

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 21 June 2016

(Extract from book 9)

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

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HANSARD¹⁵⁰



1866–2016

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

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

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

As a preface to the first volume of “Parliamentary Debates” (new series), it is not inappropriate to state that prior to the Fifth Parliament of Victoria the newspapers of the day virtually supplied the only records of the debates of the Legislature.

With the commencement of the Fifth Parliament, however, an independent report was furnished by a special staff of reporters, and issued in weekly parts.

This volume contains the complete reports of the proceedings of both Houses during the past session.

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

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry (to 22 May 2016)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Employment	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Industry, and Minister for Energy and Resources	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 Emergency Services, and Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. J. F. Garrett, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Training and Skills	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 Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Environment, Climate Change and Water	The Hon. L. M. Neville, MP
Minister for Police and Minister for Corrections	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 M. Kairouz, MP

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry (from 23 May 2016)

Premier	The Hon. D. M. Andrews, MP
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Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
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Cabinet Secretary	Ms M. Kairouz, MP

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
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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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Kairouz, Ms Marlene	Kororoit	ALP	Victoria, Ms Heidi	Bayswater	LP
Katos, Mr Andrew	South Barwon	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
Knight, Ms Sharon Patricia	Wendouree	ALP	Watt, Mr Graham Travis	Burwood	LP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP

¹Elected 31 October 2015

²Resigned 3 September 2015

³Resigned 3 September 2015

⁴Elected 14 March 2015

⁵Elected 31 October 2015

⁶Resigned 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 Elasmarr and Mr Melhem.

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

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

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

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

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

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

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

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

CONTENTS

TUESDAY, 21 JUNE 2016

ACKNOWLEDGEMENT OF COUNTRY	2637	FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE	
WORLD REFUGEE DAY	2637	<i>Membership</i>	2651
ORLANDO SHOOTINGS	2637	VICTORIAN AUDITOR-GENERAL'S OFFICE	
JO COX, MP	2637	<i>Performance audit</i>	2651
MINISTRY	2637	<i>Financial audit</i>	2651
SHADOW MINISTRY	2637	BUSINESS OF THE HOUSE	
QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS		<i>Program</i>	2652
<i>Country Fire Authority enterprise bargaining agreement</i>	2637, 2638, 2640, 2641, 2646	MEMBERS STATEMENTS	
<i>Ministers statements: Orlando shootings</i>	2639	<i>Blackburn level crossing</i>	2656
<i>Ministers statements: Jo Cox, MP</i>	2639	<i>Simonds Stadium</i>	2656
<i>Ministers statements: Country Fire Authority enterprise bargaining agreement</i>	2642, 2643	<i>National broadband network</i>	2656
<i>Country Fire Authority chief executive officer</i>	2643, 2644	<i>Safe Schools program</i>	2657, 2660
<i>Ministers statements: fire services funding</i>	2644	<i>Country Fire Authority enterprise bargaining agreement</i>	2657, 2658, 2660
<i>Public agency board appointments</i>	2645	<i>Eltham Lacrosse Club</i>	2657
<i>Ministers statements: emergency medical response program</i>	2646	<i>Eltham schools arts project</i>	2657
<i>Ministers statements: Country Fire Authority Fiskville training college</i>	2647	<i>Canterbury-Bedford roads, Heathmont</i>	2658
SUSPENSION OF MEMBERS		<i>Twentysixteen</i>	2658
<i>Member for Bass</i>	2638	<i>The Honey Bees</i>	2658
<i>Member for Ferntree Gully</i>	2640	<i>Australian Jazz Museum</i>	2658
<i>Member for Malvern</i>	2640	<i>Family violence</i>	2658
<i>Member for Hawthorn and Attorney-General</i>	2641	<i>Refugee Week</i>	2659
<i>Member for South-West Coast</i>	2642	<i>Great Forest National Park</i>	2659
<i>Members for Gembrook, Essendon and Macedon</i>	2642	<i>National disability insurance scheme</i>	2660
<i>Member for Forest Hill</i>	2644	<i>Orlando shootings</i>	2660
CONSTITUENCY QUESTIONS		<i>Thalia Salt</i>	2660
<i>Brighton electorate</i>	2648	<i>Western Bulldogs</i>	2661
<i>Dandenong electorate</i>	2648	<i>Evita</i>	2661
<i>Mildura electorate</i>	2648	<i>Country Fire Authority Wonthaggi brigade</i>	2661
<i>Bundoora electorate</i>	2648	<i>World Refugee Day</i>	2662
<i>Rowville electorate</i>	2648	<i>Level crossings</i>	2662
<i>Yuroke electorate</i>	2649	<i>South West Regional Cancer Centre</i>	2662
<i>Burwood electorate</i>	2649	<i>St Albans Primary School and Jackson School</i>	2662
<i>Pascoe Vale electorate</i>	2649	<i>Acacia Children's Centre</i>	2663
<i>Polwarth electorate</i>	2649	<i>Castlemaine Evening VIEW Club</i>	2663
<i>Bendigo West electorate</i>	2649	<i>Northern Hospital</i>	2663
PETITIONS		<i>Country Women's Association of Victoria</i>	2663
<i>Country Fire Authority enterprise bargaining agreement</i>	2650	VICTORIAN FUNDS MANAGEMENT CORPORATION AMENDMENT BILL 2016	
<i>Special religious instruction</i>	2650	<i>Second reading</i>	2664
<i>Victoria University Sunbury site</i>	2650	TOBACCO AMENDMENT BILL 2016	
HAZELWOOD MINE FIRE INQUIRY		<i>Second reading</i>	2678
<i>Victorian government implementation plan</i>	2650	PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2016	
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE		<i>Second reading</i>	2698
<i>Regulations and legislative instruments review</i>	2650	ADJOURNMENT	
<i>Alert Digest No. 9</i>	2650	<i>Orlando shootings</i>	2707
STANDING ORDERS COMMITTEE		<i>Victoria University Sunbury site</i>	2708
<i>Sitting hours and operation of house</i>	2650	<i>Princes Highway east upgrade</i>	2708
DOCUMENTS	2651	<i>Country Fire Authority enterprise bargaining agreement</i>	2709
ROYAL ASSENT	2651	<i>Lake Eildon powerlines</i>	2709
		<i>City of Kingston bus services</i>	2710
		<i>Charlton child care</i>	2710
		<i>Glenroy College</i>	2711
		<i>Polwarth electorate leasehold land</i>	2711
		<i>Family violence</i>	2711
		<i>Responses</i>	2712

Tuesday, 21 June 2016

The SPEAKER (Hon. Telmo Languiller) took the chair at 12.05 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.

WORLD REFUGEE DAY

The SPEAKER — Order! Yesterday millions of people around the world marked World Refugee Day. In recognition of this day, it is important to reflect on the significant dilemma facing so many people across our world. Wars and persecution have driven more people from their homes than ever before. Last year more than 65 million people, or 1 person in 113, were displaced from their homes by conflict and persecution.

Our multicultural society here in Victoria has long provided a safe haven for refugees and asylum seekers. Their contribution to our community has helped us to become the vibrant state we are. Through my own past experience fleeing conflict in my country of birth, I understand the relief that a welcoming new home can bring to our lives. I continue to be grateful to this great nation. World Refugee Day and Refugee Week provide us with the opportunity to renew our welcome to those who are most vulnerable and to continue our efforts to find solutions to ongoing conflicts.

ORLANDO SHOOTINGS

The SPEAKER — Order! On 12 June innocent lives were lost in Orlando, Florida, in a terrible mass shooting that shocked us all. The hatred that led to this horrific event has no place in our civilised world. Last week we lowered the flags on Parliament House to half-mast as a mark of respect for the victims, and we also illuminated our building in the rainbow colours. On behalf of the Premier, the Leader of the Opposition and all members, we offer our condolences to the families of the victims and to the American people, who have again suffered such tragedy.

JO COX, MP

The SPEAKER — Order! The murder of British parliamentarian Jo Cox was also a cowardly and shocking crime. It has struck at the very heart of the democratic values that Jo Cox represented so well. We

offer our condolences to her family, the British Parliament and the British people.

Honourable members — Hear, hear!

MINISTRY

Mr ANDREWS (Premier) — I wish to advise the house of changes to the ministry. The Deputy Premier has added emergency services to his portfolio responsibilities, and I am very pleased to welcome the member for Kororoit to the ministry. The member has been sworn in as the Minister for Consumer Affairs, Gaming and Liquor Regulation.

I also wish to advise the house of changes in representative arrangements between the houses. In the other place the Minister for Small Business, Innovation and Trade will represent the Deputy Premier as Minister for Emergency Services, and the Minister for Small Business, Innovation and Trade will also represent the Minister for Consumer Affairs, Gaming and Liquor Regulation.

I would also like to inform the house that Ms Tierney, a member for Western Victoria Region in the other house, has been appointed as the Cabinet Secretary. All other arrangements remain unchanged.

SHADOW MINISTRY

Mr GUY (Leader of the Opposition) — I wish to inform the house of changes to the shadow ministry following the retirement of Damian Drum, MLC. The member for Ovens Valley will hold the shadow portfolios of regional development, sport and recreation, and veterans affairs.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Country Fire Authority enterprise bargaining agreement

Mr GUY (Leader of the Opposition) — My question is to the Minister for Emergency Services. On Monday, 30 May, you met with 30 volunteers of Country Fire Authority (CFA) district 13, which covers the fire-prone Dandenong Ranges, and you told them, ‘Trust the process. I’ll personally provide opportunity for further comment by volunteers before proceeding to sign off the EBA’. Minister, what opportunities for further comment did you provide volunteers before cabinet endorsed the enterprise bargaining agreement (EBA), or was your promise to your local CFA volunteers just another lie?

Mr MERLINO (Minister for Emergency Services) — The only person who wants to continue this dispute is the Leader of the Opposition, because he is making a buck out of it. They have set up a website to generate donations to the Liberal Party — —

Honourable members interjecting.

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

Mr Guy — On a point of order, Speaker, on relevance, it is a very, very simple question: what opportunity for further comment was given to volunteers before cabinet endorsed the CFA EBA, or is this new minister just the liar that we know he is?

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Warrandyte. I also warn the member for Macedon. These members will not be warned again. The Chair is on his feet. I request of the Leader of the Opposition that he abide by the rules of this house — and all members, government and opposition. There is no point of order. The minister, to continue.

Mr MERLINO — Can I also say I am very proud to be the new emergency services minister. I am proud to represent the Dandenong Ranges — —

Honourable members interjecting.

The SPEAKER — Order! I warn the Leader of the Opposition. I remind members about impugning other members and using language which is well accepted in this house as being not parliamentary. I request that the Leader of the Opposition and other members desist. The minister, to continue in silence.

Mr MERLINO — I am proud to represent the Dandenong Ranges, and I am proud of the bravery and the skills of my volunteer brigades throughout the Dandenong Ranges and the Shire of Yarra Ranges. I am always proud and always willing to engage with the volunteers, not only in my community —

Honourable members interjecting.

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

Mr MERLINO — but I have been engaging with volunteers across the state, whether they be in Bendigo or Mildura or the Macedon Ranges, or Greenvale this morning. In answer to the Leader of the Opposition's question, of course — —

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Bass

The SPEAKER — Order! The member for Bass will withdraw from the house for the period of 1 hour.

Honourable member for Bass withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Country Fire Authority enterprise bargaining agreement

Questions and statements resumed.

Mr MERLINO (Minister for Emergency Services) — In answer to the Leader of the Opposition's question, of course there will be further consultation with volunteers in my electorate and across the state. The government has resolved to end this dispute. We will not go into another fire season with this dispute ongoing. We have accepted the independent umpire's recommendation, and we have included specific provisions that protect the role of our volunteers. Commissioner Lapsley will oversight the implementation of the agreement. There will be a consultative committee. It is now with the board, and the board will also consult with volunteers.

Honourable members interjecting.

Supplementary question

Mr GUY (Leader of the Opposition) — Minister, 10 statutory declarations signed by your own local CFA volunteers, whose bravery and skill you say you are proud of, who were all at that meeting, say that you have broken the promise you made to them, that you lied to them — statutory declarations. Minister, it is 60 000 CFA volunteers — —

Honourable members interjecting.

The SPEAKER — Order! Again the Chair requests that the Leader of the Opposition rephrase his question. The Leader of the Opposition understands the rules of the house, and I request respectfully that the he comply with them. The Leader of the Opposition, to put the question again and refrain from using — —

Mr GUY — Statutory declarations signed by the minister's own local CFA volunteers — the ones he says he is proud of for their bravery and who were at the meeting of the minister — all say that he has broken the promise he made to them. Ten statutory —

Honourable members interjecting.

Mr GUY — Who is a fraud? The 10 CFA members?

The SPEAKER — Order! The Leader of the Opposition, to put the question and to conclude asking it.

Mr GUY — Minister, how can 60 000 CFA volunteers trust a word you say when you have been caught out lying to your own local CFA volunteers yet again?

Mr MERLINO (Minister for Emergency Services) — The fraud is you, my friend. The fraud is you.

Honourable members interjecting.

The SPEAKER — Order! I warn the Leader of the Opposition. The Leader of the Opposition will come and see the Chair again. The minister is entitled to silence. The Leader of the Opposition will cooperate and allow him to respond. It appears to the Chair that the opposition would be interested in the minister's response. The minister, to respond.

Mr Wakeling interjected.

The SPEAKER — Order! The member for Ferntree Gully is now warned.

Mr Richardson interjected.

The SPEAKER — Order! And so is the member for Mordialloc.

Mr MERLINO — There are volunteers, CFA volunteers, who have a different view to the Leader of the Opposition. Do you know what he calls them? And I quote —

Mr Guy — Speaker, I seek leave to table 10 CFA volunteers' statutory declarations that the minister misled them. I seek leave.

The SPEAKER — Order! The Leader of the Opposition will resume his seat. Leave is not granted. The minister, to continue.

Mr MERLINO — Speaker, there are volunteers who have a different view to the Leader of the Opposition, and do you know what he calls them? I quote: 'volunteers' in inverted commas. That is the view of the Leader of the Opposition. I promise my volunteers that the agreement will be a fair and balanced outcome, and that is what we will deliver.

Ministers statements: Orlando shootings

Mr ANDREWS (Premier) — I rise to inform the house of details of the vigil held last Thursday, 16 June, to commemorate the Orlando massacre and to remember in solidarity all of those whose lives were ended so tragically, so brutally in such an act of evil. The government of course sponsored the vigil down at Federation Square. It was attended by many members of Parliament, and it was an appropriate and, I think, fitting tribute for the families and for the memory of all of those who were lost.

Forty-nine members of the LGBTI community and their friends and allies were gunned down in a gay bar, as honourable members know. A New York author, Arwa Mahdawi, wrote very well:

Gay clubs are everything that straight people take for granted ...

... Gay clubs are hospitals that patch up the invisible wounds you accumulate ... They're community centres. They're sanctuaries.

Of course the evil acts that took place at the Pulse nightclub in Orlando changed that in that venue and have reached out to affect all of us, all people of goodwill, and particularly people in this city, which is the progressive capital of a nation — a city and a state that value inclusion and respect. These values really do bind all of us together across normal political divides.

What is more, Speaker, it was touching for everybody who was there to see Federation Square full in solidarity with pride for all the things we hold dear.

