister for Training and Skills in the other place, to organise a meeting with John Stanhope, the chancellor of Deakin University, so that they can get a face-to-face meeting and experience and share what they can offer as a community. There are so many committed people who want to see this work.

It was interesting to hear the member for Essendon speak about the history of Cambridge and say how important it was back in the 1500s that the chancellor or vice-chancellor be in residence or in the area. That is another thing that we have been speaking about in Warrnambool — how to make this work better, and that is to make sure the team who are managing the site really get a feel for South-West Coast and the opportunities there. It is very difficult to manage a campus from the city. The flexibility needed to understand the differences between people who are seeking an education in the country versus those seeking an education in the city makes it more difficult for the campus to be managed as a site, we think. So just being able to discuss the ability to manage that campus with somebody in residence in the area rather than them having to travel in and out is what our community is asking for. If we could get a meeting organised, that would be wonderful and we respectfully ask for that opportunity from the Minister for Training and Skills in the other place.

This is a great opportunity for us to think about the importance of a university. The University of Divinity gives us an opportunity to remember that there is diversity and that theology is something that we should not forget about; it is important. That is why I recommend that we do not oppose this bill. However, it surprises me that this is the highest priority on the agenda of this government when we have such challenges in the regions to make sure that we make a university education available to all kids living right out in the country.

Debate adjourned on motion of Ms HENNESSY (Minister for Health).

Debate adjourned until later this day.

OWNERS CORPORATIONS AMENDMENT (SHORT-STAY ACCOMMODATION) BILL 2016

Second reading

Debate resumed from 25 May; motion of Ms GARRETT (then Minister for Consumer Affairs, Gaming and Liquor Regulation).

Mr NORTHE (Morwell) — It gives me pleasure to rise this afternoon to speak on the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016. The main purpose of this bill is to amend the Owners Corporations Act 2006 to regulate the provision of

short-stay accommodation arrangements in lots or parts of lots affected by an owners corporation. This bill supposedly seeks to address growing and ongoing concerns with regard to short-stay accommodation in Victoria.

Over these past years we have seen a significant growth in short-stay accommodation in a number of jurisdictions, including Victoria. What we have seen born out of this particular industry is much conflict between permanent residents and short-stay residents in apartment complexes. With all of this we have seen service providers such as Airbnb, Stayz and the like pop up out of nowhere, and we have seen people increasingly use their services over these past five to six years. But as I say, with this growth we have seen a number of disputes, primarily between the owners of apartments where there are permanent residents and owners who are letting out their apartments to short-stay accommodation tenants.

That has led to a number of disputes. Within all of this we have apartment owners, owners corporations, tenants, the Victorian Civil and Administrative Tribunal, the Supreme Court and others being caught up in a number of disputes that have occurred over a period of time. Primarily those concerns relate to noise, damage to property et cetera. So it has been an issue that has grown. It has come before us very quickly, and I well and truly appreciate the fact that governments across all of Australia and indeed internationally have had to grapple with how to deal with these situations and find and mediate a proper outcome.

As was alluded to in the second-reading speech, the government established an independent panel to offer recommendations to it on ways to tackle this, and I will talk about that more in a moment. But I would also like to first refer to how Labor made an election commitment prior to the 2014 election that they would stamp out inappropriate behaviour from short-stay tenants. Indeed, looking at the *Age* newspaper article of Friday, 21 November 2014, headed 'Labor to clamp down on short-term rent "party pads"', the opening paragraph states:

> City apartments used as 'party pads' by people renting from sharing websites such as Airbnb would be stamped out under a state election pledge by Labor.

I pick up those words 'stamped out', and I would suggest to you, Acting Speaker, and to the chamber that this legislation does not stamp out that type of accommodation; it does far from that indeed.

Nonetheless, the panel was appointed in February 2015 by the government, and that comprised a number of different members. There were members like Simon Libbis from Subdivision Lawyers, Michael Nugent from Bencorp and also Strata Community Australia, Kristina Burke from the Victoria Tourism Industry Council, Paul Salter from the Victorian Accommodation Industry Association, a City of Melbourne representative in Angela Meinke from planning and building, Justin Butterworth from the Holiday Rental Industry Association and Roger Gardner from the Owners Corporation Network Victoria, who is also the president of the Docklands Community Association.

In digressing very slightly, a lot of the issues that have arisen with respect to short-stay accommodation have been in the CBD of Melbourne and primarily in Southbank and Docklands, where a number of these issues have arisen.

The terms of reference for the panel to have a look at short-stay accommodation spoke about a number of things and required the panel to identify and examine options for addressing the issues that maximise the amenity of living in apartment buildings while at the same time minimise interference with property rights and any negative impact on the Victorian tourism industry, on investment in Victoria and on the Victorian economy generally. Those options were to include but were not limited to a number of proposals which that panel then had to consider.

I would say at this point that, given the conundrums that one has to consider and the diversity of the panel, you would no doubt conclude that there was a variety of views and opinions. Again it reinforced the point that it is not easy to make everybody happy within the context of short-stay accommodation, because there are a range of views and opinions that certainly arise out of it. One of the things that I suppose the panel and the government have to grapple with is: what right do you have as a property owner? If you have purchased your apartment on the basis of being a permanent resident, does that take precedence over the apartment next to you, where an owner of that property might want to lease it out? They might want to lease it out short term, they might want to lease it out longer term or they might want to lease it out medium term. So how do you grapple with those situations? I think that is something that, reading through the report, the panel had difficulty coming to an agreement on.

There were 13 options that were part of the terms of reference of that independent panel. There were options such as prohibiting short-stay accommodation in apartment buildings under the Building Act 1993 or the Planning and Environment Act 1987. There was talk of

self-regulation and about the options with regard to doing that. There was alternative dispute resolution discussed and mediation ideas around that. They spoke about strengthening the powers of the owners corporations and amending the Owners Corporations Act 2006, particularly around owners corporations being able to make rules to either prohibit or restrict short stays, and I will talk more about that in my contribution, particularly given that this was tested legally over the course of the last few years. There was also discussion and options were put forward around amending the Owners Corporation Act to make apartment owners liable for the conduct of their short-stay occupants. There were other options considered about how the City of Melbourne and municipalities might deal with and specify residential apartment buildings.

I might say at that point — again I digress — that one of the propositions put forward by many of those permanent residents and indeed owners corporations was that if you are leasing out your property to a short-term person who has caused trouble, this person does not necessarily have to abide by the building codes that exist for, say, people who stay in a motel. A motel is a different class of building from an apartment complex. That is something that municipalities have to deal and grapple with.

The City of Melbourne was at one stage caught up in legal proceedings, and it believed that its position was fair. Some options for regulation considered by the panel included empowering councils, and particularly the City of Melbourne, to deal with certain aspects of short stays. There were options around restricting the number of short-stay apartment lettings, and there was talk of registration and prescribed accommodation. There was a whole range of different elements that the panel had to consider.

When you read through the recommendations at the end of the panel's report it is easy to identify that there were various views and opinions. I do not think there was unanimous agreement on any of those options. If I read the transcript — I will let you interpret this as best you can, Acting Speaker Pearson, particularly as you have just jumped into the chair, and I am absolutely being selective here — the recommendations state that:

> Mr Libbis, Mr Salter, Ms Meinke, Mr Nugent and Ms Burke consider that the appropriate regulatory approach to deal with unruly parties in existing CBD apartment buildings is to —

do X, Y, Z —

> Mr Gardner considers that the appropriate regulatory approach is to prohibit short-stay accommodation in CBD apartment buildings.
>
> Mr Nugent considers that a further regulatory approach is to amend the Owners Corporations Act to empower owners corporations to make rules to deal with the issue as they see fit.
>
> Mr Butterworth considers that a regulatory approach is unnecessary and that the appropriate approach is industry self-regulation.
>
> …
>
> Mr Libbis, Mr Salter, Ms Meinke, Mr Nugent and Ms Burke recommend option 13 as the appropriate regulatory response to the issue although Mr Salter considers that breach notices should only be able to be served regarding breaches of rules relating to unruly parties.

It goes on and on. That is not meant to cast aspersions on the panel members. What it is meant to do is show that this is a vexed issue which is not easily resolved. The panel members themselves, who represent a broad range of the community, business and industry, could not form a consensus when it came to dealing with the terms of reference that were put to them.

The report by the panel was to be provided to the former minister by May last year, and we have supposedly had further consultation since then, culminating in the legislation we have before us today. As I digress again, I thank the minister's office and the department for their briefings over the past period of time in providing explanations of the bill.

I am not going to talk too much about the Grattan Institute, as my colleague to my left suggests. It released a report in April 2016 entitled *Peer-to-peer pressure — Policy for the sharing economy*. It did some work around Uber and short-stay accommodation. This was across a range of jurisdictions because, as you would appreciate, in New South Wales the short-stay accommodation sector and industry is far greater than what we experience here in Melbourne, Victoria. However, similar problems arise there. In its report the Grattan Institute said that:

> … states need to do more to get the balance right between short-term use of property and the amenity of neighbours. They should give owners corporations more power to limit disruptions caused by short-stay letting and streamline dispute resolution. Councils should prohibit short-stay rentals only as a last resort.

The Grattan Institute went on to list a number of other findings, suggestions and recommendations, but it did note the fact that short-stay rental platforms can cause greater problems than when you deal with permanent residents. I am not sure if that is an argument that would be contested by many others, but those are the facts that have been revealed by a number of surveys done by the Grattan Institute and other organisations.

That is one of the major issues with regard to the short-stay accommodation sector.

There have been many media reports over the past few years referring to party houses and people who use apartments for such purposes damaging property and causing noise, amongst a whole range of other issues. I applaud the parliamentary library, because if you go and look at the research that library staff have done with regard to this bill, you see that they have done a fantastic job. One only has to print out the media releases and media reports on the issue and one has used a whole ream of good Australian paper to do that. I will not go through every single media report because there are many of them. But one of them is an article from the *Herald Sun* of 7 August 2015 under the heading 'Party town mayhem — no action on short-stay rental behaviour'. It goes on to say that:

> Wild partygoers renting CBD apartments for short stays are urinating, vomiting and stripping off in public view to the horror of regular residents.
>
> Reports include bottles and furniture being dropped from balconies, dirty linen in hallways, nudity in pools, vandalism, stolen car parks, security concerns and lifts cluttered with cleaner trolleys.

The article goes on and on and on, and there are comments from a number of people within that article.

An article from the *Sunday Age* of 18 October 2015 talks about apartments and short-stay accommodation. It says in the second paragraph:

> The *Sunday Age* understands apartments and short-stay hotels in the suburb are increasingly being used as 'safe houses' and party spots for those on the wrong side of the law, including a number of the city's most influential up-and-coming drug dealers.
>
> Criminals worried about safety but still keen to flaunt their rising wealth and power are attracted to luxury apartments in Docklands buildings where secure underground car parks and extensive CCTV systems are standard features.

That is just another element of the concerns expressed by permanent residents.

Other media includes comments by former federal Labor MP Martin Ferguson in the *Herald Sun* of 30 November 2015. This is from the second paragraph of an article with the heading 'Airbnb threat to jobs':

> Martin Ferguson has warned the increasing number of short stays at apartments in the city's growing corridor was hurting the hotel industry.
>
> …
>
> Mr Ferguson, chairman of Tourism Accommodation Australia has called for tighter restrictions on apartment owners offering their apartments on sites such as Airbnb.

So there are plenty of people from a range of different areas who are offering comment with regard to short-stay accommodation.

An article in the *Age* of 7 December 2015 under the heading 'While Uber is deemed illegal, Airbnb gets government help' says:

> Australian Hotels Association chief executive Brian Kearney acknowledges that Airbnb is a legitimate competitor, but he's not happy that the hosts don't have to pay tax. 'An Airbnb is not taxed at all. If you're running a hotel business, you bear the full federal and state taxes.
>
> Some would form a view that you challenge all competition that's put in front of you. That's probably not the way we're looking at it — the tourist has got the right to choose whatever accommodation …

And there are other comments in the article. But it makes the point again that I made earlier, and that is that some would deem that the short-stay accommodation sector has a benefit over many of hotels and motels. They do not have to comply with the same building regulations but they also are not paying taxes and so forth, and that was outlined by Brian Kearney from the Australian Hotels Association.