Ministers statements: Jo Cox, MP

Mr ANDREWS — It is also timely that we reflect on the brutal murder of Jo Cox, the member of the House of Commons for Batley and Spennings. She was doing what so many of us do each and every day: moving around our local community talking and listening to constituents, which is central to the great honour and responsibility that we carry as members of this Parliament. Whilst the House of Commons is much bigger than this chamber, its resolve is no different to ours — to speak out in memory of people like Jo Cox

for fairness and decency, peace and equality, in this state and right across the world.

Honourable members — Hear, hear!

Country Fire Authority enterprise bargaining agreement

Mr GUY (Leader of the Opposition) — My question is to the Minister for Emergency Services. In the past three weeks there have been rallies across Victoria by Country Fire Authority (CFA) volunteers, thousands of them, including 3000 people at the Treasury Gardens, hundreds in Warrnambool, in Ballarat, in Bannockburn, in Benalla and even a rally outside of your own office in Belgrave. I ask: Minister, on behalf of the proud Molyullah CFA will you accept back its volunteers charter, once supported by your government, a charter that will not be worth the paper it is written on if this government seeks to tear up and scrap the CFA through its enterprise bargaining agreement (EBA)?

Honourable members interjecting.

The SPEAKER — Order! I warn the Leader of The Nationals. The Chair is on his feet. I also warn the member for South-West Coast. The Chair is on his feet. All members are to remain silent.

Mr MERLINO (Minister for Emergency Services) — We have a proud record in government of supporting the Country Fire Authority charter.

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Ferntree Gully

The SPEAKER — Order! The member for Ferntree Gully will withdraw from the house for the period of 1 hour.

Honourable member for Ferntree Gully withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Country Fire Authority enterprise bargaining agreement

Questions and statements resumed.

Mr MERLINO (Minister for Emergency Services) — We have a proud record in government of supporting the volunteer charter and supporting our Country Fire Authority. The CFA firefighters, both the volunteer and career firefighters, are the lifeblood of regional and rural communities and the outer suburbs of Melbourne.

We will not take a lecture from those opposite. Where was the Leader of the Opposition when he was in cabinet and the previous government cut \$45 million from the CFA budget?

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Malvern

The SPEAKER — Order! The member for Malvern will withdraw from the house for the period of 1 hour.

Honourable member for Malvern withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Country Fire Authority enterprise bargaining agreement

Questions and statements resumed.

The SPEAKER — Order! The Chair requests that members allow the minister to continue in silence. A question was put, and an answer should be allowed to be provided to the house, to the media and to the public. The minister, to respond.

Mr Clark — On a point of order, Speaker, the minister is both misleading the house and debating the issue. It was a very straightforward question. I ask you to bring him back to answering it.

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

Mr MERLINO (Minister for Emergency Services) — The answer is that the Leader of the Opposition was nowhere to be seen. Here is another quote, if members opposite will calm down for 2 seconds.

Honourable members interjecting.

The SPEAKER — Order! The minister, to continue and to come back to answering the question.

Mr MERLINO — Here is another quote:

We are not convinced that there is a direct link between cancer and the firefighters.

Who said that?

Mr R. Smith — On a point of order, Speaker, the Molyullah CFA brigade wants to hand back its volunteer charter to the Minister for Emergency Services. The question is: will he take it back or not? That is the question, and that is what he should answer.

Honourable members interjecting.

The SPEAKER — Order! I request that the Leader of the House and the member for Gippsland East allow the minister to continue in silence. There is no point of order.

Mr MERLINO — We will not cut \$45 million out of the CFA budget. What we will deliver for our volunteers right across the state is 70 additional trucks for CFA volunteer brigades as part of our \$33.5 million budget in 2015–16; the rebuild of a number of stations, including Huntly, Buninyong, Plenty and Edithvale; the recruitment of extra firefighters; the rollout of emergency medical response to all integrated brigades; additional support services for firefighters suffering post-traumatic stress disorder; and an additional \$46 million in the budget of a couple of months ago to respond to the closure of CFA Fiskville by establishing new firefighting training facilities.

So in deed and in action we will support our volunteers, unlike those opposite. In action, in our two budgets under the Andrews Labor government, we have delivered for the CFA volunteers, and we proudly do so.

Supplementary question

Mr GUY (Leader of the Opposition) — Jack Rush, QC, says this EBA is highly unsatisfactory for volunteer firefighters; the government's own Crown counsel has said the EBA is discriminatory; the equal opportunity commission says the EBA discriminates against women; and the Supreme Court agrees that there are some serious questions to answer about this EBA. Minister, just whose legal advice are you listening to — the Supreme Court, the equal opportunity commission, the Crown counsel, Jack Rush or is it just Peter Marshall?

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General, the member for Gembrook and the member for Warrandyte will come to order. The Leader of the Opposition asked a supplementary question of the Minister for Emergency Services, and the minister is entitled to silence. The minister, to respond, in silence.

Mr MERLINO (Minister for Emergency Services) — I will not be taking legal advice, or any other advice, from the Leader of the Opposition. He clearly — —

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the Opposition is warned. I will not warn the Deputy Leader of the Opposition again. The minister is entitled to silence, and all members — government and opposition — will allow the minister to respond. The Chair is certainly interested in his response. The minister, to continue.

Mr MERLINO — The Leader of the Opposition needs a lesson in the enterprise bargaining process. Each and every — —

Mr Andrews — He's never done one.

Mr MERLINO — No, he hasn't. (To the Leader of the Opposition) You've never done one. You've done some deals around the kitchen table.

The SPEAKER — Order! The minister, to continue, through the Chair.

Mr MERLINO — Speaker, in terms of enterprise bargaining, each and every clause has gone through the independent umpire, including specific provisions to protect volunteers. It now goes back to the board. Once the board has dealt with it, it goes to the Fair Work Commission. The Fair Work Commission determines the lawfulness of every enterprise agreement.

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBERS

Member for Hawthorn and Attorney-General

The SPEAKER — Order! The member for Hawthorn will withdraw from the house for the period of 1 hour. The Attorney-General will withdraw for the period of 1 hour. The Chair is on his feet, and all members are to remain silent.

Honourable member for Hawthorn and Attorney-General withdrew from chamber.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS**

Questions and statements resumed.

**Ministers statements: Country Fire Authority
enterprise bargaining agreement**

Mr MERLINO (Minister for Emergency Services) — I rise to update the house about a new initiative of the Andrews Labor government in accepting the recommendations of the independent umpire, the Fair Work Commission, to end the firefighters industrial dispute. This dispute has run for more than 1000 days, and this government has acted to put an end to it, because unlike those opposite, we do not believe that dragging out a nasty and spiteful dispute for another fire season is in the best interests of our firefighters or indeed the safety of Victorians.

Ms Ryall interjected.

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

Mr MERLINO — The Liberal Party has chosen to respond to this responsible action by engaging in a cheap, divisive and reckless scare campaign, so let me correct the record. It is not true — —

Ms Ryall interjected.

The SPEAKER — Order! The member for Ringwood had been warned. The Chair will not warn the member for Ringwood again. The manager of opposition business is entitled to silence, and the Chair will hear him in silence.

Mr Clark — On a point of order, Speaker, I draw your attention to the requirements of sessional order 7 — that ministers statements need to be about government initiatives, projects and achievements. The minister is departing from that and debating the issue. I ask you to bring him back to complying with the sessional order.

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

Mr MERLINO — In accepting the recommendations of the independent umpire, it is not true to say that volunteers cannot fight a fire until seven paid firefighters arrive. The recommendation relates to

the dispatch requirements of integrated stations — 3 per cent of all stations — and it provides a safety backup for those arriving first. It is not true that there is a veto in this agreement. Like many enterprise bargaining agreements, there will be consultation — —

Ms Britnell interjected.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for South-West Coast

The SPEAKER — Order! The member for South-West Coast will withdraw from the house for the period of 1 hour.

Honourable member for South-West Coast withdrew from chamber.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS**

**Ministers statements: Country Fire Authority
enterprise bargaining agreement**

Questions and statements resumed.

Mr Battin — On a point of order, Speaker, in relation to relevance, I have to agree with the minister on one point. No, there is not 1 veto; there are 50 vetos in this enterprise bargaining agreement affecting volunteers across — —

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBERS

**Members for Gembrook, Essendon and
Macedon**

The SPEAKER — Order! The member for Gembrook will withdraw from the house for the period of 1 hour, and so will the member for Essendon and the member for Macedon. The Chair is on his feet, and all members are to remain silent.

Honourable members for Gembrook, Essendon and Macedon withdrew from chamber.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS**

**Ministers statements: Country Fire Authority
enterprise bargaining agreement**

Questions and statements resumed.

Mr MERLINO (Minister for Emergency Services) — I also draw the attention of the house to a website set up for the sole purpose of misleading the public and soliciting donations.

Mr Clark — On a point of order, Speaker, you have already cautioned the minister and required him to comply with sessional order 7. He is again commencing to debate the issue. I ask you to bring him back to compliance.

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

Mr MERLINO — This agreement does not destroy volunteerism. In fact there is a specific provision that says that the agreement shall not prevent volunteers in the Country Fire Authority from providing the services normally provided by such volunteers. And I quote from the AusRegistry that exposes the registrant as, quote, ‘Liberal Party of Australia (Victoria Division)’.

Ms Spence — On a point of order, Speaker, the Deputy Premier was quoting from a document, and I ask that, by leave, he table the document he was quoting from.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House! The Leader of the Opposition will remain silent. I will not invite the Leader of the Opposition three times in a week to come and see the Chair; I will only invite him once. Will the minister provide the document to the house, and was the minister quoting?

Mr MERLINO — Speaker, I was indeed quoting, and I am happy to provide the document to the house — the Liberal Party of Australia (Victoria Division). All money to the Liberal Party!

Honourable members interjecting.

Country Fire Authority chief executive officer

Mr GUY (Leader of the Opposition) — My question is to the Premier. You told ABC radio on Tuesday, 14 June, that ‘the board is who appoints the

CEO of the CFA’, that an appointment ‘will be a matter for them, and they can make that judgement’; and further that, ‘I’m not going to try to impose myself on that’. How was it possible for your new Country Fire Authority (CFA) board to identify, select and recruit a new CEO in just 3 hours on a Friday night, or was there direct government involvement and political interference by your government in the selection of a new CEO?

Mr ANDREWS (Premier) — Joe Buffone is the acting CEO, so the Leader of the Opposition — yet again — has confused or is actively misleading people. The chief fire officer is the acting CEO of the CFA. As for interim CEO arrangements, they have been made appropriately. A career bureaucrat from the department of health will act as the interim CEO, and if the Leader of the Opposition wants to criticise Frances —

Honourable members interjecting.

The SPEAKER — Order! The Premier will resume his seat. The Chair is unable to hear the Premier. The Chair requires of the house silence. The Premier, to continue.

Mr ANDREWS — So there have been acting CEO arrangements. The Leader of the Opposition seems totally unaware of those matters. There are interim CEO arrangements, and they have been made appropriately, and as for the assertions at the end of the Leader of the Opposition’s question, I reject them entirely.

Supplementary question

Mr GUY (Leader of the Opposition) — Premier, is it not true that there was no way that the new CEO was appointed without interference by you, your ministers or your staff? Why do you not just come clean and admit you always planned to bully out Lucinda Nolan all the way along?

Mr ANDREWS (Premier) — The answer to the Leader of the Opposition’s question is no. The appointments are made in an appropriate way to maximise the safety of all Victorians.

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Forest Hill

The SPEAKER — Order! The member for Forest Hill will withdraw from the house for the period of 1 hour.

Honourable member for Forest Hill withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Country Fire Authority chief executive officer

Supplementary question

Questions and statements resumed.

Honourable members interjecting.

The SPEAKER — Order! The Chair is unable to hear the Premier. Members will desist. I cannot suggest that the member for Footscray's conduct is disorderly. It is accepted; health issues come first. The Premier, to continue.

Mr ANDREWS (Premier) — Quite simply, the answer is no. And as is so often the case, the Leader of the Opposition just makes it up — —

Honourable members interjecting.

Mr ANDREWS — Just makes it up. I have answered your question.

Mr Guy — On a point of order, Speaker, on relevance, the Premier is talking about his interim CEO as part of his answer to his question. There is no mention of the interim CEO in the Premier's statement, none whatsoever. The Premier is misleading the house when he talks about an interim CEO. There is none of that. He always sought to bully out Lucinda Nolan, and that is the evidence of it.

The SPEAKER — Order! The Chair does not uphold the point of order. The Premier, to continue. The Premier has concluded his answer.

Ministers statements: fire services funding

Mr PALLAS (Treasurer) — I rise to update the house on new achievements of the Andrews government in delivering stronger fire services to keep Victorians safe. The Andrews government recently announced that changes to the fire service property levy mean that no homeowner in Metropolitan Fire Brigade

or Country Fire Authority (CFA) areas will be worse off.

The government also announced in the 2016–17 Victorian budget that it will ensure that an additional 450 firefighters, including 350 firefighters in CFA areas, will be deployed in line with recommendations of the royal commission. This budget includes \$46.2 million to respond to the closure of Fiskville by establishing a new firefighting training centre in Central Highlands and upgrading the training facility in Huntly.

Those opposite did not want to hear about Fiskville, and indeed the member for Rowville went so far as to deny there was a link between firefighting and cancer. The Andrews Labor government has achieved this without slugging — —

Mr Clark — On a point of order, Speaker, the Treasurer is misleading the house and debating the issue. I ask you to bring him back to complying with sessional order 7.

Ms Allan — On the point of order, Speaker, the Treasurer is not misleading the house. In an article published in the *Age* of 21 August 2013, the then emergency services minister is quoted as saying:

We are not convinced that there is a direct link between cancer and firefighters ...

Therefore the Treasurer is being entirely relevant to the material before the house.

Mr R. Smith — On the point of order, Speaker, I also draw your attention to a press release which says that a coalition government would introduce presumptive legislation for firefighters, dated — —

The SPEAKER — Order! Not a good look. The Chair is not impressed. The Chair is on his feet, and the member for Warrandyte should respect that. The Chair warns the member for Warrandyte again. The Chair will not warn the member for Warrandyte again. There is no point of order.

Mr Andrews — On a point of order, Speaker, the member for Warrandyte I am sure was quoting from a document, and he might make that document and the device that holds it available to the house.

The SPEAKER — Order! Is the member for Warrandyte quoting from a document?

Mr R. Smith — I am very happy to table the document, not my phone, but I will make it — —

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte will now resume his seat. If the member was quoting from a document, the member may provide the document to the Clerk by the usual procedure by sending an email.

Mr PALLAS — Clearly there is no causal link between the opposition and integrity. This government has achieved these great outcomes without increasing the variable rates payable on capital improved values.

We are also making sure that we are delivering for our fire services: 70 additional trucks for the CFA areas; the rollout of the emergency medical response to all integrated brigades; and the rebuilding of a number of stations, whether it be in Huntly, Buninyong, Plenty or Edithvale. Those opposite took \$66 million from the fire services budget, and they waged war on its volunteers and its employees. That is not the way that the Andrews Labor government intends dealing with our fire services. We will resource them, and we will ensure that they get the capacity to deal with the issues that matter most to Victorians.

Public agency board appointments

Ms SHEED (Shepparton) — My question is for the Premier. Premier, you will be aware that the public administration of this state relies very heavily on the thousands of public entities and boards that deliver a broad range of services and are essential to good governance in Victoria. There have been many examples of board dismissals and forced resignations in recent years, including water boards, the Ambulance Victoria Board and, more recently, the Country Fire Authority (CFA) board. What level of independence and autonomy can government boards such as the CFA expect to exercise in the future given their high level of vulnerability to intervention by government?