Insurance Council of Australia chief executive Rob Whelan is quoted in the *Sunday Age* of 17 January 2016 as having said:

> … would-be hosts should check with their insurer that they are covered for peer-to-peer house sharing.
>
> 'They might not be covered for property damage and other losses and that could happen as a result of renting it out to holidaymakers …'

I will not go into all of the media releases, but you get a sense of some of the feedback from different industry providers about what their concerns are with this particular type of industry. To be fair I will talk about some of the comments from Airbnb later in my contribution.

As I said in my opening remarks, a lot of these disputes have ended up in the courts. There have been a number of legal disputes that have occurred over a period of time. The courts are grappling with how to deal with the scenario that we are confronted with. Melbourne City Council has certainly been a part of that. I will not go into every single case, but probably one of the most prominent ones that has run for about five years now is about owners of apartments in the Watergate building in Docklands joined with the City of Melbourne back in 2011 to take the owners of short-stay apartments in the

Watergate building to the Building Appeals Board (BAB). That issue ended up with the BAB issuing orders requiring the owners of those apartments to comply with hotel and boarding house regulations. That decision was appealed unsuccessfully. They ended up going to the Supreme Court, where the owners of those apartments were successful in that appeal. Melbourne City Council was also part of those legal disputes and appealed unsuccessfully to the Supreme Court, costing the council, I think, $350 000 or more at the time.

There was a small win for the City of Melbourne. The apartment owners were required to comply with two key safety issues. In August 2014 the Watergate owners corporation filed a Victorian Civil and Administrative Tribunal (VCAT) action against the owners of the apartments with short-stay accommodation. Ultimately VCAT found that the owners corporation did not have the power to make or enforce a rule prohibiting short stays. The Supreme Court basically said the same thing just recently in terms of its adjudication on it. The point I am making is that we have had some of these legal disputes going for five years. The judge in the latest Supreme Court hearing made a finding that the owners corporations were unable to enforce their own rules with regard to short-stay accommodation.

There was another interesting case. An article in the *Sunday Age* of 3 April this year under the heading 'Airbnb ruling a victory for renters' — this was a case in St Kilda — says:

> Tenants have scored a win as Victoria continues to grapple with the Airbnb phenomenon, after a tribunal found a St Kilda landlord could not evict tenants who had listed their apartment on the website.

I am talking about tenants not owners. It continues:

> The landlord attempted to kick out the renters earlier this year after other residents in the building informed her the apartment was being used as an Airbnb.
>
> But in what is believed to be the first authoritative case of its kind, the Victorian Civil and Administrative Tribunal threw out Catherine Swan's claim last week, finding Barbara Uecker and Michael Greaves had technically not sublet their apartment.

So here you go: the owner of the apartment leased out their apartment, the lessees or the tenants have then sublet it, but that is okay. It is an interesting case, one might say. Again, that just describes the vagaries of short-stay accommodation.

The bill does five or six things. It describes what is inappropriate conduct, it empowers VCAT to provide amenity compensation of up to $2000 to each resident who might be impacted, and it empowers VCAT to prohibit the use of an apartment as short-stay accommodation if the particular owner of that unit or apartment has been found guilty of inappropriate behaviour on three occasions within a 24-month period. You might be an owner of multiple apartments, but the offences, if you like, are against a particular apartment and not against the owner of the apartment, should you own apartments in other places. The bill also empowers VCAT to impose civil penalties of up to $1100 for short-stay occupants for breaches. It makes short-stay occupants and providers severally liable for damage to property, and it also adopts internal dispute resolution processes under the Owners Corporations Act 2006 and the conciliation powers of Consumer Affairs Victoria.

While the bill has been introduced into the Parliament we have had all these legal disputes that I have outlined going on. The government is also doing a review of a lot of the consumer law at the moment, including the Owners Corporations Act. So one might ask, 'Will there be further changes once that review is complete?'. We certainly do not know the answer to that question.

In terms of the feedback that we have had, the number of people who are interested in this bill has been high, and I cannot go through all the feedback. Michael Nugent, who was part of the short-stay inquiry as a panel member, said that he wished to make one comment in relation to the legislation, which states:

> … it empowers VCAT to make an order prohibiting the use of an apartment for short-stay accommodation, for a certain period, if short-stay occupants of that apartment have, on at least three separate occasions within 24 months, been guilty of inappropriate conduct.

His comment on that was:

> From my understanding of s.169D(a), a prohibition order can be imposed against an apartment if complaints, on 3 separate occasions within a 24-month period, have been made against a provider and it is not intended to be limited to complaints in relation to solely one apartment. If that is not the case, I strongly recommend that it should be. Having three complaints against one operator is bad, but potentially there could be 6 complaints against the same operator related to 6 different apartments and the prohibition order would still not apply.

That just picks up the earlier point that I raised. There are lots of other comments from people. To be fair, Airbnb of course welcomes this legislation and what the government has said and has obviously spoken very positively about it.

However, I want to conclude in my last few minutes by just talking about one particular group who have expressed some concern with the bill and indeed whether it goes far enough. The We Live Here group is

an advocacy group that says it provides a voice for residents living in strata communities and other high-density areas who might have issues that it believes are not being adequately addressed by legislation, or by government for that matter. This really originated out of the Watergate case — the legal case that I referred to earlier. They have given some examples in international jurisdictions where there is probably more movement from governments to regulate short-stay accommodation, whether it be in New York, Berlin, San Francisco, London, Paris or other places, and they refer to those cases.

Their concerns are primarily not for owners corporations but on behalf of permanent residents. They would say that the main issue they have is around the safety and security of the buildings and the residents. They are concerned that when you have short-stay tenants potentially those health and safety risks around fire safety and disabled access could be something where we see a disaster in the future because there is specifically not enough access for people. The increased wear and tear on the building, who actually pays for that? Well, it is actually the owners corporation through the owners. So wear and tear on walls and doors and lifts and so forth is one of the group's concerns.

I raised earlier one of their other concerns, and that is people not competing on a level playing field. You have people running quasi-hotels if you like, and that is what people want to describe it as, and they do not have to pay commercial rates and the taxes and other compliance costs that would apply to hotels and motels, for example. Potentially if an event does happen, is there adequate insurance that would cover those particular owners corporations and other owners in those apartments? The inability to develop a sense of community where residents live side by side with short-stay guests obviously has a major impact on them as well.

The group has put to me some of their ideas, and I am sure it has put them to the new minister and other political parties, and one is: could there be a minimum letting period of 30 days in line with standard form residential tenancy agreements and commonwealth tax legislation with letting out an entire apartment? They are talking about the occupier letting out an entire apartment while they travel elsewhere and maybe that being confined to a maximum of 49 days per year with a minimum of 7 days per letting period. They have also suggested that where an occupier is letting out part of an apartment that they occupy that they can do that provided that the occupier is living in the property throughout the guest's stay with no minimum length of stay, and they talk about registration and advertising as something that could be enhanced through future legislation.

Given the history of not going into consideration in detail in this particular chamber, the group simply wants an opportunity to meet with the minister to put forward its case of what it believes are genuine issues. Will the minister go out and consult with them further on these issues, with a view to making sure that they are listened to and that their ideas are put forward? Does the minister recognise the issues of noise and amenity and some of the issues that are being experienced in these apartment buildings? Will she make sure that all stakeholders are heard and consider how some of the costs and issues are going to be addressed in the future? I do commend the We Live Here group and all other stakeholders who have provided their feedback on this bill. I know it is not an easy bill, but we will reserve our right until it goes to the Council.

Mr CARROLL (Niddrie) — Following the member for Morwell, can I firstly congratulate the new Minister for Consumer Affairs, Gaming and Liquor Regulation, who is at the table, on this legislation, the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016. This is important legislation. It actually sees an election commitment fulfilled. I am sure the new minister, just like the previous minister, who had a strong working relationship with Airbnb and was very consultative, is going to fit in just nicely, member for Morwell, in making sure we get this right for Melbourne, Victoria — a destination city, a 24-hour city, one of the most livable cities in the world and one of the greatest cities in the world.

This legislation, as I said earlier, will fulfil an election commitment. It is important legislation where the Parliament and we as legislators are catching up with the sharing economy. Here we have before us a package of reforms to address the problems arising from, if you like, short-stay accommodation, principally though unruly parties happening where there has been damage and there has been behaviour that is very unsettling for other residents in a particular apartment complex or in a particular residential building.

This package of reforms to the Owners Corporation Act 2006 will apply to a number of short-stay accommodation rentals, making sure that the Victorian Civil and Administrative Tribunal (VCAT) is empowered and that legislation is up to date for the 21st century. In particular, though, under the legislation VCAT will be empowered to award loss of amenity compensation of up to $2000 to a resident whose

amenity has been affected by an unruly short-stay party and to make the short-stay accommodation provider jointly and severally liable for such compensation; to make an order prohibiting the use of an apartment short-stay accommodation for a certain period if short-stay occupants of that apartment have on at least three separate occasions within 24 months breached the conduct proscriptions; and to impose civil penalties of up to $1100 on short-stay occupants for breaches of the conduct proscriptions and make the short-stay accommodation provider jointly and severally liable with the short-stay occupants of such penalties.

I am not sure if the shadow minister, the member for Morwell, has actually used Airbnb. If I am being honest, I am only a recent convert. I was very sceptical of Airbnb but my wife convinced me to give it a go on a recent trip, and I have got to say I was incredibly surprised how good Airbnb is. In two different places we used it. The owner of the apartment met us, gave us all the tips on where to go and made sure we knew the local neighbourhood. Incredibly, though, compared to the hotel industry, the wi-fi was second to none. The best wi-fi you will probably find is in short-stay accommodation because more often than not it is owned by the people that live there. You get a level of service sometimes that can be missing from different parts of the economy, and I think it is very much where we are heading with our accommodation and with overseas trips.

I have got to say, though, that from my experience, without doubt, Airbnb and short-stay accommodation providers are probably cannibalising the hotel industry. We came across a couple of entrepreneurs that were doing it, but they were very impressive with their customer service and they were making a go of it. These are people who have left their normal jobs to take on Airbnb and run short-stay accommodation that they are proud of. They had a lot of pride in their apartments. They wanted to make sure our stay was good and that we would recommend them. Once you have finished at the short-stay accommodation, you then get to rate them. You rate them, and you can offer suggestions. With Airbnb there is the website and the app on your iPhone. The owner was always close and if you needed any assistance, away you went.

That is why I want to highlight how important this is to the economy and to tourism in Victoria. The member for Morwell quoted from the final report of the Independent Panel on Short-stay Accommodation in CBD Apartment Buildings. I want to congratulate the panel. It was set up back in 2015 under the previous Minister for Consumer Affairs, Gaming and Liquor Regulation as well as the Minister for Planning. It had a commonsense approach, a practical approach, and its recommendations will go a long way towards ensuring that our short-stay accommodation market is efficiently regulated. We are trying to get the balance right.

On the other hand I know of people who live in the City of Melbourne and who when White Night comes around, or something like that — probably the member for Melbourne is fully aware of some of these complaints — will move out of town because they do not want to have to deal with a lot of the issues that might arise in their apartment building. I do think the reforms we are seeing here today will give people an avenue through Consumer Affairs Victoria and through VCAT to make sure that, whether it be the owner of the apartment or the people who have rented the apartment and are doing the unruly behaviour or damage, there will be a redress scheme where they can be brought to justice and compensation can be paid for any damage done and for the unruly behaviour that the other residents in that apartment complex have had to deal with.

If you go to the figures, it is very important to consider the contribution to the economy, Acting Speaker Pearson, and I know that as the chair of the Public Accounts and Estimates Committee you are pretty familiar with figures. As at January 2014 BIS Shrapnel estimated that that there were 169 073 short-stay properties in Victoria — that is more than a quarter, 27 per cent, of the national total. The short-stay industry supported $31.3 billion in economic activity and some 238 000 jobs nationally. Therefore it can be estimated that short-stay accommodation in Victoria represents a multibillion-dollar industry supporting over 64 000 jobs. That is what the report said, based on the work of BIS Shrapnel.

Airbnb currently has 5000 property listings in Melbourne for the next month. That is a twofold increase since last year. The growth of the sharing economy, Airbnb — it is where the world is at. It is the 21st century — book the accommodation on your iPhone, away you go and rest assured that you are going to meet the owner, often, of the short-stay accommodation and they are going to do everything they can to make sure you recommend them and that you promote them. I have got to say I was turned around on it. I was very much always a traditionalist — when you go away, you stay at the hotel — but having seen it and experienced it, I think it is about time.

I am pleased that it is a Labor government that is now catching up with the industry and the economy, that we are passing reforms and legislation to ensure that in relation to short-stay accommodation the laws are there

and that we do get the balance right to ensure that the residents and the occupiers but most importantly the people who have made an investment in the apartment complex and who might live there with their family have an avenue to have addressed any concerns they may have, any issues they may have and any experiences they may have that have not been right, that they have an avenue for compensation and that there is a scheme in place through VCAT for them to be assisted.

It was a Labor government too who invested in VCAT to ensure that we have an appropriate fee structure, and we are about making sure that VCAT is as open as possible for people, no matter their background or walk of life, to have redress through the Victorian Civil and Administrative Tribunal.

It is important, though, that we make sure that the owners corporation legislation is up to date with its laws to deal with short-stay accommodation, that VCAT is empowered to compensate for loss of amenity to any affected residents and that we have empowered VCAT to ensure it has the orders it needs for apartments for short-stay accommodation and to ensure it has the power to impose civil penalties on short-stay occupants for breaches of conduct proscriptions and make the short-stay accommodation provider jointly and severally liable with short stay.

I want to highlight with this bill though, just in the remaining time I have, that there was wide consultation with the City of Melbourne, the Holiday Rental Industry Association and Consumer Affairs Victoria. We also consulted with a whole range of stakeholders, people living the experience of short-stay accommodation, to ensure we have got the balance right. I understand there is further reform and further reviews of the Owners Corporations Act 2006 ongoing. This is an area of law and an area of the economy that we are going to have to be vigilant about to ensure that we can keep updating our laws because you do not know what is around the corner tomorrow with technology, with advancements and just with the competitive nature of the short-stay commission market. I commend the bill to the house.

Ms VICTORIA (Bayswater) — I rise to speak on the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016. I go back a couple of years to when I was consumer affairs minister, and I congratulate the new minister on her role. We have just been talking about how wonderful it is to put your feet under the desk knowing you have got really good staff around you, and the people at Consumer Affairs Victoria are terrific and very dedicated to making sure that everybody is safe.

This legislation has come in as a result of lots of media that has arisen over the years, especially since the advent of short-term accommodation services like Airbnb, Stayz and that sort of thing. It was certainly something that we started looking at while we were in government, and I am glad that you have taken this next step. The idea behind what we have actually got in front of us is to help regulate the provision of short-stay accommodation arrangements in lots or parts of lots where an owners corporation is in place.

As I said, the reasoning behind the introduction is because of the amount of bad behaviour, if we can say that, that has taken place and a lot of the media around it. If we have a look at some of the headlines that have been in the papers — I want to thank the library for such a terrific pack that they put together; it saved me going through an awful lot of newspapers, because they have really done a great job on this one — there are things like 'Party town mayhem', which came from the *Herald Sun* of 7 August last year. The article states:

> Wild partygoers renting CBD apartments for short stays are urinating, vomiting and stripping off in public view to the horror of regular residents.

In the *Age* of 7 December last year an article states:

> Tourism Victoria is getting into bed with Airbnb —

unfortunate turn of phrase! —

> as the online app's money-minting hosts claim they are out-competing five-star hotels.
>
> The government's official tourism agency is working with Airbnb to promote Melbourne's middle and outer suburbs, such as Fitzroy and St Kilda, in an effort to encourage tourism to non-traditional areas.

That is all very well and good to have done that, but of course that next step needed to be taken, which is why we are in the house today.

In the *Australian* of 29 March this year there was a headline 'Holiday havens shattered by short-term rental trend'. I want to state at the outset that what we have got before us is where there is an owners corporation in place, so obviously multiple dwellings within one building. Things like holiday homes down along the beach will not be covered by this because owners corporations do not exist for single-dwelling houses. We need to make a differentiation there.

If we have a look at some of the things that have been going on, as I said, there have been all sorts of horrible things going on, including running up and down the

hallways and stairwells, damaging common property, party music all night — that might have all been good 30 years ago, but I am a bit old for all of that — urinating in the stairwells and disrupting and causing havoc for neighbours and owner-occupiers.

Party houses are not just occurring in the city but also happening down on the coast. In fact one place down at Blairgowrie they have nicknamed 'Casino Royale' because people start partying in the afternoon and go through until the wee hours, but again, if that is a standalone dwelling, that is not going to be covered by this, from what I understand. It comes down to the fact that residents are sick and tired of this type of behaviour, and something needs to be done. They certainly looked at this in other jurisdictions, and I will get onto that in a few minutes, but the idea is basically to help try and curb some of this unruly behaviour and make sure that there are penalties that can be imposed should this happen.

There has been lots of feedback as to whether the proposed legislation has gone too far one way or the other. We all know as politicians that if you are being criticised by both sides, you are probably doing something right in between, but as I say, it will be very interesting. There are a lot of people, of course, who as part of their retirement package or as part of their regular income have bought units, for example, down in the Docklands and places like that and are relying very much on the income or the potential capital gain in those buildings, and if short-stay rentals were not allowed by, for example, an owners corporation, it would certainly leave their asset in limbo a little. Again, whether it has gone far enough or whether it has not gone too far is anybody's guess in this, and I guess time will tell.

If we have a look at some of the main provisions of the bill, there are certainly very good definitions of what short-stay accommodation and short-stay accommodation arrangements are. Basically, if there is a period of rent, if you like, or a lease for a maximum of seven days and six nights, that is considered short stay, and it has to be a particular type of building — so, a building wholly classified as a class 2 building in the building code. There are other different classifications within there, but we probably do not need to go into it. People who are really interested can pick up the bill themselves.

One new initiative here is new division 1A of part 10, which goes into complaints and procedures with short-stay accommodation arrangements. To deal with complaints, new section 159A lets an owner of a lot, or it could be an occupier — so, it could be someone who is renting there full time or a manager — make a complaint to the owners corporation if they think there has been a breach in the short-term proscribed codes as to what occupiers can do. Also, if there has been an alleged breach by a short-term occupant, those proscriptions are quite detailed and include if an occupant is unreasonably creating any noise likely to substantially interfere with the peaceful enjoyment of an occupier or a guest of an occupier of another lot without the express permission of the owners corporation — I am not quite sure when you would get express permission, but anyway, if you do not have express permission, it is covered by this one — behaving in a manner likely to unreasonably and substantially interfere with the peaceful enjoyment of an occupier or a guest of another lot and using a lot or common property so as to cause a substantial hazard to the health, safety and security of a person or occupier. There are other provisions in there as well.

This basically allows for complaints to be made, and there is an approved form on which these complaints need to be made. There is also recourse in this circumstance, so if there is a breach, what can happen is that people can now go to the Victorian Civil and Administrative Tribunal (VCAT) and ask for a determination on the dispute. VCAT can make orders, including a prohibition order if a person has had at least three separate breaches within a 24-month period, and there can be penalties. There is compensation that can be given of $2000 for each affected occupier, but where there are a multitude of occupiers all putting in for the same claim, VCAT then has to balance it up with the amount of disturbance that happened. If, for example, 20 people are making a claim, is it really worth $40 000 at $2000 a pop? They need to be able to weigh all of that up.

I just want to briefly touch on what has happened in other jurisdictions in the little bit of time that I have got left. New South Wales in May 2012 started a self-regulation trial about holiday rental industry listings, basically. There was a report that was completed in March 2014, but that has not been released as yet, so it has kind of just plodded along since then. We are still waiting to hear what is going on in New South Wales.

In Queensland it is interesting how quickly this industry has moved along. In 2009 they threw up their hands in Queensland and basically said, 'Look, we can't see any way forward on this issue', but in 2014 the government introduced amendments to the Sustainable Planning Act 2009 to make sure that local councils could specify areas. Obviously Queensland has got a lot of this type of rental property — schoolies and hens weekends and

bucks weekends and things like that. They have actually developed codes for assessing whether a building can have party houses, or party pads, in it. It helps designate whether there are permits that can be obtained for that purpose. That is plenty moving, and it is new technology; it is a new way of renting. It is obviously detrimental or helpful to the tourism industry, depending on which way you look at it, and I think time will tell on this particular one.

Mr J. BULL (Sunbury) — It gives me great pleasure to rise to speak on the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016. As we have heard this evening, this bill aims to reduce and potentially eliminate the problems caused by unruly parties in apartment buildings and to improve the livability of those buildings.

We know that this bill stems from an election commitment which involved the establishment of a panel of stakeholders to advise government on the best way to address the nuisance complaints arising from short-stay accommodation in apartment buildings. I just wanted to discuss a recent statement from the Minister for Planning which I think is certainly important in the context of this bill.

This minister is quoted as saying that 20 years ago apartments represented just 5 per cent of all new dwellings constructed in Victoria and that today they account for more than 33 per cent of buildings, so we have seen a significant increase in apartment-style living both here and certainly across developed cities throughout the world. It is important as a government to be constantly aware of the significant changes and pressures that many of our major cities are seeing. Obviously through the process enacted by the minister — the draft standards that were discussed through consultation with the community, local government and industry — we saw that the minister discussed the need to provide adequate daylight, storage, ventilation, energy and waste efficiency and minimise noise once final controls are adopted. Things like setbacks, room depth, accessibility, wastewater, energy efficiency, storage and open space are all very important when it comes to apartment living. This is really important when we are looking at both the health of individuals and certainly of the families that live in these apartments. It is imperative that they are developed and maintained in a way that is good for health.

The important point I believe when we look at the context of this bill is that the vast majority of people who use short-stay accommodation do the right thing. They respect others and behave in a way that does not upset other occupants. Certainly I would like to think that all members of this house are those types of people. They understand that you can have a good time without upsetting others, but we do know — and it is the reason for this bill this evening — that there are some who do behave inappropriately and do the wrong thing.

I note the comments of the fantastic member for Niddrie, who discussed the importance of Airbnb and his recent experience with Airbnb. I think it is a fascinating space to watch the creation of what we call disruptive technologies, but I do not really like that description because they are technologies that I know the member for Niddrie certainly had a great experience with. I can personally say accommodation through Airbnb for me has been terrific, and I think it is something that is only going to increase in the future. It is something certainly that as a state government and right across the nation we need to be aware of. These emerging markets are propped up with new fast technologies. They have got great benefits, but it is important that the legislation and regulation keep in line and in pace with these changes.

After extensive consultation with stakeholders and industry specialists the independent panel, as we have heard, found that short-stay accommodation generates a significant amount — $792 million per year, which includes $162 million in Victorian wages — and supports a massive 64 000 jobs. We know that Victoria comprises 27 per cent of the nation's short-stay properties, and that is the equivalent of 170 000 individual properties. The Grattan Institute has reported on and discussed the success and benefits of the peer-to-peer platforms, which I have just mentioned, for businesses but also recommended that we can do more in getting the balance right between a thriving industry and amenity for neighbours who experience disruption caused by short-stay tenants. Really this is the focus of the bill.

As we have heard the bill provides amendments to the current act to benefit the owners corporations and neighbours who are subject to that inappropriate behaviour. As it currently stands there are limited or no provisions for holding anyone responsible for bad behaviour of short-term tenants. These amendments that I will discuss shortly work toward fixing and addressing that. The bill, as we have heard, will define precisely those unacceptable behaviours that we believe should be discouraged. These include excessive noise, obstruction of common property, property damage and interference with other residents who are also there to just go about their business.

The act will empower the Victorian Civil and Administrative Tribunal (VCAT) to award a loss of amenity of up to $2000 to those residents who have been affected by inappropriate behaviours, and both accommodation providers and occupants will be made jointly liable for this compensation. Civil penalties of up to $1100 can be ordered by VCAT against short-stay occupants if they are complicit in these inappropriate behaviours. It is important to understand that we respect and value the providers of short-term accommodation. That is why, if the providers can show that they took all relevant steps to prevent such behaviour, it will be a defence to this liability. So if they can prove that they have taken valid steps to deter or limit the behaviour, then certainly that will be taken into consideration.