Mr ANDREWS (Premier) — I thank the member for Shepparton for her question. Statutory authorities and boards — like the CFA and others that have been listed by the member for Shepparton — exist under statute. They have powers, they have obligations, and they have a profound responsibility to the communities that they serve, just as any government of the day, regardless of political persuasion, has a responsibility to ensure that those organisations are going to deliver, and are delivering, against their trust, if you like, to the Victorian community.

I do not believe going into another fire season with this matter unresolved — while volunteers and career firefighter are on the fireground in regional Victoria and the suburbs of Melbourne, and while at the same time

senior executives of the CFA are down at the Fair Work Commission — is protecting the community. I do not think that is right, and I do not think that is sustainable. No-one, I would say to the member for Shepparton — no-one, none of us — is bigger than the responsibility to keep our state safe.

Organisations need to fulfil their responsibilities, governments need to fulfil their responsibilities and the sacred and trusted position that we hold in our system of government, and where an organisation, whether it be the Ambulance Victoria board or the CFA board, has demonstrated an inability to do that, then the higher, and in many respects more important, obligation for the safety of every single Victorian has to come first.

Victorians want outcomes, and that is exactly what this government is delivering and will continue to deliver. I make no apology for making sure that the safety of Victorians comes first, and that the cultural change that must be delivered in the CFA is delivered so that volunteer brigades and career firefighters who stand shoulder to shoulder with them can have the benefits of the reform that the equal opportunity commissioner calls for, the fire services review calls for, the mess at Fiskville calls for, the appalling treatment of firefighters at Hazelwood calls for and the common sense in a changing climate calls for. I make no apology for that whatsoever.

Supplementary question

Ms SHEED (Shepparton) — Premier, what level of confidence can the government have in the future recruitment of high-level candidates to government boards given the serious potential damage to governance careers of board members when they are dismissed by government in this way?

Mr ANDREWS (Premier) — Across our state, whether it be in small statutory authorities, advisory committees or boards of governance, we are very well served in this great state to have people who put themselves forward. There is often a modest amount of money provided, sometimes a little more than that, but in many cases there is no financial reward for the service that so many hundreds and thousands of people offer in those board appointments.

I am confident, just as they should be, that public service comes with many rewards, one of which is the confidence that you have played your part in keeping the community safe, you have played your part in keeping Victoria a leader in terms of reform and improvement. That is for so many reward enough. I am confident of that.

Mr R. Smith — On a point of order, Speaker, I am tabling the document that the Premier asked me to table, along with 10 attachments — the statutory declarations from the Country Fire Authority volunteers from the electorate of the Minister for Emergency Services.

Honourable members interjecting.

The SPEAKER — Order! The Chair's ruling was clear. The member should provide to the house through the Clerk the document which the member was quoting from. The Chair relies on the member for Warrantye being bona fide about this exercise.

Ministers statements: emergency medical response program

Ms HENNESSY (Minister for Health) — I rise to update the house about a government initiative involving Ambulance Victoria and its work with the Country Fire Authority (CFA) and about some of the most important recent results around improving statewide response times and saving lives. This is a program that is genuinely saving lives. In the most recent quarter, from January to March this year, the CFA responded to 233 priority 0 life-threatening events through the emergency medical response (EMR) program. It provided really valuable support to our paramedics in responding to the most urgent and life-threatening cases.

Upon coming to government it was our government that funded the emergency medical response program to operate in all integrated stations. This program provided a dual dispatch of a fire truck and an ambulance to most life-threatening cases that are assessed as priority 0. It is a program that our government has supported and expanded. Fire trucks are equipped with defibrillators and other equipment, and they provide a first response in the event that they can get there more quickly than an ambulance. They can also assist by providing an extra set of hands so that firefighters can undertake CPR and paramedics can get on with some of the more complex medical procedures. There is a program in which Ambulance Victoria provides monthly, continuing education sessions to trained EMR responders across the state.

It is fantastic to see different sections of our emergency services community working together to save lives and genuinely making a difference in terms of their performance. I can confirm that in the last quarter we have seen an improvement in response times across this state, quarter on quarter, compared to the same time last year. That is in vast contrast to the paramedic crisis, the

lack of support and the lack of investment in EMR under the previous government. We are going to continue to get on with the job, and I thank all of our emergency services workers for the important work that they do.

The SPEAKER — Order! The minister's time has now expired.

Country Fire Authority enterprise bargaining agreement

Mr CLARK (Box Hill) — My question is to the Minister for Industrial Relations. I refer to the minister's statement of 9 June regarding her conversation with Fair Work Commission president Justice Iain Ross and to the minister's subsequent personal explanation, and I ask: how can the minister claim her untrue statements about her conversation with Justice Ross were because she 'misspoke' when her entire ministers statement was actually read from prepared notes?

Ms HUTCHINS (Minister for Industrial Relations) — I did make a personal explanation on the record. I think I explained myself pretty well there, and it still remains on the record.

Honourable members interjecting.

Ms HUTCHINS — I addressed the issue as soon as it was raised in this place.

Supplementary question

Mr CLARK (Box Hill) — Given the minister's non-answer to my substantive question, and given that two weeks ago the minister had to apologise to this house for misrepresenting a conversation she had with Justice Ross, and so now we know what he did not say to her, I ask: will the minister now tell the house exactly what he did say to her?

Ms HUTCHINS (Minister for Industrial Relations) — Certainly what the industrial relations commission has said is that the proposed enterprise bargaining agreement that is being considered by the parties will be fair and respect the role of volunteers ongoing.

Mr Clark — On a point of order, Speaker, my question was very specifically about the contents of the discussion between the minister and Justice Ross, not about what the Fair Work Commission might hold at some other point. I ask you to bring her back to answering the very specific question I asked.

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

Mr Clark — On a point of order, Speaker, I draw your attention to sessional order 11(2) about responsiveness to answers and your ability to require a minister to provide a written response. The minister has in no way responded to the question about the content of her conversation with Justice Ross. This is an important issue for this house and for the community. I ask you to ask her to provide a written response.

The SPEAKER — Order! The Chair had ruled on the matter and stays with that ruling.

Ministers statements: Country Fire Authority Fiskville training college

Mr MERLINO (Minister for Emergency Services) — I rise to update the house about a new project of the Andrews Labor government in responding to the Fiskville inquiry final report. I am pleased to inform the house that I have instructed my department to broaden the Fiskville oversight committee to ensure there are as many voices as possible around the table informing the government's response to the Fiskville inquiry final report.

The parliamentary inquiry into the Country Fire Authority (CFA) training college at Fiskville has undertaken a tremendous amount of work in delivering its final report, and I thank it. It makes some stark findings, including about the CFA's handling of contamination, alleging the CFA staff were aware of issues at the site and failed to act, unnecessarily exposing people to contamination. Members of the previous government buried their heads in the sand when safety and health concerns were raised about Fiskville. They did not take any action to protect our firefighters and left us to clean up the mess.

Ms Ryall — On a point of order, Speaker, in drawing your attention to sessional orders in relation to speaking on a new initiative, which the minister is referencing, I suggest he has made a passing statement and actually now needs to continue on to what the government is doing and not concentrate his efforts or the balance of his statement on referring to other matters.

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

Mr MERLINO — We have not sat on our hands when it comes to looking after the safety of our

firefighters. We shut down Fiskville forever, and since we closed Fiskville, we have worked closely with the CFA, affected staff and the wider local community to assist them through the closure process.

The budget we handed down also makes provision for \$80.7 million over the next four years to decommission and remediate Fiskville and undertake infrastructure upgrades at six other CFA training centres. We have also allocated \$46.2 million in the budget to establish new training facilities in the Central Highlands and to upgrade the Huntly emergency management training centre. These new training facilities will enable more firefighters to be trained and ensure appropriate statewide distribution of specialist capability.

However, the Fiskville inquiry final report has raised a number of issues that require further work. That is why I am ensuring we develop a comprehensive, whole-of-government response to the report that honours all those who have trained and worked at the site and ensures that this sad chapter cannot be allowed to happen again.

The SPEAKER — Order! The time for asking questions and making statements has concluded.

Mr Katos — On a point of order, Speaker, with regard to the constituency question I asked on 4 May of the Minister for Emergency Services concerning the lack of funding for the Jan Juc Surf Life Saving Club, on 7 June I raised the fact that the minister had not responded. I now raise the fact again, 14 days later, on 21 June, that I still have not had a response. I know the minister is pretty busy selling a lot of spin around the Country Fire Authority and probably planning the union takeover of the State Emergency Service and Life Saving Victoria next, but the Jan Juc Surf Life Saving Club wants answers as to why it has not been funded in this year's budget.

The SPEAKER — Order! The Chair will follow through on the point of order.

Mr T. Bull — On a point of order, Speaker, my point relates to two questions on notice, 6991 and 6992, I asked on 23 March of the Minister for Housing, Disability and Ageing and a further two questions on notice, 7117 and 7118, I asked on 27 April, also of the Minister for Housing, Disability and Ageing, which have not yet been responded to. I would urge you, Speaker, to encourage the minister to provide appropriate responses.

The SPEAKER — Order! The Chair will follow the matters through for the member.

CONSTITUENCY QUESTIONS

Brighton electorate

Ms ASHER (Brighton) — (Question 7653) The constituency question I have is for the Minister for Public Transport, and my question is: when will the minister provide more station car parking spots for commuters on the Sandringham line? In particular I am referring to Hampton, Brighton Beach, Middle Brighton, North Brighton and Gardenvale stations.

I note in the recent budget an amount of \$460 000 is provided for 1500 new car parking spots at stations. There are significant opportunities in Hampton with the redevelopment project for additional car parking spots to be made available. However, the minister will find that at Brighton Beach, Middle Brighton, North Brighton and Gardenvale there is very, very limited parking. There is a significant need for additional car parking spots. Parking is spilling over into the residential streets, which is causing problems that the council needs to mop up. So my question to the minister is: when will these additional spots be provided?

Dandenong electorate

Ms WILLIAMS (Dandenong) — (Question 7654) My constituency question is for the Minister for Education, and I ask: how will the federal government's cuts to Gonski education funding impact Dandenong High School and other schools in the Dandenong electorate? Through the Gonski funding model the Victorian government has been able to fund schools according to the individual needs of their students. The Gonski funding has been groundbreaking, and in Dandenong it is making a real difference to schools and to the outcomes of students.

Malcolm Turnbull recently announced that the federal Liberal government if re-elected will stop Gonski funding after next year, and as a result schools will miss out on funding that could pay for specialist literacy and numeracy teachers and more support for students with disabilities or additional learning needs. Residents are very concerned and believe that education should be a priority, particularly in disadvantaged areas in and around Dandenong. They would like to know how these funding cuts will specifically impact on local schools like Dandenong High.

Mildura electorate

Mr CRISP (Mildura) — (Question 7655) My question is to the Minister for Emergency Services, and

I ask: how many times had paid firefighters used the Mildura training ground prior to the day the minister visited the facility? The purpose of the facility is to train all firefighters to help keep our community safe. I have been informed by volunteer firefighters that they have been told that they need to pay out of their own funds to use this facility. The minister was happy to appear at a facility that has access restricted to volunteers because they have to pay to use it.

Bundoora electorate

Mr BROOKS (Bundoora) — (Question 7656) My question is to the Minister for the Prevention of Family Violence. Our government is working with an understanding of the intrinsic link between family violence and gender inequality. Across all stages of life women face barriers that men simply do not. For instance, women in full-time work earn around \$15 000 less than men each year and will retire with just over half the superannuation savings of men. It is vital that voices from every community are represented in this process as this will provide a clear snapshot of the required reforms. This is something I know the member for Essendon is very passionate about. My question to the Minister for the Prevention of Family Violence is: what is the latest on the development of Victoria's first gender equality strategy?

Rowville electorate

Mr WELLS (Rowville) — (Question 7657) The constituency question I wish to raise is for the attention of the Minister for Emergency Services. I refer to the promise the minister made to volunteer firefighters back in 2014 when he told them that he would ensure that presumptive legislation would be introduced within the first 100 days of government. In an article from November last year Lilydale Country Fire Authority captain Warren Davis is quoted as saying:

James Merlino ... got up at a rally in front of 300–400 firefighters and he guaranteed us that we would get this legislation within the first 100 days of sitting ...

Further, I refer the minister to a previous coalition government media and policy release of 6 November 2014 announcing its firm commitment to introduce presumptive legislation for all firefighters, both career and volunteer.

Now the Deputy Premier is the Minister Emergency Services, I therefore ask on behalf of my concerned constituents of Rowville: can he answer why the Andrews Labor government broke its promise to introduce presumptive legislation for career and

volunteer firefighters within 100 days of the state election, or was this another Labor lie?

Yuroke electorate

Ms SPENCE (Yuroke) — (Question 7658) My constituency question is to the Minister for Suburban Development. What plans does the minister have to ensure that Yuroke as well as other high-growth areas remain great places to live and work? The minister would be aware that the electorate of Yuroke is a fast-growing area that is a highly attractive place for young families to live and bring up their children. There has been strong growth in my electorate over recent years, particularly in Craigieburn and Greenvale. As you drive down Mickleham Road you can see that the growth will continue for some time to come.

I am committed to ensuring that Yuroke continues to be a great place to live and bring up a family. The establishment of a Minister for Suburban Development is a welcome step and will help deliver on this ambition. It will also ensure that the people of Yuroke have the jobs, services and infrastructure they deserve and that this occurs in a coordinated manner. I look forward to the minister's response so I can provide this information to the Yuroke community.

Burwood electorate

Mr WATT (Burwood) — (Question 7659) My question is to the Minister for Police. Following the recent cut in hours of the Ashburton police station by 71 per cent, crimes against the person in Ashburton and Ashwood increased by 64 per cent, and following the closure of the Burwood police station, it was left graffitied earlier this year for more than a week. Given that the Andrews Labor government has directed the Chief Commissioner of Police where to deploy police, evidenced by the 15 new sworn police officers for the minister's own electorate of Bellarine specifically allocated in the 2015–16 budget, I ask the minister: does this policy apply to direct police deployment across the state, including Burwood, or just in her own electorate of Bellarine?

Pascoe Vale electorate

Ms BLANDTHORN (Pascoe Vale) — (Question 7660) My constituency question is for the Minister for Finance. The Transport Accident Commission (TAC) has invested \$30 million in the Residential Independence project to create purpose-built apartments and units across Melbourne. The dwellings are fitted with a range of state-of-the-art technologies, enabling people who have suffered severe

transport accident-related injuries the opportunity to regain as much independence as possible. The Transport Accident Commission opened its first accommodation project in Abbotsford, followed by Lilydale and Frankston and now in Glenroy, and I was pleased to attend the opening of this facility with the minister in April.

My question is: following on from the successful provision of housing for four TAC clients in Glenroy, are there any other sites within my district of Pascoe Vale that the TAC plans to develop and transform into housing appropriate for the needs of individuals who have suffered severe trauma in road-related accidents?

Polwarth electorate

Mr RIORDAN (Polwarth) — (Question 7661) My question is to the Minister for Local Government. Can the minister tell me if she plans to make provisions in the forthcoming local council elections for the now slow and substandard delivery times afforded by Australia Post in rural and regional areas, to ensure that everyone's vote counts? The electorate of Polwarth is made up of six local government areas that will be seeking new mandates from their ratepayers this coming October. Postal voting is the method of voting across the shires of Golden Plains, Surf Coast, Colac Otway, Corangamite and Moyne and the Ararat Rural City Council. In the past month I have done some sample posting around my electorate and have found that on average country to country mail delivery is around seven days. This means that anyone who validly votes up to 6.00 p.m. on 21 October but who has not put their vote in the mail box by 14 October will not necessarily have their vote counted. Unlike at state and federal elections, postal voting at local government level does not have a grace period to receive votes posted before the close of ballot. Without due warning, thousands of Victorians may expect to see their vote not counted.

Bendigo West electorate

Ms EDWARDS (Bendigo West) — (Question 7662) My question is to the Minister for Tourism and Major Events, and it is: how is the Wander Victoria campaign assisting my communities in Bendigo West? As a regional member, I know that tourism is the key to keeping our regions strong and also know that the intrastate market is crucial. With the recent rollout of the most ambitious tourism marketing campaign in Victoria's history, Wander Victoria's goal is to sell our state's great strengths like never before. Regional Victoria and the goldfields region have something for everyone, and I would be pleased to

know how the rollout of the Wander Victoria campaign is going with regard to benefits for my region.

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) (130 signatures).

Special religious instruction

To the Legislative Assembly of Victoria:

The petition of residents in the Eildon electorate draws to the attention of the house that the government has scrapped special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that they will break their promise and will only allow SRI to occur outside of school hours or during lunch breaks.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its broken promise and allows students attending government schools to attend SRI during school hours.

By Ms McLEISH (Eildon) (34 signatures).

Victoria University Sunbury site

To the Legislative Assembly of Victoria:

The petition of residents of Sunbury and surrounding areas draws to the attention of the house the decay, neglect and vandalism of the now abandoned Victoria University site in Sunbury.

The petitioners therefore request that the Legislative Assembly of Victoria facilitate the re-acquisition of the decommissioned Victoria University site in Sunbury to act to protect this site of state significance and of immense community value for the Victorian community and for generations to come.

By Mr J. BULL (Sunbury) (1203 signatures).

Tabled.

Ordered that petitions presented by honourable member for Eildon be considered next day on motion of Mr KATOS (South Barwon).

HAZELWOOD MINE FIRE INQUIRY

Victorian government implementation plan

Ms HENNESSY (Minister for Health), by leave, presented plan.

Tabled.

Ordered to be published.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Regulations and legislative instruments review

Ms BLANDTHORN (Pascoe Vale), by leave, presented report, together with appendices.

Tabled.

Ordered to be published.

STANDING ORDERS COMMITTEE

Sitting hours and operation of house

Mr NARDELLA (Melton) presented report, together with appendix, extract from proceedings and minority report.

Tabled.

Ordered to be published.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 9

Ms BLANDTHORN (Pascoe Vale) presented *Alert Digest No. 9 of 2016* on:

Crimes Amendment (Sexual Offences) Bill 2016
Legal Profession Uniform Law Application Amendment Bill 2016
Melbourne College of Divinity Amendment Bill 2016
Powers of Attorney Amendment Bill 2016
Ridesharing Bill 2016
Tobacco Amendment Bill 2016

**Transport (Compliance and Miscellaneous)
Amendment (Public Safety) Bill 2016**

together with appendices.

Tabled.

Ordered to be published.

DOCUMENTS

Tabled by Clerk:

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

Alpine — C39, C52

Glenelg — C76 Part 2, C88

Greater Geelong — C334

Greater Shepparton — C191

Latrobe — C89

Macedon Ranges — C107

Moonee Valley — C166

Port Phillip — C119

South Gippsland — C97

Wellington — C95

Statutory Rule under the *Infringements Act 2006* — SR 56

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 56.

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

Access to Medicinal Cannabis Act 2016 — Part 1, Part 3, ss 100, 123, 126, 129 to 131, 133 and 135 — 8 June 2016 (*Gazette S177 7 June 2016*)

Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016 — ss 94(1) (other than paragraph (a)) and (2), ss 95 to 98, 103 to 122, 131 to 153, 155 to 157 and Divisions 3 to 7 of Part 8 — 7 June 2016; remaining provisions of Division 2 of Part 8 — 1 July 2016 (*Gazette S177 7 June 2016*)

Relationships Amendment Act 2016 — Whole Act (except s 6) — 1 July 2016 (*Gazette S177 7 June 2016*).

ROYAL ASSENT

Message read advising royal assent on 15 June to:

**Transport (Compliance and Miscellaneous)
Amendment (Public Safety) Bill 2016**

Witness Protection Amendment Bill 2016.

**FAMILY AND COMMUNITY
DEVELOPMENT COMMITTEE**

Membership

The DEPUTY SPEAKER — Order! I have received the resignation of Ms Sheed from the Family and Community Development Committee effective from Thursday, 16 June 2016.

**VICTORIAN AUDITOR-GENERAL'S
OFFICE**

Performance audit

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

That:

- (1) Under s 19 of the Audit Act 1994, Ms Elma von Wielligh-Louw, partner, Deloitte Touche Tomatsu, be appointed to conduct the performance audit of the Auditor-General and the Victorian Auditor-General's Office for the period July 2013 to June 2016:
 - (a) in accordance with the terms, conditions and specifications as set out in the request for tender issued on 18 December 2015;
 - (b) at a fixed fee of \$288 000 excluding GST.
- (2) A message be sent to the Legislative Council requesting their agreement.

Motion agreed to.

Financial audit

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

That:

- (1) Under s 17 of the Audit Act 1994, Mr Geoff Parker be appointed for a period of three years:
 - (a) to conduct the financial audit of the Victorian Auditor-General's Office for the financial years ending 30 June 2016, 30 June 2017 and 30 June 2018;
 - (b) in accordance with the terms and conditions and remuneration of a person appointed by the Parliament of Victoria under s 17 of the Audit Act 1994, and the terms of reference as specified in appendix 1 of the Public Accounts and Estimates Committee's report on the recommendation on the appointment of a person to conduct the financial audit of the Victorian Auditor-General's Office

(parliamentary paper no. 175, session 2014–16);
and

- (c) at the following maximum fixed fee levels of remuneration:
- (i) \$33 000 plus GST for audit services for the year ended 30 June 2016;
 - (ii) \$33 000 plus GST for audit services for the year ended 30 June 2017; and
 - (iii) \$33 000 plus GST for audit services for the year ended 30 June 2018.
- (2) A message be sent to the Legislative Council requesting their agreement.

Motion agreed to.

BUSINESS OF THE HOUSE

Program

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

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 5.00 p.m. on Thursday, 23 June 2016:

- Crimes Amendment (Sexual Offences) Bill 2016
- Land (Revocation of Reservations — Regional Victoria Land) Bill 2016
- National Parks and Victorian Environmental Assessment Council Acts Amendment Bill 2016
- Primary Industries Legislation Amendment Bill 2016
- Tobacco Amendment Bill 2016
- Victorian Funds Management Corporation Amendment Bill 2016.

It is getting on in the day, and I am sure members are keen to move on to members statements and government business, so I will just make a few brief comments about the government business program that I just moved for the house in seeking the house's support to adopt this and have that work completed by 5.00 p.m. on Thursday.

As members will see, there are six bills listed on the program for this week. In discussions with the manager of opposition business, I have also indicated that we will be hopefully also allowing further time on the take-note motion on the 2016–17 budget papers, because I appreciate there are still members who are very keen — and it is not surprising that they are keen — to make contributions on what is a very strong budget from the Andrews Labor government.

Given that workload for the Parliament this week — six bills plus still a significant motion regarding the budget — there may need to be some cooperation, as I am sure there always is, between the whips to manage the speaking lists so that we can get through the program but also give members who wish to have a bit of a go at speaking on the bills the opportunity to do so. With those few comments, I commend the motion to the house.

Mr CLARK (Box Hill) — This is a program for the final week of the autumn sittings. It reflects a government that is in disarray. The government has been unable to organise its program for the autumn sittings and is now seeking to rush through a large number of complex bills that ought to receive detailed and careful attention in this house but for which there is not going to be sufficient time. On top of that the government wants to bring back on again debate on the take-note motion on the budget papers. Clearly it is a budget on which the government has very little enthusiasm for debate given it is being brought on again and off again seemingly on a whim. The net outcome is a program that is going to result in this house being unable to give to very substantial bills the attention that the community would expect of it.

The Crimes Amendment (Sexual Offences) Bill 2016 makes a wide range of very complex changes to the law relating to sexual offences. We all hope that those changes will improve the legislation to hold perpetrators to account, but as with all this legislation it is important to get it right, and if insufficient time is given to the bill, that will not be the case. Yet again this is a bill that ought to be considered in detail in this house, where both the Attorney-General and the shadow Attorney-General are based.

Yet again we have had no indication from the government that it intends to honour its election promise to make consideration in detail a standard part of debate on bills in this house. Without that careful consideration in this house, either it will fall to the Legislative Council to do the work that should be done here or this bill will not get the scrutiny that it deserves in order to avoid the creation of loopholes that may allow offenders to get away with what should be crimes for which they are convicted and incur substantial punishment.

The Land (Revocation of Reservations — Regional Victoria Land) Bill 2016 is a bill that deals with parcels of land across Victoria, and each and every one of those deserves careful consideration to make sure that what is being done is appropriate.

The Primary Industries Legislation Amendment Bill 2016 is a complex bill. I understand it deals with six distinct areas or pieces of legislation. Again it is one that ought to be examined carefully in a consideration-in-detail stage to make sure that it will operate effectively and that Victoria's primary industries will not suffer as a result of this legislation not being properly prepared.

The Tobacco Amendment Bill 2016 deals with a range of changes to the law relating to tobacco products. Indeed there is a great deal of community controversy, debate and scientific uncertainty over the issue of e-cigarettes, and I expect many members would want to make contributions on that topic, but again that may well not be possible.

Last, but certainly not least, the Victorian Funds Management Corporation Amendment Bill 2016 goes to the heart of the governance of an entity which manages hundreds of millions, indeed billions, of dollars of public assets. We saw abuses within that organisation during the term of the previous Labor government. It is going to be important to examine the measures in this bill to determine what is at risk and what exposure is being created by this legislation and to do everything that this house and the Parliament are capable of doing to ensure that there is proper governance of the Victorian Funds Management Corporation and that the community's interest in having public funds well managed is being satisfied.

In short, this is a government that is divided within itself. It is preoccupied with other issues and in chaos and disarray, and the smooth running of this house is suffering as a consequence. We are being asked to help the government overcome its inability to manage its legislative program during the course of the autumn sitting weeks. As a result, the legislation that the government wants to push through the house this week will not be able to be properly examined, and the community will be poorer as a result. Therefore the opposition opposes this business program.

Mr McGuire (Broadmeadows) — This is a strong government business program to wrap up an important session of the Parliament, and it goes to the proposition of six bills. We also have a take-note motion on the budget, and opposition members have been crying out for more time to actually address their critique of the budget, which has been one of the most widely acclaimed in living memory and has really set up the Andrews government in its first term. It is a budget which will help redefine the world's most livable city. It will re-envision Victoria. Despite the objections from those opposite — and we know that their major

criticisms have been about the capability of this government in its delivering on its promises — that is what this government is getting on and doing.

I reject the proposition that has been put forward that there is too much to do. We are a hardworking government. We get on with it, and there are other bills of significance that we should not be waiting for. We need to get them implemented as soon as possible, and I particularly refer to the one being brought by the Attorney-General, the Crimes Amendment (Sexual Offences) Bill 2016. This bill continues the government's commitment to strengthen Victoria's criminal laws to respond to the sexual abuse of children and other vulnerable people by making our laws clearer and more effective, and this includes the 'safe in our homes' commitment to protecting children from sexual abuse and predatory behaviour. I reach out to the other side of the house and say we should have bipartisanship on this proposition. We should not delay. This is a matter of urgency, and it is clearly in the public interest.

The bill contains more than 50 offences that will modernise and simplify a range of sexual offences, including sexual offences against children, child pornography offences and sexual offences against persons with a cognitive impairment or mental illness. Victoria Police has been closely consulted, and it supports the bill. I would think that to ensure community safety, extending the bipartisanship that we have had across this Parliament and the previous Parliament is clearly of urgency and importance, and I commend the Attorney-General for bringing this bill to the house.

The other bills that have been raised include the Primary Industries Legislation Amendment Bill 2016. This bill will help rural and regional Victoria. We can deal with the complexities of the bill. I do not see why members opposite would want to keep trying to defer or delay an issue as significant as that involved in this legislation.

Similarly with the Victorian Funds Management Corporation Amendment Bill 2016, we on this side of the house can deal with complexity. I think it is a shallow argument that has been put up by those opposite, and a spurious argument in fact. This is an opportunity now to round off the session and to give opposition members or other members across the political spectrum the chance to make their final assessments on the budget. I think this is eminently doable within the time that we have, and I am disappointed that opposition members want to be obstructionist in this. I hope that they can take a vote and realise they will lose it, and then we can get on with

government business because that is what this government is doing. It is delivering in the best interests of Victorian taxpayers, and that is what the community wants us to do. On that basis, I commend the government business program to the house.

Ms STALEY (Ripon) — I would like to speak on the government business program today, and I begin by thanking the member for Broadmeadows for injecting some levity into the conversation by suggesting that the budget was the most widely acclaimed in living memory. That gave us a good belly laugh on this side of house.

There are six bills proposed for this week, which, as has been noted, is the last week before the winter break. This government, desperate to get anything going, has slammed on six bills in this last week, and then we had the Leader of the House say to us that in addition it wants us to collapse the speakers lists as well to rush through these bills. I would have thought that if that were the case, we would be extending the sitting week. We have six important bills, and the member for Broadmeadows has explained to us why the government believes they are so important, but we also have the Leader of the House saying, ‘Well we don’t really need to debate them. We should get agreement from the opposition to collapse the speakers list’. Those two things do not add up. The clear way to go would be to extend the sitting week if these bills are what the government is on one hand saying they are, but on the other hand it seems to suggest they are not.

I particularly refer to a couple bills. One is the Victorian Funds Management Corporation Amendment Bill 2016. This is a highly technical bill. I was fortunate enough to go to the briefing that was provided for the opposition on the bill, and in that briefing a number of quite legitimate questions were asked. The government could not answer them because they were technical, and the government indicated it would have to get back to the opposition with answers. It seems to me that this bill would be an ideal candidate for consideration in detail, but again that is not being offered.

I note that the Attorney-General is in the house. He would be cognisant of some remarks he made in October 2014 about the whole idea of consideration in detail. In a media release, Labor, then in opposition, said it would make the consideration-in-detail stage a standard feature for the passage of bills in the Legislative Assembly, as the committee stage is in the Legislative Council. That media release indicated that Labor would give consideration to the creation of a Legislative Assembly committee room for the purpose of the detailed consideration of bills. The media release

includes a quote attributable to the now Attorney-General, which is that:

The Parliament should be home to democracy and honesty ...

We are not seeing a lot of that, are we? Once again this week there will be no consideration-in-detail stage. This is my first term in this place, and I think we have done consideration in detail once.

Mr Katos — Twice.

Ms STALEY — Twice, the member for South Barwon tells me. I am happy to be corrected. It is certainly not our second sitting week. We have had consideration-in-detail stages for only two of all the bills we have seen. I do not see that there has been much of a commitment to democracy and honesty from members opposite, who have clearly broken their election promise. Twice in all this time is certainly not a standard feature.