The focus of the bill is to support the self-regulation of accommodation providers to ensure that they avoid letting their tenants become problematic. Inevitably the bill will bring an end to perpetual party houses by punishing landlords for not adequately screening short-term tenants, by protecting the rights of landlords who have done everything possible to screen those tenants and by empowering neighbours. This is certainly an important one for those neighbours who become fed up and upset with those who are performing all sorts of acts, making noise, causing distractions within their apartment and disrupting all those who are staying there. It will also allow VCAT to impose penalties on unruly short-stay occupants for a breach of behavioural conduct.

These are all very important measures and will ensure that the amenity of property is maximised while the impact on tourism is minimised. This is yet another example of this government keeping its promises and getting on with it.

Mr Edbrooke — Getting it done.

Mr J. BULL — Certainly, member for Frankston — getting it done.

It is incredibly important to note, as I said at the outset, that the vast majority of people, I believe — and I know from listening to other contributions this evening — do the right thing. It is about those people who want to upset others and want to treat these places and other people very ordinarily and not respect those who are also paying to be there and their privacy. It is about all of the things that come with staying in an apartment — things like a decent sleep, things like not having music playing at 2, 3 or 4 in the morning. They are the important things that those tenants that are there must be able to have. Certainly it is important that we have a range of measures to be able to deal with these things when they come up. I think that this is a fantastic example of how you can get legislation that balances the needs of those that want to have a good time. There are certainly a number of people who enjoy having a good time. I am sure that all members of the house, including the member for Bass and certainly the members for Eltham and Frankston, like to have a good time. There is nothing wrong with having a good time. We just need to make sure that we respect others and that we do the right thing.

Ms Ward interjected.

Mr J. BULL — I know that the member for Eltham is certainly one of those members that is a very engaging, passionate and decent member of her local community and someone who is very fun to go out with and have a chat with. What I really like about the member for Eltham is that she is someone who respects the privacy, the views and the wishes of others, and I think that is a very important thing. I think it is something that the government is very passionate about. With those comments, I very proudly and passionately commend the bill to the house.

Ms SANDELL (Melbourne) — I rise to make a contribution to the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016. I would also like to welcome the new Minister for Consumer Affairs, Gaming and Liquor Regulation, who is in the chamber today. For more than two years I have worked extensively with residents in my electorate, particularly in the Docklands and in the CBD, who have been severely impacted by short-stay accommodation in their buildings. I imagine that the majority of residents who are affected by this bill would probably be in my electorate. But issues surrounding short-stay accommodation go far beyond just the party houses that this minister and the previous minister have focused on. In fact loud and raucous parties are not the main problem that my constituents bring up with me. Although they do happen — there are loud parties, and damage to communal property by irresponsible guests does happen and is a problem — the main issue that residents bring up with me is the reduced amenity and quality of life that comes from their buildings being turned from residential communities into essentially de facto hotels.

Many residents were sold apartments in the CBD, Southbank and Docklands with the vision that they would get to live in a lovely high-rise community with all the benefit that that provides, including their neighbours being close by, getting to know their neighbours, having great facilities and being close to the city and the lifestyle benefits that that brings. But

many of these residents were shocked when they moved into their apartments and discovered that up to 50 per cent of the apartments in their buildings — sometimes more — were being leased out for just two or three nights a week to different tenants each week. This meant that their sense of community and the long-term neighbours they hoped to get to know did not actually eventuate. It meant things like long waits for the lifts as cleaners ferried linen up and down the building every week. It meant communal property like lifts had to be replaced much more than normal at the expense of the permanent residents and the owners corporations, because they were not actually designed for the extra traffic associated with constant short-stay guests. It meant extra security concerns as a result of these extra short-stay guests who were unknown to the permanent residents.

These buildings were not designed in the first place to be hotels. If they were designed to be hotels, they would have heavier duty lifts and carpets. They would have more fire escapes and other safety facilities that would be used to this kind of heavy wear and tear and the constant use by new people moving through the building. In fact they would be built to a completely different building code. Instead these residential buildings were designed to the standard and code of residential apartments, and they have been taken advantage of and sometimes turned into de facto hotels without the cost, the regulation and the tax that goes along with a hotel.

During the 2014 election campaign this issue was brought up with me many, many times, as members would imagine, and I promised to advocate to the minister for a solution. Under pressure from myself and from residents the Labor Party at the time promised to address the problem, but unfortunately Labor's solution never eventuated. Instead what we got was the consumer affairs minister agreeing to set up a panel to look into the issue. It sounds like a good approach, but unfortunately what happened was that true representatives of the residents and the communities who were most affected by the issues, such as the We Live Here group that the member for Morwell talked about and which has been set up really around this issue, were not actually given a seat on that panel. Therefore the recommendations or the findings of the panel were unfortunately pretty predictable. They suggested doing very little about it, and most of the ideas that were suggested were put in the too-hard basket. That is why we have a bill before us today which will do very little, unfortunately, to address this really big problem.

I will go into detail in a moment about why I believe the bill will not do anything to address the problems the residents are facing. What I would like to do is expand a little bit on what happens when we see a proliferation of short-stay apartments across the city. This is not just a problem for residents who currently live in buildings that have a lot of short-stay or serviced apartments in them. It is actually a broader issue that affects housing affordability across our entire city. Many other big cities like Melbourne are grappling with this issue as well. The rise of services and innovative technologies, like Airbnb in particular, is bringing these issues to a head right now.

As we know, housing and shelter are fundamental human rights, and everyone deserves to have a roof over their head providing long-term and secure housing in a city. It is an incredibly important thing. We want people to live in our cities. But if we have a situation where a significant number of properties are bought for the explicit purpose of being permanent short-stay accommodation, it actually reduces the number of properties on the housing market available for long-term tenants. It eats into Melbourne's rental housing supply, adding to a lack of housing and pushing up rental prices for permanent tenants. Bringing these properties back onto the long-term rental market could be far more cost-effective than having to build even more properties to make up for their absence. That is why cities like Seattle and San Francisco are introducing laws to regulate the letting out of apartments for short-term visits.

I applaud the sharing economy. I think it is fantastic. I think we need to better use and share our resources in this modern world and that can actually lead to better outcomes for everyone. People have a right, once they have brought some property, to share their property, like their apartments, with other people. Airbnb is a really innovative model. It has been successful for a really good reason: it is filling a gap. It was something people really wanted and really needed. But sometimes a tool that is designed to share resources can actually end up being used by some people to exploit loopholes in our laws, and it can lead to perverse outcomes. This is not necessarily done maliciously but simply because our laws and regulations have not caught up or have not looked at the big picture.

For example, in many cases it is actually now more lucrative for someone to buy a residential apartment and keep it empty, letting it out only to tourists or short-term visitors on Airbnb or another platform rather than to put long-term tenants in it. But what this can do is increase long-term rents and push out essential workers and long-term residents, who are then priced

out of living in our city, particularly the inner city. The city, as a consequence, loses a lot of its life and its character. I do not want this to happen to Melbourne. I do not imagine anyone in this place wants Melbourne to lose its life and its character.

That is why laws in Seattle and San Francisco seek to balance the rights of genuine residents to share or let out their apartments to earn a bit extra cash on the side and encourage innovative services like Airbnb with not turning entire sections of our cities into short-term accommodation where no-one can actually afford to live long term. Laws in other jurisdictions have sought to allow people who genuinely live in an apartment or house as their full-time primary residence to go away for a weekend, a week or a month and let out their apartment while they are away. That is sharing. That is genuinely sharing a resource. But it puts a limit on the number of nights this can be done for. In some cases I have seen the limit is around 90 nights a year or thereabouts.

Some of these laws say that if a person is present and living in their apartment but are just renting out one room while they also live there, there might be no limit because again it is genuinely sharing a resource. Sometimes the laws also require residents to register their properties to ensure that they meet safety standards, have adequate insurance and pay the right tax on their income. But if the apartment is not the primary residence, and someone has bought it for the explicit purpose of renting it out for short stays, this is often not allowed or has more restrictions, because cities want to encourage people to let out their properties to tenants who need long-term housing.

In this way we can ensure our cities, especially our inner cities, have a reasonable mix of proper hotels, Airbnb-type accommodation, where you can genuinely share someone's house or apartment, and permanent, long-term rentals that give a city its life and allow people, particularly essential workers, to actually live where they need to be. I consider this a really sensible approach and would like this government to seriously look at the laws that are coming in in other jurisdictions.

The other option that was canvassed on the panel, I believe, is to completely ban short stays in residential apartment buildings or high-rises, but as has been acknowledged, this could stifle those who genuinely want to share or rent out their primary residences for short periods and mean that tourists and visitors are significantly disadvantaged, as well as our tourism industry. We do not want that. It is not a good outcome. But instead of looking at this problem properly and grappling with all the issues that it brings up, unfortunately the government has taken a very soft and easy approach, which is essentially to do nothing. All this bill does is introduce a complaints process for when short-stay owners or occupiers do the wrong thing. While a complaints process is necessary, the complaints process the government has introduced is pretty cumbersome and unwieldy, I have to say, and I really doubt it is going to be effective at all.

Others in the chamber have adequately summarised this bill, but I will briefly recap. As we know, the bill is only relevant to properties with owners corporations. It outlines how owners corporations are required to deal with complaints. Anyone who lives in the building can complain about an occupier who is doing the wrong thing. The owners corporation must then consider the matter and decide whether to take action. They can only do so if they believe a genuine breach has been committed. If they decide not to take action, they must tell the complainant why, and they can apply to Victorian Civil and Administrative Tribunal (VCAT) for a prohibition order if there have been three complaints in two years. There is a civil penalty up to $1100 or compensation up to $2000, and the owners corporation must report to its annual general meeting the number and nature of the complaints it has received.

The bill says that short-stay providers and occupiers are jointly liable except where the rental is done through an agent. Then the owner of the apartment and the occupier are liable. Short stays are defined as six nights or less, so this bill does not apply to stays longer than that. So what this bill essentially does is say that VCAT cannot take meaningful action against owners or occupiers doing the wrong thing until there are three complaints in a two-year period, with the onus being on other residents to complain, and even if they do complain, owners corporations could choose not to pursue complaints and essentially a resident has very little power to do anything about it.

I do doubt that this process, given how lengthy and unwieldy it is, will be used very much at all. I imagine that is probably how it has been designed — to be quite cumbersome to complainants and therefore not a burden on the short-stay industry. Even if it does work — let us be optimistic — the main problem with this approach is that it accepts that complaints will continue to happen, and the bill really misses an opportunity to deal with the cause of the problem in the first place. This is really not a good outcome for residents who are being affected by short stays, week in, week out — some of whom I know have actually moved out of the Docklands entirely because of it.

The Greens feel that this bandaid solution is simply not good enough. Because the Greens feel that this bill will not do much to address the real problem here and because the residents who are actually affected by this issue were not adequately consulted on ideas or solutions, despite what has been said in the debate so far, I will be moving a reasoned amendment to this bill.

I desire to move:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until community consultation and further research and investigation have been conducted into all the issues presented by the short-stay accommodation industry operating in Victoria'.

I believe that amendment will be voted on later this week. We are simply asking the government to return to the drawing board and to include local residents in developing the legislation that affects them. At the very least I ask the new minister to meet with residents of the CBD, Southbank and the Docklands, particularly those represented by the We Live Here group, to hear their concerns about what it actually means to be living with short stays day to day. All they want is for their concerns to be genuinely taken into account by the minister, and that is what we are asking for.

Fundamentally this is a broader question about what kinds of places we want the Docklands and the CBD to be. Do we want them just to be empty ghost towns most of the time and cheap places for business executives and tourists to sometimes stay when they visit Melbourne, or do we want them to be thriving, lively local communities? Our city is not just here to make income from interstate and overseas visitors.

It is also here to be a wonderful place for long-term Melburnians to actually live. If we give one of these groups a significant advantage over the other, we lose the balance, and that is worse for everyone. People come to visit Melbourne not just because of our shopping and tourist and sporting events; they come to meet the people. They come to see how we live our lives, to walk the streets and the laneways and to breathe in that sense of strong community that we love about Melbourne, that we have in this amazing city of ours and that makes it the most livable city in the world. That is what makes Melbourne great, and we cannot lose this. If we do not properly address this problem, recognising that it is just as much about housing affordability, how our city functions and community spirit and livability as it is about noisy parties, our cities will be significantly worse off for it. I urge the new minister — I know she has not had too much time with this bill — to take the time to go back to the drawing board, address this problem properly and talk to the residents who are truly affected by it.