Given that six bills will be brought before the house this week, and even though the government has suggested it is going to collapse its speakers list, I do wonder how many additions Labor members will make to their ‘proud’ tally. I have had a look at how often in this place Labor members have said that they are proud of their legislation. To date under this government, the word ‘proud’ has been used 5633 times. Labor members are all very, very proud. The Premier has been proud 255 times, but the member for Oakleigh beats the Premier — he has been proud 354 times. The member for Niddrie has been proud 273 times; the member for Dandenong, 259 times; right down to the member for Macedon, who has been proud 228 times. However, Labor members in the Assembly are well, well behind Minister Mikakos in the other place, who has used the word ‘proud’ 469 times. What I would say to those opposite is that pride comes before a fall.

Ms WARD (Eltham) — I have to say it is very pleasing to see that the opposition is well aware of exactly how proud we are on this side of the house of how well this government is performing and of how hard the government is working. I find it astonishing that those opposite are whingeing, wailing and plaintively moaning over the fact that they will have to roll up their sleeves and get down and do some work this week. How shocking! This is a place of work. Just as we are the party of workers, we are the people who want to get down and do some work.

I understand that this week there will not be any coalition members sitting in the Speaker’s chair. There will be no acting speakers from among those opposite, so I am sure that members opposite will actually be

able to get down in their offices, go through these six bills and work out exactly what it is they feel about these six bills and what it is they want to say.

I found it interesting that the member for Ripon talked about going to a bill briefing provided for the opposition at which the opposition had questions that could not be answered. Perhaps that just shows the lack of work that was done by the opposition's shadow minister in not understanding the bill.

Ms Staley — On a point of order, Deputy Speaker, the member for Eltham has either misheard or misrepresented me. I went to a briefing provided by the government.

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

Ms WARD — There is a good opportunity this week for those opposite to get down and do some work, just as this government is doing. We have seen time and again when the government has presented bills in this house that members on this side of the house have debated them, have stood up and spoken about them, and yet we have had a lack of speakers from the other side. There is a great deal of legislation that goes through this place that those opposite do not speak on or that few coalition members speak on; there will be only three or four speakers if we are lucky. When members opposite start whingeing and whining about having six bills to discuss, six bills to debate, six bills to understand, they really need to get down and do some work and stop being a lazy opposition, unless that is exactly what they like being — they must like being in opposition because they are certainly not working hard enough to be in government.

Mr KATOS (South Barwon) — I rise to make a contribution to the debate on the government business program for this week. I would like to thank the member for Broadmeadows for his comments earlier about the recent budget being the most widely acclaimed budget in living memory. Perhaps the member for Broadmeadows would like to come down to the fine electorate of South Barwon and repeat those comments. We missed out on a lot of stuff in South Barwon. We hardly got anything.

As the member for Ripon said, there are six bills up for debate this week and there is the take-note motion on the budget. The budget is something that members on this side of the house would certainly like to debate more fulsomely. In fact each member of this house should be entitled to make a contribution on the budget

as the appropriation bill is one of the most important bills that comes through this place.

The consideration-in-detail stage is something in relation to which this government made a commitment when in opposition, prior to the last election. It is certainly not happening. The only two bills that have gone to the consideration-in-detail stage in this place have been the alpine grazing bill and the move-on laws bill. Those are the only two bills that have gone into consideration in detail, so there has been a breaking of a promise there.

As the member for Box Hill said, there are bills here that are actually quite complex and that need to be debated. Basically the government is saying that it has not been able to get its legislative program in order, so it is seeking the opposition's cooperation to get its bills through and to have a debate.

The government would not have plonked six bills down in the last sitting week and had the budget take-note motion sitting here if it had managed its legislative program properly. Even this morning there were no new bills introduced for the next sitting week, which will be in seven weeks time. There was no new legislation brought in this morning to be first read. I do not know what is going to come tomorrow or the next day. If there are no bills first read tomorrow, there will be nothing coming up.

With that, the opposition feels there is not sufficient time to debate these six bills in the proper manner, particularly around the budget. As I said earlier, every member in this place should be entitled to their full 15 minutes to stand and debate and give their views on the budget from their perspective and their electorate's perspective. With that, as I said, the opposition will oppose the government business program.

House divided on motion:

Ayes, 47

Allan, Ms	Knight, Ms
Andrews, Mr	Lim, Mr
Blandthorn, Ms	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Carroll, Mr	Neville, Ms
Couzens, Ms	Noonan, Mr
D'Ambrosio, Ms	Pakula, Mr
Dimopoulos, Mr	Pallas, Mr
Donnellan, Mr	Pearson, Mr
Edbrooke, Mr	Richardson, Mr
Edwards, Ms	Richardson, Ms
Eren, Mr	Sandell, Ms
Foley, Mr	Scott, Mr
Garrett, Ms	Sheed, Ms
Graley, Ms	Spence, Ms

Green, Ms
Halfpenny, Ms
Hennessy, Ms
Hibbins, Mr
Howard, Mr
Hutchins, Ms
Kairouz, Ms
Kilkenny, Ms

Staikos, Mr
Suleyman, Ms
Thomas, Ms
Thomson, Ms
Ward, Ms
Williams, Ms
Wynne, Mr

Noes, 36

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
McCurdy, Mr
McLeish, Ms

Morris, Mr
Northe, Mr
O'Brien, Mr D.
O'Brien, Mr M.
Paynter, Mr
Pesutto, Mr
Riordan, Mr
Ryall, Ms
Ryan, Ms
Smith, Mr R.
Smith, Mr T.
Southwick, Mr
Staley, Ms
Tilley, Mr
Victoria, Ms
Walsh, Mr
Watt, Mr
Wells, Mr

Motion agreed to.

MEMBERS STATEMENTS

Blackburn level crossing

Mr CLARK (Box Hill) — The Blackburn level crossing project continues to be appallingly mishandled by the Andrews government, which is still refusing to widen Blackburn station's narrow, cramped subway, a vital once-in-a-generation opportunity to get it right for the future. The government has also committed to a southern bike path route, despite huge unresolved problems, while refusing to properly consider the community's alternative northern route proposal.

A long stretch of trees and shrubs along South Parade has been cut down without warning or consultation, with the magnificent trees near and west of the subway entrance feared to go as well. Decades old trees in Morton Park have been chainsawed, with many more trees east of these also to go, and there are still no answers about the future of Elmore Walk. It can be unavoidable to remove some trees so important community projects can proceed, but it is hard to see why so many trees and shrubs are being removed here, with estimates of up to 450 trees to be lost from Blackburn's much-loved tree canopy.

Residents have lost all confidence in the Level Crossing Removal Authority (LXRA) after repeated contradictions, lack of information and inability to get

straight answers. Hundreds of residents have signed petitions and gathered to protest, and the government needs to take notice and listen. The Minister for Planning needs to visit this project to see how having a wide modern subway is integral to good urban design; the Minister for Public Transport needs to visit and see the devastation being caused by her LXRA; and the Minister for Roads and Road Safety needs to visit and talk to locals about the best bike path route. This project was fully funded by the Napthine government in 2014 and should be implemented carefully, sensitively and with proper urban design that will provide lasting benefits instead of a cheap and nasty job by the Andrews Labor government.

Simonds Stadium

Mr EREN (Minister for Tourism and Major Events) — Last week I joined with the member for Geelong to announce that Geelong will host another sporting blockbuster when the Union of European Football Associations Champions League finalist Atlético Madrid takes on Melbourne Victory next month. The Spanish heavyweight club will meet Victoria's A-League champions at Simonds Stadium at 2.00 p.m. on 31 July. It is another addition to Simonds Stadium's growing calendar of world-class premium sporting events.

The Andrews Labor government is getting on with the job of delivering a \$75 million upgrade of Simonds Stadium, which will lift its capacity to 36 000. This means bigger AFL blockbusters and more events like Big Bash Cricket, A-League soccer matches and more; and that means jobs for locals and a boost to the Geelong economy. The biggest and best events in Geelong attract visitors in their thousands, giving tourism operators and other small businesses new opportunities to grow. I encourage all of those who are able to come along to do so and enjoy what I am sure will be a remarkable event. Tickets are on sale at www.ticketek.com.au.

National broadband network

Mr EREN — On another matter, I would like to applaud my federal Labor colleagues, the Honourable Richard Marles, federal member for Corio, and the Labor candidate for Corangamite, Libby Coker, for their efforts in last week's announcement that more than 75 000 homes and businesses across the Geelong region will have access to the national broadband network (NBN). This announcement will see homes in suburbs of my electorate such as Bell Park, Bell Post Hill, Corio, Drumcondra, Hamlyn Heights, Lara, Lovely Banks, Norlane, North Geelong, North Shore

and Rippleside, as well as homes in many other suburbs in Geelong, finally being connected to the NBN under the plan. Malcolm Turnbull and the Liberal government's second-rate copper to the home initiative is not what people in my electorate or the rest of Geelong deserve.

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

Safe Schools program

Mr McCURDY (Ovens Valley) — The Nationals will remove the Premier and Roz Ward's politicised Safe Schools program and replace it with an initiative that sends a strong message of mutual respect and anti-bullying. We will put the safety of all Victorian children first with genuine anti-bullying procedures that provide healthy learning environments for our kids. Our schools should have a zero tolerance approach to bullying of anyone over things like race, gender, religion, sexuality or appearance. Despite its name, the Premier's Safe Schools program is not about making schools safer for students. Safe Schools is not a broad anti-bullying program that encourages our children to respect others no matter what their circumstances. The government's program is about pushing one person's radical Marxist ideology onto other people's children. The Nationals will ensure that our children are educated in a safe, inclusive and age-appropriate environment for learning.

Country Fire Authority enterprise bargaining agreement

Mr McCURDY — Today I speak on behalf of the 100-plus Country Fire Authority (CFA) volunteers who converged on the streets of Wangaratta on Saturday to share their concerns and fears about how they will be impacted by the new enterprise bargaining agreement. These volunteers are the backbone of our regional communities, and they are fully committed to serving the community alongside paid firefighters. When fire strikes, they stop what they are doing and join the crew. If we let the Premier go ahead with this deal, we will be jeopardising regional communities and putting them at risk when fire strikes. The large turnout of CFA volunteers from all over the Ovens Valley walked the streets of Wangaratta encouraging business to support their position.

Instead of declaring war on the CFA, Daniel Andrews should consider meeting with CFA volunteers and listening rather than ramming through his agenda that does not protect the rights of our CFA volunteers. The State Emergency Service should watch out because it

could be next. I therefore invite the Premier to attend a meeting with experienced and select rural and regional CFA volunteers in Wangaratta to discuss their concerns about their future.

The DEPUTY SPEAKER — Order! Before I call the honourable member for Eltham, even in 90-second statements honourable members should be calling other honourable members by their proper titles. I ask honourable members to keep that in mind, otherwise I will stop them midstream.

Eltham Lacrosse Club

Ms WARD (Eltham) — I congratulate Eltham Lacrosse Club players for their important contribution to Victoria breaking its four-year national championship drought recently. The exceptional skills of five Eltham players and one of our specialist coaches were fundamental to the team's success. The Eltham players included Caleb Hall, who was also named co-captain; Keith Nyberg, Eltham Lacrosse's vice-president; Jason Brammall; and Chris Moffat, the A-grade women's coach who went on to be selected in the all-stars team, a terrific achievement. Eltham was also represented by Tim Ratje, the under-17s coach, and Aaron Sargeant, who was a club referee on the coaching bench.

Eltham Lacrosse Club is a fantastic example of the excellent sporting prowess of my constituents. This is a family-focused club which has a long history of not only success but also fair play and community engagement. The Minister for Sport says that Melbourne is the sporting capital of Australia. Well, I tell the minister that Eltham electoral district is the sporting capital of Victoria.

Eltham schools arts project

Ms WARD — Last week I opened a colourful, vibrant and engaging collaborative project in Eltham. Thanks to the state government and \$25 000 from the graffiti prevention grants, artists Matt Blackwood, Rich Neville and Csilla Csongvay were able to lead a team of Victorian certificate of applied learning students from Eltham High School and Diamond Valley College to create a significant piece of local art. I invite everyone in this place to see this fantastic work, including Matt Blackwood's ingenious invention of the Wordicus. Eltham is truly an arts hub. We have fantastic relationship building going on between our communities, and it is wonderful to see this being demonstrated in such a vibrant way.

Canterbury–Bedford roads, Heathmont

Ms VICTORIA (Bayswater) — After unbelievably being told by the state Labor Minister for Roads and Road Safety that the intersection where I amongst others was nearly hit whilst crossing was not dangerous or a priority, common sense has finally prevailed. But it is not the Andrews Labor government that has come to Heathmont's rescue; it is Michael Sukkar, the Liberal federal member for Deakin. A re-elected Turnbull government will ensure that pedestrians and motorists alike will no longer have to take their lives in their hands when using the intersection of Canterbury and Bedford roads. Thanks, Michael.

Twentysixteen

Ms VICTORIA — The former coalition government invested heavily in a new practice space and home for Circus Oz, and their new show, *Twentysixteen*, speaks volumes about just how beneficial the move has been. Congratulations to all the performers and supporting crew who gave us the best Circus Oz show yet.

The Honey Bees

Ms VICTORIA — A performance that moves the audience and truly takes them on a journey is only possible when the writing and performances by the actors are flawless. Last week I had the distinct pleasure of being part of such a journey. Red Stitch Actors Theatre put on *The Honey Bees*, Caleb Lewis's extraordinary observation of human nature and the manipulation and deception we can be driven to out of a need for stability and belonging. It plays until mid-July, and I hope the show enjoys full houses every night.

Australian Jazz Museum

Ms VICTORIA — Australian jazz has a truly bright future if the young people who have just finished the Australian Jazz Museum's improvisation for under-25s course are anything to go by. Congratulations to Marina, Graeme, Brian and all the others who spend their Saturdays ensuring our stars of tomorrow are given every chance to shine.

Family violence

Ms COUZENS (Geelong) — Last week it was a pleasure to have the Minister for Families and Children visit Geelong to announce the risk assessment management panel (RAMP) program at Bethany Community Support. The RAMP brings together key agencies to improve the safety of women and children

at the highest risk of family violence through the sharing of critical information to facilitate comprehensive risk assessments and the development of coordinated action plans to reduce the risk posed by perpetrators and to hold them to account for their violence.

The Royal Commission into Family Violence recommended the rollout of the RAMPs as a priority. Across Victoria, 18 RAMPs will be put in place to meet once a month to share information and take action to keep women and children at the highest risk of family violence as safe as possible. Bethany is one of the two demonstration projects funded since 2011. It is very proud of the work it has done in Geelong and has been a key player in identifying the best possible outcomes and the best way to roll out the RAMPs to the rest of the state.

The funding for 17 RAMP coordinators is divided across a total of 18 RAMPs statewide. I am proud to be a part of the Andrews Labor government, which is acting on the recommendations of the Royal Commission into Family Violence. The RAMP plays a significant role in our community, and I thank the Minister for Families and Children for her commitment to protect women and children.

This Friday I will be holding my third family violence forum in Geelong with the Minister for the Prevention of Family Violence. The aim of this forum is to now consider how the recommendations from the royal commission can be rolled out in Geelong.

Country Fire Authority enterprise bargaining agreement

Ms RYALL (Ringwood) — A note to the Premier of Victoria: you do not appoint women to make yourself look good. The Premier's bullying of women in senior leadership roles is nothing short of disgraceful. This is a Premier who boasts of being pro-women, yet the moment they exercise their knowledge, their skills and their principles and integrity, he cuts them down. He is not pro-women; he is a bully.