Mr McGUIRE (Broadmeadows) — We live in an era of accelerating disruption. Technology is driving rapid change and creating new opportunities and markets. Imagination, as Albert Einstein declared, is more important than knowledge. We are now in a time when we are reimagining Melbourne, the world's most livable city, what it might look like in the future and how we can accommodate the rapid growth driving economic activity. What we are looking to do is seek as a government to encourage innovation, but we also need to balance excess, and that is really what this piece of legislation aims to do. The bill will amend the Owners Corporations Act 2006 to apply a number of conduct proscriptions to short-stay accommodation relating to excessive noise, interference with residents' enjoyment of their units and of the common property, creation of health and safety hazards, obstruction of the common property and property damage.

This is an issue of balance because what we are trying to do is look at the fact that short-stay apartment owners may be ordered to pay neighbours compensation for any damage caused by their guests to common property. The government simultaneously acknowledges that the majority of short-stay accommodation is used responsibly in Victoria, and these reforms are designed to reduce the number of isolated incidents of bad behaviour; that is the question of balance in these new laws. They are aiming to encourage short-stay apartment owners to take more steps such as bonds and screening practices to ensure their apartments are not used for unruly parties, and in addition Consumer Affairs Victoria will help conciliate in short-stay disputes that cannot be resolved through the owners corporation dispute resolution process. The changes are part of the Andrews Labor government's election commitment to protect apartment residents from disruption of and damage to their properties caused by rogue short-stay visitors. That is the explicit and concentrated part of this piece of legislation and its focus.

I note the Greens political party wants to take this in another direction, but I think that might more wisely be a debate for another time. As we know through this house, there are incremental pieces of legislation to address issues, so I commend the minister for bringing this piece of legislation to the Parliament to get on with remedies that are urgent and that require immediate response, and that is what this piece of legislation addresses.

But as we look at the bigger issues that are emerging, we now have *Global Megatrends*, and this is the story of how the world will change over the next 20 years. I recommend this book to my colleagues because it actually looks at how these megatrends will gradually become powerful trajectories of change that have the potential to throw companies, individuals and societies into freefall. These are identified by the author as seven patterns of global change: resource scarcity, the challenge to protect biodiversity in the global climate, the world's ageing demographic, digital technology transformation, rapid economic growth and urbanisation in the developing world, societal and consumer expectations for experimental goods and services, and finally a world where human innovation makes just about anything possible. That is the time we are living in, and these are the forces at play.

Use of technology for digital disruption and particularly the growth in urbanisation really come to the point with this piece of legislation. This is where they converge, and really what the government is doing by amending the Owners Corporations Act 2006 is that the Victorian Civil and Administrative Tribunal will be empowered to award loss of amenity compensation of up to $2000 to a resident whose amenity has been affected by an unruly short-stay party and make the short-stay accommodation provider jointly and severally liable with the short-stay occupant for such compensation; to make an order prohibiting the use of an apartment for short-stay accommodation for a certain period if short-stay accommodation of that apartment has on at least three separate occasions within 24 months breached the conduct proscriptions; to impose civil penalties of up to $1100 on short-stay occupants for breaches of the conduct proscription; and to make the short-stay accommodation provider jointly and severally liable with the short-stay occupant for such penalties.

Short-stay accommodation providers will be made jointly and severally liable with their short-stay occupants for the damage to common property in the apartment building caused by the short-stay occupants. The internal dispute resolution processes under the Owners Corporations Act and the conciliation powers of Consumer Affairs Victoria will be adapted to include all those involved in short-stay disputes. The bill will implement the government's election commitment to appoint an independent panel to recommend ways to improve the regulation of residential buildings so that property is protected from unruly parties in short-stay accommodation and unruly parties are otherwise curbed.

This is the way that the issue has evolved. We have these megatrends globally. We then drill down and look at the issue for the world's most livable city, Melbourne, and how we are using our population growth to drive economic activity. Then of course more and more people want to be living right in the heart of the city, close to the best amenity or in the neighbouring inner-city suburbs. We then ask: how is technology disrupting the sense of community that these apartment blocks have established? When people actually bought their flats that is what they thought they were buying into — a community, with shared services, facilities and amenity. How is that being blighted by this disruption?

As I say, it is a double-edged sword. What this legislation does is try to get a better balance to make sure that you do not have ongoing disruption and that people do not find their amenity being hijacked by short-stay occupants, so I think this is a good piece of legislation to address these issues. It sends a strong message to the sector as well and to the owners of apartments that there are new rules of engagement, there are penalties and there is a new system to be applied. So it is a cautionary signal to them, and hopefully that will effect market change and better compliance.

I want to also note for the record that as far as consultation was concerned the bill had its genesis in a report of an independent panel of experts set up by the government in the first half of 2015. The panel's report was published on the website of Consumer Affairs Victoria in August 2015. It recommended a limited response to the problem of unruly parties that was considered ineffective to meet the problem and to defuse resident demands for outright prohibition of short-stay accommodation. In the second half of 2015 Consumer Affairs Victoria consulted each of the organisations represented on the panel on a broader reform proposal, which the bill implements. That is what has now been done.

The Greens political party is raising other issues of concern. I think these would be better off being placed before the minister. Let us get this legislation in place. This is the reform that is being recommended, that is required and which addresses critical issues right now. It goes to the government's ethos of honouring its promises, taking action and delivering a remedy, so let us support this bill and see it through both this house and the upper house. With that I would like to commend this piece of legislation to the house.

Ms RYALL (Ringwood) — I rise to speak to the Owners Corporations Amendment (Short-stay

Accommodation) Bill 2016. Indeed this amends the Owners Corporations Act 2006 and looks at regulating the provision of short-stay accommodation arrangements. Essentially the bill applies only where there is an owners corporation in place. It makes clear what constitutes inappropriate conduct by those occupying premises for a short-stay period and gives additional powers to the Victorian Civil and Administrative Tribunal (VCAT) from the perspective of compensation for restoration of amenity of a short-stay accommodation place or premises and the imposition of civil penalties of up to $1100 for short-stay occupants where there are breaches of conduct.

A number of other members have touched on the issue, and obviously Airbnb is one that comes to mind. It is not something that I have tried at this point in time but I have certainly looked at it and thought the idea of using Airbnb, perhaps in another country, might be a nice opportunity at some point in time. It would obviously also be disturbing if the people occupying your premises did damage or if their behaviour was antisocial or perhaps destructive as to what the consequences of that might be.

Where VCAT can intervene is where inappropriate behaviour has been found on three occasions in a 24-month period in terms of looking at prohibiting the apartment being used for the purposes of short-stay accommodation and making sure that occupants who damage property are brought to account for that, but also looking at dispute resolution processes through the Owners Corporation Act and the conciliation components of corporate affairs Victoria — —

An honourable member — Consumer affairs.

Ms RYALL — Sorry, Consumer Affairs Victoria. I think somebody just corrected me, and rightly so. In the 2014 election the government, obviously then in opposition, pledged to improve short-stay accommodation and make changes to that. My understanding is that in February 2015 an independent panel was put together to look at unruly behaviour in that particular sector. That report came about over 12 months ago with a number of varied options in it. Obviously there were differing opinions in there because that led to further industry consultation in order to bring about this bill before the house.

As somebody who likes to think all people would respect the property of others, obviously that is not always the case. It is very unfortunate and disrespectful when people do not respect other people's property, so in terms of making sure that there are consequences for those who do not respect the property of others in short-stay accommodation — —

Honourable members interjecting.

The ACTING SPEAKER (**Ms Thomas**) — Order!

Ms RYALL — I do not think that was an interjection — —

An honourable member — It was a round of applause.

Ms RYALL — It was a round of applause. On that note, I will leave further contributions to other members in the house, but I think it is important to make sure that there is respect for the property of others and that there are consequences as a result of them failing to do that.

Ms THOMSON (Footscray) — I would firstly like to congratulate the new Minister for Consumer Affairs, Gaming and Liquor Regulation on her elevation. I know that she will tackle this portfolio with great enthusiasm because this is an important portfolio — ensuring that we get the balance right between a deregulated market where it is open slather and that we are protecting consumers along the way and that they can be confident that when they get involved in either purchasing something, even if it is in residential tenancies or as we are talking about an owners corporation, that we have some protections in place for consumers, and I think that is really important.

I must say that I support the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016 fully; I think it is an important piece of legislation. I am also pleased to know that there will be further work done on the owners corporation act because the original one is from 2006. I have very strong memories of that piece of legislation and I think that every area that we go into in this space needs to be updated. The picture of accommodation in 2006 and how people were housed has changed so drastically that it is almost unrecognisable. In 2006 a very small minority lived in apartments and a smaller number again lived in actual apartment towers compared to now, when we are seeing a great increase in the number of people who are moving into apartment-style accommodation under owners corporations. Now we are also seeing the advent of what technology means for the way in which people seek various accommodation options, so I think it is important and timely that we have another look at this piece of legislation. This is the first sway into that arena, and I commend the minister and the government for bringing it to the house.

We talk about short stays, but let us forget about the technology for a minute and think back to before we had the internet. Some people in this chamber might not even remember that, but for those of us who are a little bit older we remember a time when you might ring up and look at magazines to see what might be available by way of temporary accommodation for holidays. Sometimes you would make a huge mistake and think you were going to stay in an oasis but you would find out you were staying in a bog. But the notion was that you would take a chance, rent a place and stay there on holiday for a while. You might have stayed at a hotel if you had enough money to stay at a hotel, at the caravan park or whatever you might have chosen to do.

Move on a step, and bring technology in. It has not really made a difference in where we stay or what we do, but it has just made it that much easier. It means you can actually view photos of the property. Even if they have been fixed up a little bit with Photoshop, you still get to see a photo of the property. You also get to see the reviews, and, yes, I admit that they can sometimes be swayed too, but you do get to have some impartial reviews of what it was like to stay there. So we are seeing more flexibility in the way in which we seek out accommodation to suit our needs for the kind of holiday we may be taking.

But this comes with some problems. For the vast majority of people who use Airbnb, for instance, to seek accommodation, they are saying, 'I am going to someone else's home'. That is how you view it, and for a lot of Airbnb properties the owner is actually there. But for the ones where they are not, it still should be seen as someone else's home even if they do not live there. On that basis, I would have thought that the vast majority of people think, 'I am going to leave this place in better condition than I actually found it out of respect for the people who allowed me to let it'. That, I think, reflects the vast majority of people who stay in this type of accommodation.

However, for those party animals who think that it is great to party and not do anything about cleaning up or that it is great to party but do not care about who they disturb, we need to be doing something about them. We need to be addressing the fact that people are living closer together, and we need to show respect for one another when we live in those circumstances, which is what this legislation addresses. It is about showing respect to the other people who are staying in that accommodation for whatever reason. Whether it is another short-stay person, someone who owns the apartment or someone who rents the apartment long term, we need to show respect, and that is what this legislation is about.

It enables both tenant and resident to take action against a short-stay tenant who has done the wrong thing, as well as the owners corporation, and that was what was missing in this discussion when the member for Melbourne stood up and talked about this bill. What it does enable a resident to do is, if they have been hurt in some way or if there has been damage done by a short-term tenant, take action through the Victorian Civil and Administrative Tribunal (VCAT) to get compensation of up to $2000. And then the owners corporation has the right to act on its own behalf or on behalf of all of the owners and go to VCAT for civil recourse of up to $1100. So there are two avenues here through which people could address concerns, and I think it is important that we understand that component of the bill.

But it also means that they can be prohibited from actually having short-term tenants if there have been three complaints made in two years. What we are saying is, 'Look, yes, we are dipping our toe into this space'. We have to regulate it. We are not going to make the regulation overly burdensome; we are going to make it a balanced regulation. We are going to have a look and see if this works, and if it works, then that is great. If people who are renting out these properties do the proper vetting and make sure that they have the right checks and balances, no-one is going to mind the odd party that goes to midnight or knocking on the door and saying to the neighbours, 'Hey, look, we're going to be having a party tonight. Do you want to come and join us?', or, 'We're going to be a little bit noisy'. Be a little bit considerate of the people around you in these very intimate spaces. That is what they really are — they are intimate spaces — and we need to recognise that, and this legislation does.

What do Airbnb have to say about the bill? You would think maybe Airbnb would be opposed to it. Well, in fact, they are not, because on 23 May 2016 they welcomed the changes, saying that:

> The rules allow the tens of thousands of Airbnb hosts across Victoria to get on with doing a great job of providing fabulous hospitality … while also dealing with the rare, isolated incidents of unwelcome party houses and people doing the wrong thing.

So, is technology helping us? Yes, it is. In these instances it is giving consumers the capacity to make really smart choices about where they might go on holiday, the cost of that holiday and the quality of the accommodation that they choose. Here we are saying that we think this is great technology. We have heard from a member, and I am not sure which one — it could have been the member for Sunbury — who raised the issue of how many jobs are generated by this

sector. It is an important sector to Victoria. We do have to have a number of options available to those tourists who are coming in droves to visit Victoria because it is such a great state to visit. It is a great state to live in, and it will continue to be a great state to live in so long as we continue to offer a balance of accommodation options for those who live here permanently and for those who come to visit.

This is a balanced piece of legislation. It gives an opportunity for owners corporations to live in peace and for the residents within them to live in peace and harmony, we would hope, and it also gives an opportunity for those coming to Melbourne and Victoria for the very first time, or maybe as repeat visitors, to see the very best that Melbourne has to offer, to have a great time and to do so in an environment where they can feel like they are at home, because we want all those people who come and visit Melbourne and Victoria to feel that if they are not going to move here, then this is certainly going to be their second home. I commend the bill to the house.

Mr CRISP (Mildura) — I rise on behalf of the National Party to speak on the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016. The purpose of the bill is to amend the Owners Corporations Act 2006 to regulate the provision of short-stay accommodation arrangements in lots or parts of lots affected by an owners corporation. The provisions of this bill, and how it is going to achieve those purposes, firstly set out what is described as inappropriate conduct by short-stay occupants. The bill empowers the Victorian Civil and Administrative Tribunal (VCAT) to provide amenity compensation, and it also empowers VCAT to impose civil penalties for breaches of conduct. Where there is guilt of inappropriate behaviour three times in a 24-month period, VCAT may prohibit the apartment being utilised for short-stay accommodation. The bill makes short-stay occupants and providers severally liable for damage to property. It adopts the internal dispute resolution processes under the Owners Corporations Act and the conciliation powers of Consumer Affairs Victoria.

To begin with some history, a lot of people live in apartments in the Melbourne CBD — 45 000 in all. Most have owners corporations. The changes introduced by this bill are restricted to apartments that are controlled by owners corporations. We have heard stories in the media about problems with short-stay occupants who have unruly parties. Although these are small in number, they are big in consequence. All of us know that we are much better human beings if we have had a good night's sleep, and if someone is disturbing our sleep, tempers fray quickly and quality of life deteriorates rapidly. This problem has been brewing for a number of years in larger apartments that share long-term residents and short-term stayers. There are even impacts on fellow short-term stayers if something unruly occurs.

The government has appointed an independent panel to find solutions to these problems, which have been prominent in the media. The independent panel has made some recommendations and provided some definitions. 'Short stay' means seven days, or six nights. Definitions of inappropriate conduct include noise and interference with property. The bill empowers VCAT to award compensation of up to $2000 per resident. Short-stay occupants and providers are jointly and severally liable for this activity. This should encourage providers to screen short-stayers and make sure that short-stayers understand their responsibilities and rights when they are staying in close proximity to others.

VCAT can order an apartment not be used for a short stay. This is the old three strikes and you are out — in this case three strikes in 24 months and you are out. The bill provides for the use of screening as a defence by those who are entering or managing these properties. It further introduces the possibility of penalties, including fines, and also states that both parties can be liable for damage to what I call common property, as many of these apartments do have facilities that are for joint use. One final measure, which I think is best stated in the second-reading speech, is that the bill adopts the internal dispute resolution processes under the Owners Corporation Act and the conciliation powers of Consumer Affairs Victoria to include all those involved in short-stay disputes.

I think we all want to have people come and stay in Victoria. That has already been mentioned by several speakers in the debate while I have been listening. However, we need to balance people's rights. A good note for me to end on is that we all want to enjoy our space, whether we live there permanently or temporarily, providing this does not impinge on the rights of others. Short-stay accommodation places should not be party houses, and that is what this legislation is meant to tidy up. I hope these measures do achieve the goals that are desired, because when people live closely together it is a difficult to make sure that they get on with their neighbours and to determine what is neighbourly conduct. Again, this is about balance, and balance is very important. I hope that the measures in this bill achieve the desired goals.

Mr EDBROOKE (Frankston) — It is my pleasure to rise and speak on the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016. Firstly, I would like to offer my congratulations to the new Minister for Consumer Affairs, Gaming and Liquor Regulation. I heard the opposition talking about women during question time. There is nothing like doing it, I guess. Whilst I welcome a strong female minister in the member for Kororoit, I would also like to welcome a new strong female Government Whip, the member for Thomastown. That is nine female ministers, folks. You can count that on your fingers — nine.

This bill will amend the Owners Corporations Act 2006 to implement a package of reforms to address the problems arising from unruly parties in short-stay accommodation apartment buildings, which we have heard a little bit about today. In doing so the bill will implement the government's election commitment — as the government always does — to curb inappropriate short-stayers and to appoint an independent panel in order to improve the regulation of residential buildings so that property is protected from unruly parties in short-stay accommodation and so that other tenants are protected from any actions resulting from bad behaviour. Those other tenants I spoke about deserve the right to sleep well and to enjoy their lifestyle without living in apartments that are like frat houses.

The problem is that no-one is made responsible for the problems caused by these unruly short-stay parties. No-one takes responsibility. There is little to discourage short-stay providers from letting apartments to problematic short-stay occupants, and I believe this is a repeat issue. There is also little to encourage owners to adopt screening practices, which will, in most cases, deter those seeking to host unruly parties. There have been a number of recent disputes between short-stay operators and neighbouring apartment owners in Southbank and Docklands, which have boiled over into the media and resulted in very expensive court cases as well.

Just to give this conversation some perspective, Airbnb has 5000 property listings in Melbourne per month on average, and that is a twofold increase since the previous year. The company say they actually welcome the panel review, as they did the new Queensland laws that gave councils the power to outlaw party houses while not affecting the overwhelming majority of good users of the Airbnb service.

I would like at this stage to refer to an article headed 'High-rise residents fight sharing economy over reports of "pop-up brothels", all-night parties', which is about a story on the *7.30* program presented by Madeleine Morris on 7 January 2016. I do this because it gives a bit of an outline of what some people have experienced in these apartments. It says:

> Over the past couple of years there has been an explosion of apartments being let out for short-term stays in Melbourne's inner city and neighbouring Docklands district.
>
> Some residents have told *7.30* that the existence of short-stay apartments has ruined their experience of living in the area, with one resident revealing that he was selling his apartment after 'two years of hell' sandwiched by two apartments that were being let out for short stays.

And I would say that these apartments were actually purchased for that reason — to continually rent out for short stays. It continues:

> Another, who did not wish to be named, said she had a man knock on her door looking for a 'massage' when an apartment down the hall was hired by three sex workers for the weekend.

RMIT professor of environment and planning Michael Buxton said that at least 40 per cent of the apartments are investor owned in many of the blocks, which means that up to 40 per cent of these apartments are actually short stays as well.

As we have heard previously, it is definitely a case of the law playing catch-up with the sharing economy, which is very similar to ridesharing, and we have seen the difficulties that have come with that as well in government playing a large role in catching up to legislate and making sure that it is fair on all stakeholders. The article continues:

> Across Australia, councils and state governments are definitely grappling with how to deal with the new sharing economy, particularly when it is manifested as renting out private homes for short stays.
>
> The rules vary widely, sometimes council by council.

Lawyer Tom Bacon represents the owners corporation at the Watergate building in Docklands. Last year the corporation tried to shut down a short-stay business which rents out 14 apartments in the building. As we know, the owners corporation lost the hearing at the Victorian Civil and Administrative Tribunal (VCAT) after a ruling found its 30-day minimum stay rule was legally unenforceable. The responsibility of the owners corporation, said Mr Salter:

> … is to look after the common property, not to tell you or me what I can do with my property. That's why the rule is invalid …
>
> I have not turned this into a hairdressing salon. It's not a hardware store. It's used as a residence and the fact that it is

only used as a residence for four days, legally that is completely acceptable.

So there are two sides to the story. Watergate resident manager Marshall Delves said that in the end the building had to employ two security guards on weekends at an annual cost of $100 000 because of the short-stay apartments, the cost of which is borne by all the apartment owners in the building.

One thing that is for sure is that this form of accommodation is here to stay. People see it as reliable. They see it as the future, and I think there are many people who will continue to embrace it so it will only grow.

The bill incorporates the recommendations of the panel, including to define short-stay accommodation for the purposes of regulation as a stay of seven days or six nights. However, as a result of subsequent consultation with stakeholders the bill goes even further than the panel's recommendations in addressing key problems of unruly short-stay parties. It does so in order to achieve a better balance between the competing interests involved in the regulation of short-stay accommodation which, as I have said, is definitely here to say.

The first problem that necessitates this broader approach is that it is practically impossible for owners corporations and aggrieved residents to pursue remedies against short-stay occupants for issues arising from unruly parties. A second and connected problem is that short-stay accommodation providers are not liable for the conduct of their short-stay occupants.

The bill addresses these issues in a number of ways and I will list them. First, it sets out the inappropriate conduct that is characteristic of unruly short-stay parties. These relate to excessive noise, interference with residents' enjoyment of their units and of the common property, the creation of health and safety hazards, obstruction of the common property, and property damage. Second, it empowers VCAT to award loss of amenity compensation of up to $2000 to a resident whose amenity was affected by the inappropriate conduct.

Third, it empowers VCAT to make an order prohibiting the use of an apartment for short-stay accommodation for a certain period if short-stay occupants of that apartment have on at least three separate occasions within 24 months been guilty of inappropriate conduct. So that is a three-strike rule over two years. This provision is particularly aimed at those using short-stay apartments as party houses. Fourth, it empowers VCAT to impose civil penalties of up to $1100 on short-stay occupants for breaches of the conduct proscriptions. Short-stay accommodation providers will be made jointly and severally liable with their short-stay occupants for such penalties, which really gives them some responsibility and there is some onus to ensure that the people who are paying for the accommodation in their apartments or units are doing the right thing. Finally, it adapts the internal dispute resolution processes under the Owners Corporations Act and the conciliation powers of Consumer Affairs Victoria to include all those involved in short-stay disputes, which is a big step.

These reforms implemented by the bill are intended to work in a complementary way with industry self-regulation. It is important to note that around 45 000 people live in central Melbourne, where this issue seems to be mostly manifest, including in Docklands and Southbank. A large proportion of those people live in apartment buildings. Unruly parties in short-stay apartments are a real problem and significantly affect residents' amenity. This bill goes a long way towards clearing up that issues. Of course it will take some time. We heard a member of the Greens political party talk about how it might not do anything. Well, it is not part of the Greens political party so this bill will actually do something.

Mr Nardella interjected.

Mr EDBROOKE — Unlike. The bill aims to reduce and potentially to eliminate the problems caused by unruly parties in apartment buildings so people in this sector of Victoria's population can experience improved livability. I highly commend the bill to the house.

Mr THOMPSON (Sandringham) — I am pleased to make a brief contribution to the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016. Accommodation in Victoria has many shapes and forms. Going back over 50 years there was a level of 75 per cent of home ownership. In recent times that figure has gone back to about 58 per cent or thereabouts and there is a question about the affordability of housing. Different people in our city have different housing needs, from tourists or people travelling from the country to the city, from people attending Melbourne for its major events calendar and from people who might be sleeping rough and looking for short-term accommodation in different contexts.

The bill before the house tonight is directed it seems towards addressing unruly behaviours within the CBD. The previous speaker alluded to there being a population base of about 45 000 people living within

the precinct and seeking to be addressed by the proposed legislation.