And we are not just talking about the bullying and forcing out of Lucinda Nolan, now former CEO of the Country Fire Authority (CFA), who has proven leadership skills in the large and complex emergency sector. She has 30 years of policing under her belt and, as former deputy commissioner of police for regional operations, understands the needs of emergency services for regional areas. Appointed in September 2015, only nine months later she has been forced out by

a Premier and his deputy, the now Minister for Emergency Services.

That leads us to the former emergency services minister — also forced out by the Premier and his deputy. Why? For doing her job. And then there is the board — the so-called independent board — of the CFA, the board that this Premier and his deputy sacked during their press conference announcing the appointment of their new board of ‘yes’ people. Why were they sacked? Because they refused to break the law and because they had a fiduciary responsibility to act in the sole interest of the CFA, not the Premier.

This is a Premier and this is a deputy whose first choice is to bully women out of their roles and put their IOU to their union mate, Peter Marshall, before the good governance and interests of a vital volunteer organisation.

Refugee Week

Mr HOWARD (Buninyong) — Yesterday I attended a flag-raising ceremony and civic reception to launch Refugee Week in Ballarat. Refugee Week is an opportunity to celebrate the contribution refugees make to our community when we hear their stories and learn about the culture of our newest arrivals and the rich diversity they bring to our community.

At yesterday’s flag raising we heard from Sadiki Mukasa, who had left the Congo in a war-torn situation when his family was broken up. Fortunately the family was able to come together again in a refugee camp in Rwanda, where they spent four years, before they were advised that they were accepted to be able to travel to and live in Australia. Sadiki said that he was very pleased to come to Australia but particularly pleased when he came to Ballarat, of which he said, ‘I finally feel I have a home here in Ballarat’.

The theme of Refugee Week this year is ‘With courage let us all combine’ — a phrase that will be familiar to those who know the second verse of our national anthem, which says:

For those who’ve come across the seas
We’ve boundless plains to share
With courage let us all combine
To advance Australia fair

Of course these words are not only important to our nation but they also have significance to our community in Ballarat. It is great to see us coming together on occasions like this, hearing from our refugees, welcoming them and saying those words to

ensure that they know they have a new life to share in our community.

Great Forest National Park

Ms SANDELL (Melbourne) — Today I rise to speak about the urgency of creating the Great Forest National Park in Victoria. More than 10 years ago I first learnt that just to the east of Melbourne lie some of the most beautiful forests in the world. They are home to some wonderful and rare animals, such as the critically endangered Leadbeater’s possum, which can fit in the palm of an adult hand. But at the same time I learnt that instead of protecting these forests, we slash, log and burn them — and we do this just to make cheap woodchips and paper.

To make this ridiculous situation even more absurd, Victorian taxpayers actually pay to destroy these forests with subsidies to the forestry industry, which could not survive on its own. These forests are worth so much more to Victoria. They purify Melbourne’s water supply. They store more carbon than any other forest that has ever been studied in the world.

The good news is: there is a better way. We can move our paper and woodchip needs to plantations which already exist across Victoria. We can protect these forests and create a new national park, the Great Forest National Park, and create a new tourist attraction and new jobs while we are at it. Please, Premier, Victoria needs the Great Forest National Park.

Refugee Week

Ms WILLIAMS (Dandenong) — This week is Refugee Week, an opportunity to celebrate the positive contributions refugees have made to Australian society. As I have said many times in this place, Dandenong is the most multicultural electorate in Victoria, and it has a significant refugee population. These are people who have fled war and persecution and have travelled great distances, often in trying circumstances, to call Australia home.

I want to reflect on a few of my friends who have come to Australia as refugees. First I wish to mention Barat Ali Batoor, a Walkley award-winning photojournalist and a wonderful human being. His work has been published in newspapers and magazines, both locally and internationally, and he has exhibited in galleries around the world. Batoor is an active member of my community and works exceptionally hard to make the most of every opportunity. He also dedicates significant time to helping others find success.

I also want to pay tribute to my friend Abdullah Neshat, who came to Australia by boat and assisted the Australian government as an interpreter. Abdullah is lucky to be alive after the boat he was on exploded in the water. He still bears the scars of this journey. He now lives in Dandenong with his wife and baby son. He has owned a local business and is passionate about his community, both the Hazara community and the Dandenong community.

Finally, Mohammed Ali Baqiri, who came to Australia as a child and was held in detention for a number of years, is now a prominent advocate against detaining children in immigration detention. He is a remarkable young man. There are so many others I could mention. Each of them has bought something truly special to our community. In Dandenong we celebrate our diversity each and every day. This week the nation celebrates with us.

Country Fire Authority enterprise bargaining agreement

Mr T. BULL (Gippsland East) — I wish to thank all of the Country Fire Authority (CFA) volunteers who have contacted my office over recent weeks with their concerns. I have heard some comments by some of those sitting opposite that this is all a beat-up. It must be remembered who these concerns have been driven by. They have been driven by the government's own former minister, the CFA CEO the government appointed, the CFA board and others like Jack Rush, QC. It is so much more than just a beat-up, and I call on this government to respect the CFA volunteers and not accept this enterprise bargaining agreement.

National disability insurance scheme

Mr T. BULL — With the imminent rollout of the national disability scheme (NDIS), there remains a great deal of confusion among potential recipients and service providers. I was recently advised only 12 information sessions have been held statewide, and I have had service providers, clients and even Department of Health and Human Services staff say there remains uncertainty in a lot of areas. The minister has also been unable to provide me with a guarantee that clients will not be forced to travel more than 100 kilometres to an information session. We also have people who have been approved for individual support packages waiting until their geographical rollout times, and in some cases it is years because this government chose not to roll out the NDIS to all those on the current waiting list first, as the coalition promised to do.

Safe Schools program

Mr T. BULL — I am supportive of the state coalition's announcement last week that it will scrap the Safe Schools program in its current form and replace it with a broader anti-bullying program. Our schools should have a zero tolerance approach to the bullying of anyone over things like race, gender, religion, sexuality or appearance. What we need is genuine anti-bullying programs for students without a fringe ideological agenda.

Orlando shootings

Ms THOMAS (Macedon) — On Sunday in Daylesford I attended a vigil for the victims of the Orlando shootings. This was a sombre occasion, and I was pleased to be able to add my voice of condolence and solidarity. Around 150 people gathered on the lawn outside the Daylesford Hotel to reflect on the tragedy in Florida and to reassure our own LGBTI community that we stand with them against hatred, prejudice and senseless violence. I would like to thank ChillOut and the Daylesford Hotel for organising this important event.

Thalia Salt

Ms THOMAS — On Wednesday, 15 June, I met an incredible young girl, Thalia Salt, at the launch of MOVE Muscle, Bone & Joint Health, the new name for Arthritis and Osteoporosis Victoria. Thalia is 11 and has lived with juvenile arthritis since she was 10 months old. A student at Riddells Creek Primary School, Thalia organised a fundraising cake stall at the Riddells Creek farmers market for MOVE and to let people know that kids get arthritis too and that it can affect them in many ways.

Juvenile arthritis affects 1 in every 1000 children, even babies. It causes joint swelling, severe pain, stiffness and immobility and can affect not only the joints but the skin and eyes. While treatment can alleviate the symptoms, there is no cure. Last year Thalia received the Margaret Strang Award from MOVE for outstanding personal achievement in the face of difficulty. This is one very impressive young girl in my electorate, and I am very proud of her. Well done, Thalia.

Country Fire Authority enterprise bargaining agreement

Ms STALEY (Ripon) — Since the last sitting week I have been privileged to join hundreds of Country Fire Authority (CFA) volunteers across the Ripon electorate

as they say loudly, and with one voice, #handsofftheCFA. Fire brigades have a long, proud and important history across Ripon. Recently, I attended and spoke at the 150th anniversary dinner of the Stawell fire brigade. The combined firefighting experience in the room that evening must have topped 1000 person years, and the brigade remains strong as it continues to protect the people and property of Stawell. Even in the middle of dinner they were called out to a job. It is never-ending.

Last Friday night was the annual Ararat fire brigade presentation night dinner. This was the second year I have spoken at that event — and a cracker of an evening it was too. I would like to thank the brigade for presenting me with one of their special key rings. Stawell and Ararat were 2 of the 40 local brigades that respectfully let the Premier know #handsofftheCFA when he descended again on Ararat last Wednesday. It was shameful that he was not prepared to meet with the protesters and hear their views.

Then on Saturday I joined the combined Maryborough and Goldfields brigades to march down High Street, Maryborough, in a show of unity against the sacking of the CFA board and the forcing out of the very highly regarded CEO, Lucinda Nolan. Country people are not stupid, I say to the Premier: we know when lies are being told. When the CFA, the 60 000 volunteers, the former minister, ex-CEO Lucinda Nolan, the Supreme Court, the Victorian Equal Opportunity and Human Rights Commission, Jack Rush, QC, and the Premier's own Crown counsel are on the one side, and only the Premier, Bill Shorten and Peter Marshall are on the other, then who is telling the truth?

Western Bulldogs

Ms KNIGHT (Wendouree) — The Western Bulldogs have well and truly made Ballarat their second home, and Ballarat has well and truly welcomed them with open arms. I checked out their new office in Mair Street recently, and it is fabulous — a real presence, and a real commitment to Ballarat and our community. Brett Goodes, Ballarat's fantastic engagement manager, has not wasted any time connecting with our community or in his case reconnecting with his home town. He has quickly become involved, running school activities and attending important events and functions, such as Berry Street's special lunch, which had Rosie Batty as the guest speaker. This shows just how important the issue of prevention of violence against women and children is to him and his team.

I am so excited that the Sons of the West program is now being run in Ballarat. This is the first time the program has been run in a regional setting, and we know that it is important due to its popularity. Close to 90 men attended the first week, with Wendouree seeing close to 40 men attend. The program will run for 10 weeks and cover topics such as nutrition and healthy dietary advice, mental health and resilience, promoting physical exercise, arthritis and osteoporosis, cancer risk and prevention, and importantly, raising awareness of family violence within the community and challenging masculinity — promoting gender equality. Thanks so much to the Western Bulldogs, to David Pickering Gummer and to Brett Goodes for their commitment to Ballarat and for providing their resources to make our community a better place. I look forward to continuing to work with them, and also being a proud Ballarat Bulldogs member.

Evita

Mr PAYNTER (Bass) — I congratulate Wonthaggi Theatrical Group director, Colin Mitchell, and the cast and crew on their sensational stage production of *Evita*. I was incredibly impressed by the professional standard of the production and the star qualities displayed by both the leads and the ensemble when I attended on Friday, 10 June. The orchestra, choreography, costume and set design were first class and the result of a lot of hard work to make sure everything was perfect. Amateur theatre is an incredibly important part of our community as it brings together people young and old both on and off the stage. I look forward to attending next year's production.

Country Fire Authority Wonthaggi brigade

Mr PAYNTER — On Saturday, 18 June, I spent an evening at Wonthaggi Workmen's Club celebrating the achievements of the Wonthaggi Country Fire Authority brigade. Wonthaggi fire brigade has a proud history of firefighting spanning more than 106 years. I extend my congratulations to firefighter Everitt O'Keefe on serving five years; Lieutenant Andrew McCormick, firefighter Rodney Sellings and firefighter Ian Hendry on serving 15 years; Captain Kim O'Connor, firefighter Peter Dell and firefighter Tony O'Connell on serving 25 years; and firefighter Greg Parkes on his service of over 30 years. A huge expression of congratulations to Tony on achieving life membership. These are fantastic achievements of dedicated volunteers in our community in protecting our community.

World Refugee Day

Mr PAYNTER — Yesterday I attended the World Refugee Day lunch at Living Learning Pakenham. World Refugee Day is celebrated worldwide each year. Many residents in the Bass electorate are from refugee backgrounds, and they are prominent in business, government, education, arts and sporting life. I congratulate Living Learning Pakenham, and Glenda George, for organising the event.

Level crossings

Mr DIMOPOULOS (Oakleigh) — I rise to speak about the issue of the dangerous time-wasting level crossings in my community. Lest there be any doubt about how big a problem these level crossings are, I would like to raise a matter on behalf of a resident who wrote to a major Melbourne newspaper:

I would like to call the attention of the railway authorities to the railway crossing ...

The crossing the writer refers to is at Carnegie, and the writer went on to state:

This gate has been a great source of annoyance and trouble to the people of the district ...

Although the council secured some assurances from authorities, the writer stated:

Although it is now three or four months since this promise was made to the council, it is just as difficult to get through this gate as ever it was.

Unfortunately I am unable to communicate with the writer and tell them how the Andrews government is finally fixing the problem. I cannot communicate with the writer, because this letter was written on 6 September 1887. Yes, the level crossings in my community have been an issue for the last 129 years. Melbourne was in its infancy, yet people were already complaining about the level crossings.

Ms Edwards — How many horses were delayed?

Mr DIMOPOULOS — That's right: how many horses were delayed? It has taken until now for this issue to be addressed, 129 years after this complaint. After this being ignored by numerous governments and many hollow promises being made, including by the last coalition government, it is the Andrews Labor government that is getting on with the job of removing this crossing at Carnegie and another eight in the Cranbourne-Pakenham rail corridor.

South West Regional Cancer Centre

Ms BRITNELL (South-West Coast) — This past week I have been reminded of the resilience and community spirit of the people of my electorate. I have had the pleasure of visiting the soon-to-be-completed South West Regional Cancer Centre in Warrnambool. This impressive new facility highlights perfectly what can be achieved when a community stands together. A Warrnambool woman, Vicki Jellie, set about fulfilling the last wish of her late husband, Peter, so that people in the south-west could have radiation therapy close to home. People in the south-west stood behind her and raised an incredible \$5 million community contribution in just nine months. Now, seven years later, the centre is almost ready to open.

I was proud to call Peter a friend. Even though he died in 2008, his number is still in my phone; I cannot bring myself to delete it. He supported me in my early journey into dairy farming, and I will be forever thankful for his guidance. Now he will continue to give to the community through the passion and dedication of his wife, Vicki, and through the centre fought for in his name. That, coupled with the as usual quick response of Country Fire Authority volunteers to come together and march loudly in Warrnambool in disgust at the enterprise bargaining agreement that those opposite are steamrolling through, again reminded me why I am so proud to represent South-West Coast. For decades through times of need people in the country community have stood together. Be it during times of drought or fire or to help when a death occurs on a neighbouring farm, they have backed each other, and nothing this Labor government will do will ever stop that.

St Albans Primary School and Jackson School

Ms SULEYMAN (St Albans) — On 10 June I was delighted to visit St Albans Primary School and Jackson School in St Albans to announce the appointment of architects for their new outdoor sensory learning spaces. Both schools received funding under the Andrews Labor government's \$20 million Inclusive Schools Fund to upgrade facilities to support students with disabilities to better participate and engage with learning at their schools. I was fortunate enough to see firsthand the benefits that these projects will have for students at both schools. I would like to commend the principal of Jackson School, Joan O'Connor-Cox, and the principal of St Albans Primary School, Joanne Richmond, as well as all the teachers and support staff for their fantastic dedication and commitment to all students.