There are a number of nuisances that are defined in the bill. Proposed division 1A to be inserted into part 10 of the Owners Corporation Act 2006 is headed 'Complaints and procedures — short-stay accommodation arrangements'. Proposed subsection (2) states:

> (a) unreasonably creating any noise likely to substantially interfere with the peaceful enjoyment of an occupier or a guest or an occupier …
>
> (b) behaving in a manner likely to unreasonably and substantially interfere with the peaceful enjoyment of an occupier …
>
> (c) using a lot … to cause a substantial hazard to the health, safety and security of any person or an occupier;
>
> (d) unreasonably and substantially obstructing the lawful use and enjoyment of the common property by an occupier or a guest of an occupier —

I continue to paraphrase some of the clauses —

> (e) substantially damaging or altering —
>
> (i) a lot or the common property …

The quiet enjoyment of a person's property is something that is of paramount importance, and as members we have a number of complaints made to our offices regarding noise activities that occur within our electorates, sometimes guided by the seasons of the year.

Environment Protection Authority Victoria defines the lawful parameters within which people might have noise emanating outside the boundaries of their property, and it is helpful if ratepayers and property owners have an understanding of what the reasonable laws and regulations are regarding noise. I think it may be little bit earlier than midnight, certainly during the week at any rate, when there should be no noise going from a property.

In relation to owners corporations, there are a number of issues that affect the cost viability in Melbourne, and a matter I have raised on an earlier occasion relates to these buildings in which there is short-term accommodation developed. Some of the construction costs are allayed by allowing the power companies to contribute to the wiring of buildings, which in turn enables them to lock in power supply at a certain rate. Unsuspecting renters or owners may find that their economic contribution to power costs of the building are somewhat greater because there is a lock-in, with the owners corporation being locked in and the power supply being locked in. So what might appear to be an acceptable rental when someone looks to rent one of these places sometimes becomes a very expensive unaffordable rental as a result of the increased electricity price that is charged over a 12-month period.

It is important that people, as I said before, have the quiet enjoyment of the property. In the Sandringham electorate issues have arisen from time to time through unruly out-of-hours behaviours in in different premises in Highett Road and Bay Road, and in Ardoyne Street in Black Rock. It is important that people do have the opportunity to not have their evenings interrupted by antisocial behaviours. A paragon or model of neighbourly behaviour was reflected by the way that Darryl Kerrigan looked after his neighbours, Jack, the old fellow next door, and Farrouk, in the immortal film *The Castle*. There was a good sense of neighbourhood and respect. Perhaps that operated without legislation, and where there is self-regulation that can often work much better.

The bill seeks to address a number of concerns, as I have outlined, and its efficacy will be determined by its course through this chamber and the other place.

Mr PEARSON (Essendon) — It is a great delight to make a contribution in relation to the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016. I commend the new Minister for Consumer Affairs, Gaming and Liquor Regulation in terms of shepherding this bill through the Legislative Assembly. The bill is an interesting piece of legislation because it seeks to regulate an aspect of economic activity which is comparatively new. If you think about it, the notion of Airbnb would not have been widely discussed or contemplated five years ago; it probably would not have been widely discussed or contemplated three years ago. Yet as regulators we must look at trying to strike a balance.

It is always interesting to listen to the Greens political party with its members' contributions, because their essential thesis is that everyone else should compromise apart from them: 'We are right and if only you would all do what we tell you to do, then the world would be fine. We have only got 2 members out of 88, but if the other 86 of you just listened to our wisdom and did as we asked you to do, or told you to do, then the world would be fine'. That is absolute patent nonsense. The reality is that these are at times in their own respects quite vexing issues, as the lead speaker for the opposition mentioned in his contribution.

I recently read a book by Larry Downes called *Big Bang Disruption — A Strategy in the Age of*

Devastating Innovation. His thesis is that you are looking at massive take-up of technology, which enables huge transformative change in industries which have been previously quite steady and stable. So the notion that, for example, as a new entrant to an industry your point of difference with an incumbent might be price or it might be volume, and you chip away at the margins of the incumbent and the incumbent is forced to respond and you build up a business around that no longer holds water. The reality is that when you are looking at companies like Airbnb or if you are looking at iTunes, you are looking at massive levels of disruption. Who would have thought, if you think about this, 5 years ago or 10 years ago, that the largest hotel chain would not own any hotel assets? That is the reality of Airbnb. It is a huge disruptor.

I am pretty sure that the Greens political party is all in favour of Uber and regard this as some sort of new wave, trendy new entrant that we must embrace because unless we do so we would be left behind. Yet somehow it thinks that Airbnb should be banned. It is almost this view of 'We'll just ban the internet in terms of Airbnb. Let us just have scramblers that block Airbnb out from operating and the world will be fine'. The reality is that you cannot do that. With the ubiquity of smart phone technology the fact is that in a matter of seconds you can download an Airbnb app on your iPhone or your android phone or your iPad or your tablet and you can immediately start searching and looking at what is available to you. How can we as regulators, as legislators, ban that? How do we turn around and basically say, 'Thou shalt not open an Airbnb app on your iPad in the state of Victoria'? You cannot do it. It is just patent nonsense.

The reality is that what we have to do as legislators is to think about balancing the concerns of residents in these apartment buildings with the rights of property owners to look at getting a return from their asset. It is about trying to make sure that you do have some checks and balances in place.

I think the member for Bayswater in her contribution had a question about the terms of the loss of amenity compensation of up to $2000 — whether that would be a sufficient penalty. I will hazard a guess: if short-stay accommodation is six nights or seven days, you are probably going to be looking at getting payment for that stay of maybe $2000. It might be more than that, but I would have thought that if you were to turn around and basically say that the revenue you are going to get from having these people stay on your property is going to be forfeited by their bad behaviour, that would be an incentive to encourage better behaviour. The reality is too that when you look at the sorts of punitive measures in place for bad behaviour, it is not just about the impact that these people are going to have on those surrounding them but also about the impact on the property owners themselves. The reality is that if you have got a neighbour next door complaining about a party out of control, I am guessing that there is probably a significant level of wear and tear on the property that would accompany those complaints.

The reality is that I think we need to look at trying to find ways in which to ensure we have got the Victorian Civil and Administrative Tribunal (VCAT) playing a role in adjudicating these matters in a way that is fair and appropriate. I think that VCAT has been shown to be a cost-effective vehicle by which disputes can be mediated in this state, and I think that you will find that by doing so you ensure that there is a relatively easy and relatively affordable way for people to access justice as part of that.

In relation to other aspects of the bill, what we are trying to do here is set that balance right. I know the Greens political party might say that we have not gone far enough, that we should do nothing while they try and review this and that we could have more consultation and more discussion. But the reality is that, as the member for Niddrie in his quite eloquent, lengthy, detailed and substantive contribution said, Airbnb has effectively doubled its business in the last 12 months, so when you are looking at that level of growth, that level of penetration, it very quickly becomes obvious to all and sundry that Airbnb is here to stay, and if you do not have any form of regulation at all, if you try to ban Airbnb or you try to have some draconian response, then the problem is that it is just not going to be sustainable.

If you are looking at regulatory regimes, it is much better to impose a regulatory regime on a new business and to look at making further modifications and changes to that regime as time goes on in the event that weaknesses and deficiencies become obvious. You do not want to basically have an unfettered free market so that businesses can just do whatever they like and there are no penalties in place for misbehaviour or malfeasance such that then when the industry becomes so big you seek to impose a regulatory standard across the industry. By that stage you are playing catch-up, and I think you would have a significant level of damage that would have been sustained already as a consequence of people not doing the right thing.

I commend the minister for her work on this matter in terms of the work she has done in addressing the issues of concern that residents have had. The reality is that with this bill we are attempting to strike the right

balance between ensuring that property owners have a right to seek a return on their assets and also ensuring the rights of those residents surrounding those premises.

The other point I will make too is that I note the member for Melbourne in her contribution talked about the impact that Airbnb would have upon housing affordability. I am not sure, but I think there would be tens of thousands of apartments in the CBD of Melbourne. I do not think they would all be leased out to Airbnb, so the notion that Airbnb is going to distort the rental market I think is quite false. I think it is patently false. I think the member for Melbourne really cannot count if she thinks that Airbnb is going to have such a disruptive influence.

I am conscious of time. This is an important piece of legislation. It is striking the right balance. It honours our election commitment. It is a great piece of legislation, and I commend the bill to the house.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Labertouche North Road, Labertouche

Mr BLACKWOOD (Narracan) — (8108) I raise a matter for the Minister for Agriculture in the other place, and the action I seek is funding for the upgrade of Labertouche North Road and for that funding to come from the Agriculture Infrastructure and Jobs Fund. Both the local community and Baw Baw shire have been long concerned with the ongoing deterioration of Labertouche North Road at Labertouche. In particular the safety of regular resident road users and significant damage to vehicles has become a major concern.

As background, Labertouche North Road serves a dual purpose in providing access to farming properties in the north-west area of the shire, and at its northern end it also provides access to the Bunyip State Park, which is under the control of Parks Victoria. The last 6.5 kilometres of this road is unsealed leading into the Bunyip State Park. Importantly Labertouche North Road provides essential access to the Bunyip State Park for the purpose of firefighting and for recreational vehicles, with the latter group regularly causing significant damage to council's road asset.

Transport and agricultural freight companies, which support local farming businesses, are now also expressing their concern with the deteriorating road condition and its impact on their ability to safely access and service farms along the road and manage the increase in vehicle maintenance costs.

Baw Baw shire completed a crushed rock resheet in 2011 of the 6.5 kilometres of unsealed section. These works at the time cost council in excess of $150 000. The routine maintenance on this unsealed section alone has cost council a further $300 000 since 2011. This includes various trials of low-cost treatments to improve the strength and dust suppression of this road, unfortunately without substantial improvement.

Council has more recently undertaken additional maintenance grades to keep the road in a safe and trafficable condition. To make the road sustainable and safe for all vehicles in the longer term, a full road construction and sealing is required, which is estimated to cost in the vicinity of $900 000. Past representations have been made to Parks Victoria to give favourable consideration to making a significant contribution to these works, given that the majority of use is generated by visitors to the park. These representations have been unsuccessful. However, past traffic analysis has indicated a commercial vehicle component as high as 14 per cent, primarily associated with abutting farming activities, particularly dairy.

The Andrews government recently announced a new regional road funding program entitled the Agriculture Infrastructure and Jobs Fund. I believe the upgrade of Labertouche North Road would satisfy the funding criteria. This program provides $150 million for major capital works and $25 million for local connectivity programs designed to develop the first and last kilometre of local freight routes. I urge the minister to work with the Baw Baw shire when applications open to the Agriculture Infrastructure and Jobs Fund and to make a substantial funding commitment to the upgrade of Labertouche North Road.

Doctors in Secondary Schools

Ms GRALEY (Narre Warren South) — (8109) My adjournment matter is for the Minister for Education and concerns Narre Warren South P–12 College. The action I seek is that the minister ensures that Narre Warren South P–12 College is selected to take part in the Doctors in Secondary Schools program. This program will ensure that students who are most in need have access to vital medical advice and health care. The outstanding staff, the teachers and the community at Narre Warren South P–12 College have already

established a partnership with headspace in Narre Warren. Through this partnership a clinical psychologist is on site at the school three days a week to provide support for students with mental health issues. The school also works with Foundation House, which provides counselling support for students and their families, especially newly arrived migrants and refugees, and professional development for school staff.

This is a school that recognises the importance of its students' health and wellbeing and the impact they can have on their learning. These strong relationships ensure that the most vulnerable students get the support and assistance they need. In fact the school's student wellbeing policy highlights that students can only reach their full educational potential when they are happy, healthy and safe.

As with any good school, they want to do even more for their students, and that is why they have applied to the Andrews Labor government's $43.8 million Doctors in Secondary Schools program. They have plans to incorporate the doctor into their existing wellbeing team so that they can work collaboratively to meet the needs of their students and their families. Unfortunately the wellbeing team and staff at Narre Warren South P–12 College have noted on far too many occasions that students who are clearly in need of medical advice or treatment often miss out or that health issues are not dealt with in a timely manner.

I have seen firsthand the caring culture and environment that this school provides for its students, their families and staff. It is a school that goes well above the call of duty to ensure that all students are well cared for and provided with the opportunities they need to succeed. Now it is time for these students to have access to a doctor in a safe and confidential environment. I urge the minister to ensure that Narre Warren South P–12 College is selected to take part in the outstanding Doctors in Secondary Schools program.

Bangerang community

Ms RYAN (Euroa) — (8110) The urgent matter I wish to raise tonight is for the Minister for Aboriginal Affairs. In light of the Victorian Aboriginal Heritage Council's recent refusal of the Bangerang's application to become a registered Aboriginal party (RAP), the action I seek is for the minister to meet with Bangerang elders to outline a way forward for the recognition of their people. The council's decision, after almost two and a half years, to reject the Bangerang's second application for RAP status has come as a real blow. Registered Aboriginal parties are responsible under Victorian law for the protection of Aboriginal cultural heritage in specified geographical areas. The stated purpose of the Victorian Aboriginal Heritage Council is to ensure that Aboriginal people throughout Victoria play a central role in the protection and management of their heritage.

Many people in northern Victoria are aware that Bangerang leaders, including Freddie Dowling, Vicki Atkinson and Kevin Atkinson, have been fighting for recognition of their people for many years. In the past 12 months Wally Cooper and Sandy Atkinson, two much-loved and respected elders who dedicated much of their lives to this bid for recognition, have passed away. In June I sat down with Uncle Freddie Dowling, who showed me early maps where the lands of the Bangerang are clearly recorded. He has also recently completed a book documenting maps and evidence as far back as 1878, which he feels shows beyond doubt that the Bangerang were the original people of the area.

The land of the Bangerang runs from the Great Dividing Range in the south to Waddi in New South Wales and from Chiltern in the east to Echuca in the west. Uncle Freddie believes there is a lack of understanding about the Bangerang's history and that irrefutable evidence is being ignored. He feels that Victorian government agencies are erasing the history of his people, and as more of their elders pass away he fears that history will be lost forever. It is for that reason I would like to invite the minister to come and hear the stories of the Bangerang elders and explain to them how she will ensure that they are given the recognition that they deserve.

Romsey public transport

Ms THOMAS (Macedon) — (8111) The adjournment matter I wish to raise is for the attention of the Minister for Public Transport, and the action I seek is that the minister request that Public Transport Victoria (PTV) meet with my constituents in Romsey Ms Samantha Boswell, Ms Leanne Frost and other concerned community members to hear firsthand the improvements they would like to see to the Lancefield–Sunbury bus service. Recent investments in public transport by the minister have been exceedingly well received, and I commend the minister in particular for the two extra peak services on the Bendigo line and for upgrades of the Gisborne, Kyneton and Woodend station car parks.

Romsey is a growing community, and it is a very popular place to live for families. Public transport connections with Clarkefield station and to Sunbury are vital for my community, and Sam and Leanne have been advocating for some time now for better public

transport services for Romsey. At present there are two buses that travel from Romsey to Sunbury before 9 o'clock each morning. The first bus departs at 6.40 a.m., arriving at Sunbury station at 7.05 a.m., and the second bus departs at 8.20 a.m. and arrives at 8.45 a.m.

For a range of reasons, including sport, part-time work and friendship groups, a number of parents in Romsey and Lancefield choose to send their children to Sunbury Downs College. There is one morning school bus to Sunbury Downs College that departs from Sunbury station at 8.20 a.m., so, Deputy Speaker, I am sure you can see the problem. The connection issue that arises from this timetable is that students either need to catch the 6.40 a.m. bus from Romsey, which arrives at 7.05 a.m. in Sunbury, and wait until 8.20 a.m. for the connecting school bus, or they need to catch the 8.20 a.m. Romsey bus and then catch the next public transport option, which is the 9.02 a.m. route 485 bus, which results in the student arriving late to school. Neither of these options is satisfactory.

The new train service departing Clarkefield at 8.22 a.m. gives further impetus to a discussion with PTV to see how we can get bus and train services working better together and meeting the needs of my community. I look forward to PTV representatives coming to Romsey to discuss these issues directly with affected community members with the aim of finding a solution to this timetable anomaly.

Jamieson-Licola Road, Jamieson

Ms McLEISH (Eildon) — (8112) My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek is for the minister to undertake a traffic count on Jamieson-Licola Road on the edge of the Jamieson township during this year's Melbourne Cup weekend. I think my request is pretty simple and low cost.

The residents of Jamieson for some time have been concerned with the increasing traffic volumes on the Jamieson-Licola Road. There has been a subdivision, which has seen increased local traffic, but also the visiting traffic is certainly on the rise. For those who live on the road, their amenity is compromised by increased noise, dust and the safety risks. A great deal of concern is centred on the fact that the road is unsealed, and the community is very keen to see the first 7 kilometres or so sealed in the near future so the areas of concern, such as noise and dust and safety risk, are certainly lowered.

I have spoken to many residents in the town, as well as having met with the Jamieson community group, to discuss their concerns in detail. I am informed that the sealing of the road has previously been raised and that it is actually on the agenda in coming years. Jamieson is actually a beautiful and historic township in the high country, and it is important to understand that it relies on outdoor recreation and that this is focused around tourism and hunting. The residents know that, but they also know that the area and the road are experiencing greater levels of tourism. The road is busier, especially during holiday periods and on long weekends.

The community wants to quantify the traffic volumes on this road. They do not want estimates; they want the actual data, and they want it for peak times. They do not want Monday to Friday data during a non-peak time. They want to be able to demonstrate how busy that road is during the peak times so they understand what they have to put up with.

As I have mentioned, Jamieson is indeed a beautiful town. It is a destination, and those who have experienced the great outdoors would know it for hunting or four-wheel driving. A lot of people go there just to drive the route between Heyfield through Jamieson to Mansfield or even to go on to Bright. This is a beautiful drive through the high country. There is alpine scenery, mountain forests, rural landscapes, and the 93 kilometres of the road between Licola and Jamieson is winding, unsealed and very narrow in places, but this drive is promoted very widely because it is unique.

Now, capturing traffic volumes for a two-week period from Monday, 24 October, to 7 November would be a great start. This should highlight the variations in the volumes leading into and out of the four-day period between Friday, 28 October, and Wednesday, 2 November. It would also provide a good foundation for seeing the need for the road to be sealed in the future. Minister, the residents would be delighted if you could meet their request. They would be even more delighted if you could arrange to repeat traffic counts during the December and January holiday period.

Doctors in Secondary Schools

Mr PEARSON (Essendon) — (8113) I direct my adjournment debate matter to the Minister for Education, and the action I seek is for the minister to fund a doctor to work at Mount Alexander College in Flemington under the Doctors in Secondary Schools program. Mount Alexander College, which used to be called Debney Park Secondary College, is led by principal Wayne Haworth and is the primary secondary

educational facility for those children who live on the Flemington public housing estate as well as in Flemington, Travancore and Ascot Vale. Wayne and his assistant principal, Preeti Maharaj, and student welfare coordinator Lynn Bentley have done an enormous amount of work in improving the educational outcomes and the educational experiences of students at this school.

Before the last state election the government committed funding so that GPs were able to attend up to, I think, 100 of Victoria's schools to provide medical advice and health care to those students most in need. This is a fantastic initiative and one which will be welcomed by my community.

Murray Basin rail project

Ms STALEY (Ripon) — (8114) My adjournment matter is to the Minister for Public Transport, and the action I seek is that she ensures there are upgrades to all the level crossings on the reopening Maryborough to Ararat rail line to at least flashing lights and bells and in accordance with the most modern safety standards. The Ararat–Maryborough rail line was standardised by the Kennett Liberal government in 1996 primarily for freight but was closed by the Bracks Labor government in 2005. It has deteriorated ever since.

In 2014 the then Napthine Liberal government announced plans to implement the Murray Basin rail project, including reopening the Maryborough to Ararat line. This transformational project was funded from $220 million of the proceeds of the sale of the rural finance loan book to the Bendigo Bank. Subsequent to the change in government the important nature of the project was eventually reaffirmed after months of delays and uncertainties. The federal Turnbull Liberal government has now also committed a further $220 million to this project. When complete this project will provide lasting economic and community benefits to the Goldfields, Wimmera and Mallee regions.

I am very proud to have championed this project since mid-2014 and to now see federal and state investment into it. However, due to the age of the line at closure and the time that has passed since, there are several level crossings that require very significant upgrading to meet current safety standards. The state Liberal Party recognises this need and that of other level crossings across country Victoria, and that is why the Leader of the Opposition announced a fund specifically to upgrade dangerous country level crossings. The government continues to push ahead with the metro sky rail projects but has been much quieter on the hundreds of level crossings needing upgrades outside metropolitan Melbourne. This must change, and the upgrades along the Maryborough–Ararat rail line must be a priority.

Doctors in Secondary Schools

Ms COUZENS (Geelong) — (8115) My adjournment matter is for the Minister for Education, and the action I seek is that the minister ensures that Geelong High School and Newcomb Secondary College are selected to participate in the Doctors in Secondary Schools program. The minister has made significant funding commitments to Geelong schools, and we know that these bricks and mortar commitments will provide the education our students need and deserve, but we know there is a lot more required than bricks and mortar. The Doctors in Secondary Schools program complements the Safe Schools program, providing safe and inclusive environments that cater for the diverse needs of students.

The program will ensure that students have access to the medical treatment and services that they need. I congratulate Geelong High School and Newcomb Secondary College for their commitment to their students' health and wellbeing. I fully support their applications, and I urge the minister to ensure that Geelong High School and Newcomb Secondary College are successful in their applications to participate in this innovative program.

Local government reform

Mr RIORDAN (Polwarth) — (8116) The matter I raise is for the Minister for Local Government. I ask the minister to urgently act to clarify the concerns of thousands of property owners and rural communities who fear that their rights to vote in local council elections will be taken from them if plans flagged in the government's directions document are to be realised.

Thousands of current ratepayers and voters across my six local government municipalities are rightly concerned about plans to strip businesses and property owners of the right to vote in council elections. It is now common knowledge that her department is following through on the unprecedented attack on Victorian families, businesses, farmers and property investors with the *Act for the future — Directions for a new Local Government Act*, where proposed direction 41 states:

> Make the entitlement to vote in a council election to be on the register of electors for the Victorian Legislative Assembly (the state roll) for an address in their municipality.

This single act will strip the age-old right of people not to have taxation without representation. This will have the effect of removing the democratic right to vote from rental property owners, holiday home owners, business owners, farmers and families. Just one of my communities alone, Lorne, has only about 800 residents, which represents about a quarter of the homes, and the majority of the main shopping strip is owned by groups and families who holiday in the village. This law would effectively strip the democratic rights of the majority of the landowners in the community, who love and invest in the area.

In many farming districts family farms pay tens of thousands of dollars to multiple shires for farmland. Often they will pay more rates to a shire they do not live in. Discontent with rural rates is already at an all-time high, even without governments denying these hardworking families the right to have some say in those taxes.

I ask in the interests of democracy that the government maintains the strong tradition of local government having ratepayers exercise their rights to representation. We will not have or encourage strong country communities if we deny franchise to a large percentage of people that have a vested interest — to people who have skin in the game and a long-term financial commitment to an area. This policy, if implemented, will lead to neglect. This policy will lead to apathy, and ultimately the necessary social buy-in required to make our country councils work will be destroyed. In light of the mishandling of local government codes of conduct in the last 48 hours our communities will be rightly worried about the state of local government's ability to be stable and effective. I call on the minister to rule out these changes once and for all.

Doctors in Secondary Schools

Ms SPENCE (Yuroke) — (8117) My adjournment matter is for the Minister for Education, and the action I seek is that the minister funds the Doctors in Secondary Schools program for Craigieburn Secondary College and Mount Ridley College in the Yuroke electorate. Both schools have a large and diverse student body, with 771 enrolments at Craigieburn secondary and 1951 at Mount Ridley. There is no doubt that the Doctors in Secondary Schools program would benefit many hundreds of families in Craigieburn.

The provision of primary care and the ability to see a healthcare professional in a private and familiar setting is critical for young people. This is particularly important at schools that serve disadvantaged communities. While those schools go above and beyond for their students each day, sometimes a little extra help can make an enormous difference. I am delighted to support the applications by Craigieburn Secondary College and Mount Ridley College to take part in this important, life-changing program, and I know how great it would be for students and the community if the Doctors in Secondary Schools program could be funded at these schools.

Responses

Ms NEVILLE (Minister for Police) — A number of matters have been raised by a number of members, and I will pass those matters on to the relevant ministers.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 7.21 p.m.