Acacia Children's Centre

Ms SULEYMAN — On another matter, on 17 June I had the great pleasure of officially opening the new Acacia Children's Centre in St Albans on behalf of the Minister for Families and Children. Acacia's humble beginnings were in Richmond, as the first childcare centre for the Indochinese community. Some 35 years later Acacia has a number of childcare centres across Victoria, including the new \$4.5 million development in St Albans, which includes child care, kindergarten programs and community facilities. The centre already has enrolled children from more than 20 culturally diverse backgrounds. I commend Hai Nguyen, the managing director of Acacia Children's Centre, committee members, staff, parents and the original co-founder, who started Acacia 35 years ago, Ms Thuy Tien, for their commitment, volunteering and dedication to early childhood education.

Castlemaine Evening VIEW Club

Ms EDWARDS (Bendigo West) — I was thrilled to join members of the Castlemaine Evening VIEW Club at the historic Five Flags Hotel in Campbells Creek on Saturday as they celebrated the club's 20th anniversary. The Castlemaine Evening VIEW Club is one of 350 clubs in metropolitan, regional and rural communities across Australia. VIEW, which stands for the voice, interests and education of women, is one of Australia's leading women's volunteer organisations. VIEW club members actively contribute to building stronger communities, and the club offers a friendship network for its members, providing a sense of purpose through supporting the education of disadvantaged children. VIEW also empowers women to have their voices heard on issues of importance. Members present, debate and vote on issues of national importance to women and their communities. VIEW is also the only national women's organisation solely focused on supporting and advocating for the education of young people in need.

Clubs like the Castlemaine Evening VIEW Club do not run successfully without the dedication and donation of time and energy of their volunteer members. This club has supported the Smith Family, Australia's largest national education charity, through the Learning for Life program for 20 years and through practical support through fundraising and through donations of goods. Currently the Castlemaine Evening VIEW Club sponsors two local students through the Learning for Life program.

To all the members of the Castlemaine Evening VIEW Club I say congratulations and a huge thankyou for the

work they do in our community. I know there is enormous fun and laughter at VIEW club meetings, and lunch on Saturday was no exception. When you put over 100 women in a local pub together, there is bound to be some fun. Happy 20th anniversary to the Castlemaine Evening VIEW Club members.

Northern Hospital

Mr McGUIRE (Broadmeadows) — The Andrews Labor government is investing almost \$50 million in improving hospital and health care vital for Melbourne's north and the highest amount in Broadmeadows for decades. I was delighted to recently open the almost \$30 million inpatient unit at Northern Hospital, which I am thankful to say is already treating patients. Together with the Broadmeadows day surgery centre, which will open next year, it will have a significant impact on cutting hospital waiting lists. The Tower, as it is called, at the Northern Hospital includes 32 new inpatient beds, support areas and links to existing hospital and associated infrastructure. These are better facilities for patients and staff. Stage 1 has been built in a way to help futureproof the second stage that we are hoping to get, which will be built directly on top of stage 1.

This is a really important development for the Northern Hospital and the people of Melbourne's rapidly growing northern suburbs in the areas of Banyule, Darebin, Hume, Nillumbik, Whittlesea and Moreland. The population of these areas is expected to grow by 64 per cent in only 15 years. That is an additional 130 000 people. This is a huge increase in demand, and the Victorian government understands how important it is to build this infrastructure that has been denied so long in the past.

Country Women's Association of Victoria

Mr WATT (Burwood) — On 18 June I attended the Country Women's Association of Victoria Burwood branch open day. Thank you to the ladies for the great day, for the great Devonshire tea and also for the refresher course in crocheting. I look forward to wearing my wristband.

VICTORIAN FUNDS MANAGEMENT CORPORATION AMENDMENT BILL 2016

Second reading

Debate resumed from 13 April; motion of Mr PALLAS (Treasurer).

Mr M. O'BRIEN (Malvern) — I am pleased to rise to speak on the Victorian Funds Management Corporation Amendment Bill 2016. The purpose of this bill is to amend the Victorian Funds Management Corporation Act 1994 and the Borrowing and Investment Powers Act 1987 to make further provision regarding the powers and procedures of the Victorian Funds Management Corporation (VFMC). The VFMC is a very important body in terms of the state. It is the required investment body for a number of state government departments, agencies and institutions. It is also used voluntarily by some other state instrumentalities. So from that point of view it is very important that the corporate governance arrangements regarding the VFMC are beyond reproach.

This bill seeks to make a number of technical changes and to amend definitions in relation to investment and other functions and powers of the VFMC. It also seeks to some extent to modernise corporate governance arrangements around the VFMC, such as, for example, by permitting the operation of the board through meetings at which members are not physically present — that is, with the use of telecommunications and other modern technology to be able to conduct board meetings without all of the directors being in the one room.

As at 30 June 2015 the VFMC had investments under management of approximately \$50.9 billion — the source of that is the VFMC 2014–15 annual report. Any organisation that has \$51 billion under management is one which is vital for the operation of the state's financial integrity, and it is important to make sure that the arrangements around that organisation are entirely prudent and appropriate.

Since this government has been elected there have been a number of changes to the board of the VFMC. James MacKenzie was appointed as chairman of the VFMC by the government. That appointment took effect from June 2015. Mr MacKenzie does appear to be the man for all seasons when it comes to this Labor government. When you look at the swag of positions he has been appointed to by the Andrews Labor government you have to ask: is there anything he cannot do? Well, given he was one of the people who signed off on Labor's costings prior to the election, I would have to say one of

the things he cannot do is look with any integrity into Labor's costings and give the public any answers that approximate the truth in any way whatsoever. I think it is very disappointing that Mr MacKenzie, amongst others, put his name and his reputation to signing off on Labor Party costings before that last election, because as time has proven and as we said at the time those costings were rubbish. They were bunkum. They were not worth the paper they were written on, to coin a phrase.

What have we seen? We have seen the Melbourne Metro rail tunnel project, a project which Labor at the election said in its costings, which were signed off by Mr MacKenzie amongst others, was a \$9 billion project. Now apparently it is an \$11 billion project. It is extraordinary that before a single metre of track has been laid a project could blow out from \$9 billion to \$11 billion. But the man who signed off on those costings and said, 'Yes, they're right; yes, they're robust; yes, Victorians should be able to trust Labor when it says "This is the cost of Melbourne Metro"' — the man who has put his name and his reputation to saying, 'Yes, Labor's promises are fully funded and fully costed' and who got it so horribly wrong, with Victorian taxpayers left to pick up the pieces — is the man Labor has put in charge, as chairman, of the Victorian Funds Management Corporation. It is just extraordinary. There is no doubt Mr MacKenzie has significant appointments in his background, but one cannot help but imagine that his signing off on Labor's costings prior to the last election had a little-bit-more-than-coincidental relationship to the number of appointments he has received under this government.

Labor's costings were so horribly wrong. Just this week we have seen another example of that in what was originally called Homesafe, a 24-hour public transport trial on weekends. Labor abandoned the name Homesafe once it had abandoned its promise to have protective services officers on all metropolitan stations right throughout the night. Labor said, 'No, no, sorry; if you're not getting off at a premium station, you're on your own. You can get off at a darkened, unsafe, unstaffed station with no protective services officers there.'. Labor was quite happy to do that, so no wonder it changed the name from Homesafe to whatever it is today. That was a huge cost blowout. That was supposed to be a \$50 million trial, but before the trial had even started it blew out to about \$84 million. Again, these are all costings which Labor had put to the electorate as being fully funded and fully costed. These are all costings to which Mr MacKenzie put his name and his reputation, costings which turned out to be horribly wrong and horribly inaccurate.

You really have to wonder, do you not, how much credibility people have when they put their names to huge cost blowouts for which the Victorian taxpayer has to pick up the pieces? I just note that the appointment of the board of the VFMC is a critical decision, and corporate governance around the board of the VFMC deserves scrutiny; because, let us face it, Labor governments have got form when it comes to the VFMC and the use of its funds to suit their own political purposes.

I refer to an article from the *Age* of 8 January 2014 by Ben Butler and Henrietta Cook, also published in the *Sydney Morning Herald*, which states:

The former Labor government of Victoria used taxpayers money to finance the ongoing ... Royal Children's Hospital redevelopment despite billing it as privately funded, Fairfax Media has learnt.

...

In its annual report, tabled in October, the VFMC revealed that on behalf of its government clients it held debt securities over the hospital project worth \$1.12 billion.

The disclosure contradicts a statement on the Royal Children's Hospital website that the private sector 'will finance' the new hospital building.

The article also says:

The bonds are now under pressure, with ratings agency Standard & Poor's recently downgrading some to 'junk' on fears the hospital will have to slash rents.

Let us just understand what has happened here. The then Labor government, in which the now Premier was the health minister, was trumpeting that the new Royal Children's Hospital (RCH) building was going to be a public-private partnership and that construction was going to be privately financed. What actually happened, what we only found out after that government was defeated and after the VFMC came clean, is that the VFMC — a government agency which holds public funds on behalf of departments, on behalf of government agencies and on behalf of government institutions — invested over a billion dollars of public money in the construction of the Royal Children's in what was supposed to be a privately financed project. It is a complete contradiction of what the Premier told the people of Victoria and this Parliament when he was health minister.

What did former Treasurer John Lenders say when this was brought to his attention? He said, and I quote, 'I have no recollection of the VFMC being involved'.

Mr Angus — Sergeant Schultz.

Mr M. O'BRIEN — The Sergeant Schultz defence, as the member for Forest Hill points out — 'I know nothing — nothing!'. How would a Treasurer of Victoria have no idea where a billion dollars of finance was coming from for the new Royal Children's Hospital building? Well, you have either got a Treasurer who is asleep at the wheel or a Treasurer who is covering up for a dodgy deal whereby the Labor government has had the VFMC invest over a billion dollars in bonds to finance what was supposed to be a privately financed construction of the new Royal Children's Hospital.

But worse still, the government has gone and put public assets, public money and the superannuation funds of public sector workers at risk because those bonds were downgraded to junk status. The government was investing in junk bonds. You would think this was Wall Street and the Premier was Gordon Gecko, trading his junk bonds to susceptible and innocent investors. When you get even public sector unions calling this out, you know you have got a problem.

Here is an article from the *Age* of 10 January 2014 by Henrietta Cook and Ben Butler. It is headed 'Emergency services super fund plundered to pay for hospital upgrade' and states:

The super fund of police, firefighters and ambulance staff was raided to fund the Royal Children's Hospital project, Fairfax Media has learnt.

Money from the Emergency Services Superannuation Scheme formed part of more than \$1 billion the Brumby government pumped into the project, which was billed as privately financed.

In 2007, the government's Victorian Funds Management Corporation lent the money — held on behalf of state sector clients — to the private sector consortium building the hospital.

...

Police Association secretary Greg Davies said state governments should not be raiding the superannuation fund of police.

'This had better not have jeopardised the superannuation future of any police officers or emergency service workers because while they are all worthy projects, they have a budget to operate with'.

Karen Batt will get a kick out of this because I am not used to quoting her in any sort of complimentary terms — but here you go; there is a first time for everything:

The Victorian secretary of the Community and Public Sector Union, Karen Batt, called on Spring Street to return control of ESSSuper's \$19 billion to its board.

'We believe the fiduciary and governance duties of the elected board members are paramount, and they should be making the decisions', she said.

...

In 2008, then health minister Daniel Andrews was asked in Parliament to explain the government's financial contribution towards the construction of the hospital redevelopment.

He replied: 'As a PPP, the government does not directly pay anything during the construction phase'.

It would be a joke if not for the fact that a former Labor government used the VFMC to put at risk over a billion dollars of public sector money, and it did so dishonestly. It was claiming the new RCH was being built with private finances. In fact the government was using VFMC money to fund this project through bonds that were subsequently downgraded to junk bond status. This is the sort of financial shenanigans and misconduct that we have seen from Labor governments in the past — using the VFMC to try to fill its own financial black holes. If we know anything about Labor governments, it is that they cannot manage money and they cannot manage major projects. We have seen that time and time again: desalination, myki, ripping up the east-west link contract, HealthSMART or indeed this raiding of the VFMC to prop up the new Royal Children's Hospital.

We have no objection to the new Royal Children's Hospital — we were very pleased to finish that job and get it opened on our watch — but the government needs to be honest and up-front about where the money is coming from. It should not be claiming that a project of this scale is going to be privately financed when in fact it is raiding the public sector superannuation funds of Victorian public servants — of emergency workers, of policemen and women, of firefighters and others — to get this in place. We take a very careful look at any changes to the VFMC because Labor governments have got form. They have got form when it comes to misusing and abusing the VFMC for their own political purposes.

In relation to the particular changes proposed, there are some which seem reasonable, as I have previously adverted to. We on the opposition side think that changes to provide that board meetings can take place without directors being physically present, so as to allow for teleconferencing, is a sensible reform and one that is reflected in the way a number of other government agencies operate these days.

There are some confusing changes here. I say confusing because when I put these questions in the bill briefing they were taken on notice and the responses we received in writing do not necessarily clarify things. For

example, clause 8 of the bill provides that the Treasurer has the option of appointing a permanent deputy chairperson to the VFMC. At the moment there is an obligation to appoint a deputy chair. What the government wants to do through this bill is make that optional. I am not quite sure why the government believes that it is useful to make it optional. I would have thought that it is good corporate governance practice to have the appointment of a chair and then have the appointment of a deputy chair as well. But for some reason, this Treasurer wants to make it an optional item for him.

We then have other issues. Clause 9 provides that the chairperson may still act as chairperson even if absent from Victoria. That is reasonable, given the proposed capability for meetings to be held via technology. But clause 9 also provides that where a deputy chairperson has been appointed, that person shall act as chairperson in the absence of the chairperson or the inability of the chairperson to act. That is all well and good, but there is some real confusion as to what happens when there may not be a deputy chairperson having been appointed by the Treasurer. For example, the explanatory memorandum to this bill suggests that a deputy chairperson can be appointed by the chairperson or the Treasurer. That is not apparent in the bill because the bill only provides for the Treasurer to be able to appoint a deputy chair, and they are not obliged to do so.

What happens where the Treasurer has elected not to appoint a deputy chair of the VFMC and the chair is not available? The response I received from the government in relation to these matters says:

In reality, only the Treasurer has the power to appoint a 'permanent' deputy chairperson. However, the chairperson, in his/her absence, will typically appoint a 'temporary deputy' to chair a meeting.

There is nothing provided for in the bill for the chairperson to be able to appoint a temporary chair while the chair is absent. In fact, normally it would be the case that the board itself would elect an acting chair while the chair is unavailable and in the absence of a deputy chair having been appointed by the Treasurer. So there is complete confusion in my mind between what is in the bill, what is in the explanatory memorandum and what has been provided to the opposition in response to our questions on notice.

Mr T. Bull — It needs explanation.

Mr M. O'BRIEN — The member for Gippsland East is absolutely right. The government needs to explain this. This is supposed to be a bill to improve corporate governance around an entity which controls

\$51 billion of Victorian taxpayers money and the government cannot even get it right in terms of who appoints an acting chairperson. Is it the Treasurer, is it the chairperson or is it the board? These are actually serious issues. When you have got that much money under management, it is important to know who is actually running the show — and this government clearly has no idea who is running the show.

Mr T. Bull interjected.

Mr M. O'BRIEN — There is one thing, member for Gippsland East, we know about boards under this government — and that is: if they do not do what the Premier wants, they are going to be sacked; they are out the door. Recently we have seen members of a board stand up for what is in their own act of Parliament. We have seen a board stand up to abide by the law and the thanks those board members received from this government was to be sacked for it. That was the fate of the board of the Country Fire Authority in Victoria. Its members knew that what the government was wanting them to do was not only improper but was unlawful. They had a Supreme Court injunction saying that they could not execute an enterprise bargaining agreement. The Supreme Court said, 'You cannot do this'. The board members were faced with the option of agreeing to do something unlawful or being sacked — and the Premier sacked them. The CEO resigned in disgust. The Minister for Emergency Services resigned in disgust.

So when we talk about corporate governance in this bill, it is very important to look at exactly how independent these boards are — because this government has got a track record of bullying board members who will not go along with its political agenda, despite what their obligations are under the law. We are very concerned, particularly when you are talking about a body such as the VFMC, with \$51 billion worth of assets. We need to make sure that the corporate governance obligations of the board are absolutely crystal clear. This bill fails that test in relation to the interaction between a chairman, a deputy chairman and an acting chairman if required.

Clause 12 clarifies the VFMC's powers when it is managing itself. It provides that the VFMC has the powers that are conferred on it by the Borrowing and Investment Powers Act. Clause 14 amends the definition of 'invest' in the Borrowing and Investment Powers Act to reflect what has been updated in the VFMC bill.

There are a number of relatively technical changes in the bill to which the opposition does not object.

However, we do have real concerns, as I have said, with the lack of clarity in this bill around the role of the chairperson and the role of the deputy chairperson — which is now optional under this bill — and if an acting chairperson is to be appointed and if so by whom. The government through its response to our questions is suggesting that if the chairperson is not available and there is not a deputy chairperson, then the chairperson appoints an acting chair. Normal corporate governance practice would have the board itself electing an acting chairperson to run the meeting in the absence of a chair, so I would seek the government's clarification of this matter.

We know that the government almost never goes into consideration in detail in these sorts of debates. The government has walked away from that promise it made prior to the election when its members said consideration in detail should be standard operating procedure for debates in Parliament. Now we get to sort of debate the broad, fluffy generalities rather than actually getting down to detail — because a good way to avoid exposing that you do not know the detail is to not allow the detail to be debated. If you do not know what you are talking about, then do not let anybody else who might know what they are talking about have a go. We know that is why this government refuses to allow legislation like this to be debated clause by clause — because its members cannot justify what they are doing and they cannot explain their own legislation.

There are two chambers in this Parliament. There is another place — it is slightly better decorated than ours. We will use the opportunities presented in the other place to go through this bill clause by clause, put the government to the test and actually expose that this government has not got some of these matters right. Either the government does not know what it is doing or it just has not thought about it properly at all.

When it comes to organisations like the VFMC, we need to have the right people on the board. We need to have people who are going to stand up for the interests of the taxpayers, whose \$51 billion of assets are under management by the VFMC. That is why it is concerning if you have a board which will not be prepared to stand up and fulfil its obligations and do its duty. As I have said, we have got a number of appointments by the current government. Some of them, I think, are quite good; others do leave open the question of how independent they will be. As I say, in this current environment we need board members who are prepared to stand up and be independent. We need board members who are prepared to stand up and follow the law. If it comes to a choice between following the law and acting in the Labor government's

political interest, where are our board members who will obey the law?

We know what happens. We saw what happened to the CFA board. There is the old communist China saying, 'If you execute one, you educate a thousand'. Well, that is clearly the political philosophy of the Andrews Labor government: execute the CFA board, sack them and then send a message to every other board in the state, 'You'd better follow the government's line. You'd better kowtow to the Premier's political interests, or you'll get the bullet too'.

This government has sacked every single water board in the state. It has sacked the board of Ambulance Victoria. It has sacked the CFA board. It has lost the Minister for Emergency Services — one of its own rising stars — who resigned rather than be forced to sign up to a bad deal that she knew would kill the CFA as we know it. When you have members of integrity like the member for Brunswick saying, 'I can't do this. I've sworn an oath as a minister to do the right thing by the people of Victoria, and I can't agree to sign up to such a bad deal, which will hurt the very organisation that I'm sworn to protect', then we know that we have got a government that has let power go to its head, and in particular we have a Premier who has let power go to his head.

We cannot have this bullying, and we cannot have this outrageous abuse of the independent boards of Victoria. This is why it is very important that every board member in this state makes a decision. Are they going to stand up for the public interest that they are sworn to protect? Their directors duties are not to act in the Premier's political interest; their directors duties are to act in the interests of the organisation that they are serving. You do not have to look at the corporate law history very long to work out that if any board member acts in a way which is purely to someone else's political advantage and actually hurts the very organisation that they are supposed to represent, then they are personally liable for the consequences that flow from that.

I send a message to every board member of every state government board instrumentality in this state that now is the time for them to think very, very carefully. When that time comes, are they going to do their duty as a board member or as a director to do the right thing by the organisation they are sworn to serve, or are they going to compromise those interests for the political agenda of the Premier and his Labor government? If they are not prepared to do the right thing by the people of Victoria, they should leave and leave of their own accord. And if the Premier sacks them because they will not bend to his political will, then they should take

that as a badge of honour, because they will have done the right thing by the public of this state and they will have done the right thing by the organisation they represent.

The government has a number of questions to answer about the detail of this bill. When it comes to an organisation with \$51 billion under management, we have to get it right. We have to get the detail right. The government has not been able to persuade the opposition that it has got the detail right on this. We do not expect the government to allow this bill to be debated in detail in this chamber, but we are certainly looking to explore these issues in detail in the other place.

As I say, there are aspects of the bill that we have no objection to. Organisations do need to be modernised. We do need to take advantage of new telecommunications technology to be able to have meetings in different places, and not everyone has to be in the same room at the same time, so there are aspects here that we have no problem with. But we do have significant concerns, and I have laid out what they are. We do need to be very, very careful because the independence of boards in this state is under pressure, is under threat like never before, and Victorians deserve better than a government prepared to bully, prepared to badger and prepared to sack any board and any board member who stands up for the interests of Victorians where those interests conflict with the Premier's own political interests. We will not oppose the bill at this time, but we do reserve our position in the other place subject to the government answering the questions we have raised today.

Mr McGUIRE (Broadmeadows) — This is a bill to increase corporate governance for an entity that has more than \$50 billion under management, therefore I did not really expect to hear references to communist China being introduced into the debate. I know the lead speaker has leeway, and that is the custom and practice of the house, but I think that was a stretch, to put it mildly.

At its heart this is basically a technical bill that will improve the set of circumstances around clarifying the Victorian Funds Management Corporation's (VFMC) investment powers. That is important. It will remove any ambiguity that may exist regarding these powers, and it will also modernise the conduct of the board. I do recall within the critique by the member for Malvern that there was a reference where he finally got down to saying that the opposition would not oppose the bill and also that the amendments were reasonable and sensible,

so we went a long way to finally get to the nub of the matter.

So really what is this bill about? As I said, largely it is narrow and technical in what it attempts to do. On the issue of the Victorian Funds Management Corporation's investment powers, it clarifies the literal definition of 'invest' in the Borrowing and Investment Powers Act 1987 and ensures that section 22, relating to the underwriting of security issues, applies to both the Victorian Managed Insurance Authority and the Victorian Funds Management Corporation. Therefore it will amend the Victorian Funds Management Corporation Act 1994 to remove any ambiguity that may exist regarding the powers of the VFMC in respect to the funds it manages for participating bodies or the state and on its own behalf.

The next amendment modernises the conduct of the board, simplifies its ability to delegate and allows it to operate in a manner consistent with modern Australian corporations governed by the commonwealth Corporations Act 2001. Another amendment goes to the Borrowing and Investment Powers Act 1987 to clarify the definition of 'invest' for all agencies, including the VFMC and its clients, and ensures that section 22, relating to underwriting of security issues, applies to both the Victorian Managed Insurance Authority and the VFMC. This section currently applies to all other mandated clients, so that is the connection there.

The objectives as set out under section 6 of the VFMC act are for the corporation to provide investment and funds management services to participating bodies and the state and to provide its services in a commercially effective, efficient and competitive manner. That is the key proposition here — to make it more effective, efficient and competitive — and that is a proposition that both sides of the house, I am sure, support. The proposed changes in the bill will enhance the VFMC's ability to meet its objectives, as set out in its enabling act. These are necessarily dry and technical changes, but just to give it a little bit more context, the Treasurer outlined the need for these amendments in his second-reading speech:

The Victorian Funds Management Corporation Act 1994 (VFMC act) was enacted before the commonwealth's Corporations Act 2001. Australian corporate practice and VFMC's role have changed significantly since 1994. VFMC was initially a 'manager of managers'. However, in 2006, the introduction of a new centralised investment model (CIM) significantly changed VFMC's role. The CIM-mandated Victorian public sector insurance and superannuation agencies to invest via VFMC and allowed for some internalisation of funds management by VFMC. A third of all funds under management are now managed internally by

VFMC and two-thirds are allocated to external fund managers.

That explains the division of how the funds are managed. The Treasurer continued:

The passage of time and VFMC's new role as the investment decision-maker under the CIM has created some uncertainties in the language of the VFMC act. The language used does not adequately encompass VFMC's broader role as both a manager of managers and an investment decision-maker itself.

In addition, VFMC's governing act currently contains some outdated requirements in relation to the operation of the board. These provisions need to be amended to bring them into line with modern Australian corporate practice.

In summing up, this is a bill that goes to greater efficiency and greater commercial effectiveness and that helps the VFMC become more competitive. That is all in the public interest and is to be applauded. I think that is the critical point that will be addressed, and that is why the opposition fundamentally will not be opposing the bill. It is common sense. These issues are about the evolution of how we actually address the technical requirements that are needed. This is a necessary bill to basically advance the governance of this important entity, and we look forward to the board conducting itself with efficiency and effectiveness.

I am always a little bit disturbed when I hear people being criticised on political grounds. Let us see how they perform their role. I think it is a fair thing to say and an objective comment to make that James MacKenzie has done a number of different roles over a long period of time. He has an established CV and has gained credibility, respect and recognition for the work that he has done, and I look forward to him carrying on in that manner in this role. On that basis, I commend the bill to the house.

Mr D. O'BRIEN (Gippsland South) — I am pleased to rise to speak on the Victorian Funds Management Corporation Amendment Bill 2016. As previous speakers have identified, this legislation is predominantly minor in its nature in terms of changing around the arrangements for the board of the Victorian Funds Management Corporation (VFMC) in particular. It inserts a definition of 'invest' into the Victorian Funds Management Corporation Act 1994, consistent with the Borrowing and Investment Powers Act 1987, and clarifies that the VFMC's functions extend to investment and investment services in addition to funds management and financial advice.

That in itself is an interesting clause with respect to current activities and past activities that the member for Malvern pointed out with regard to funds management

and financial advice. It also makes some changes to the deputy chair position, and again the member for Malvern pointed out that there is some confusion caused by the government with respect to this particular clause and the explanatory memorandum, which is unclear on whether that power rests solely with the Treasurer or whether it can be extended indeed to the chairperson and then of course whether the chairperson must be present in Victoria at the time, because clause 9 of the bill actually allows the chairperson to continue to act as the chair if they are outside Victoria, given the capacity for meetings to be held via technology.

The advice the government has provided that the chair can appoint a temporary deputy chair does raise the questions that the member for Malvern has talked about. It makes sense of course to enable boards such as this to meet via whatever technology might be necessary, whether it be Skype, telephone or other technology. That is simply common sense. Most of the other main provisions in the bill do not concern members on this side too much.

The shadow Treasurer, the member for Malvern, has outlined some of the concerns we share about the clarity on some of the other points with respect to the deputy chair's position. He highlighted the past abuse of the VFMC by the party that is currently in government — that is, the Labor Party — and indeed by the Premier when he was health minister. We have heard from the member for Malvern the instance of the Royal Children's Hospital, which was built as a public-private partnership (PPP) project but turned out to be a different kind of PPP — a public-public partnership, as it would appear — because it was the VFMC that bought most of the bonds that were supposed to be the private aspect of that development.

That was a concerning development at the time, in 2014, when it was revealed by the member for Malvern, who was then Treasurer. We had a former member in the other place, Mr Lenders, a former Treasurer, saying he had no recollection of the VFMC being involved, but the VFMC's own annual reports made it quite clear that it held on behalf of its clients over \$1.12 billion in securities with respect to the hospital. This does raise the question of whether direction was given by the then health minister to the VFMC to make this investment into the hospital. Recent events also make me wonder what may have occurred at the time. Did the then health minister tell the VFMC board that it needed to support the Royal Children's Hospital development?

We saw in recent times what happened when the Premier did not get what he wanted from a board. In the

case of the Country Fire Authority (CFA), the Premier has very clearly wanted a particular outcome from that board and when he did not get that particular outcome, he moved in and sacked the board — he moved in and sacked it straightaway. This is despite the fact that that the board had legal advice from the Crown counsel, had advice from the Victorian Equal Opportunity and Human Rights Commission — —

Mr Foley — On a point of order, Acting Speaker, whilst of course in these debates members have some latitude, I think the honourable member is straying too far from the bill by going into depth on an unrelated matter. I urge you to bring him back to the bill.

The ACTING SPEAKER (Ms Kilkenny) — Order! I ask the member to come back to the bill.

Mr D. O'BRIEN — This goes to the issue of board governance. If I refer again to the decision of the Victorian Funds Management Corporation to invest in the Royal Children's Hospital, I wonder whether there was a direction from the government of the day that it do so, and if there were a direction, what might have happened. The VFMC board at the time might have said, 'No, we don't want to do that'. Perhaps it might have said, 'We have had legal advice that it's not appropriate for us to do that'. The Victorian Funds Management Corporation might have had the support of a minister at the time saying that it was not appropriate for it to do that. It might have had advice from another government body such as, for example, the Victorian Equal Opportunity and Human Rights Commission. It may also have been quite concerned about the impact on its clients of doing so.

We have seen, as I said, what the then health minister and now Premier would have done had that board not actually followed what he wanted to see occur. We have seen that in this term of government with respect to boards. The message, I think, is quite clear to the Victorian Funds Management Corporation board. The message is: have a look at the ambulance service board, have a look at the water boards and have a look at the CFA board. The VFMC board had better do what it is told or it will find it has a problem.

We have heard the government give a number of reasons for overriding supposedly independent boards. We had our water boards sacked, apparently because they did not have enough people on them concerned about climate change. As a result of that flimsy excuse, Labor sacked the members of every water board in the state and put in its own people in those positions. With respect to the CFA, we had the announcement of the sacking of the board. In that announcement the minister

said that it is not all about the enterprise bargaining agreement and that some of it is about the fire services review, some is about the concerns the government has about morale in the CFA and some is about Fiskville. The report of the Fiskville inquiry had come out two weeks earlier — —

Mr Pearson — On a point of order, Acting Speaker, the member for Gippsland South is clearly straying from the bill. He is going against your previous ruling. I ask you to ask him to return to the bill.

The ACTING SPEAKER (Ms Kilkenny) — Order! I ask the member to return to the bill. He has had a bit of leeway up until this point, but I ask that he come back to the bill now.

Mr D. O'BRIEN — Clearly the Labor government does not want to talk about the CFA — —

Mr Paynter — On the point of order, Acting Speaker, I am pleased for the member to continue his presentation on this bill. The opening speaker for the government talked about governance. That is exactly at the heart of the issue. That is exactly why the member's speech is relevant.

The ACTING SPEAKER (Ms Kilkenny) — Order! I have already ruled on the point of order. The member can continue, back on the bill.

Mr D. O'BRIEN — I thank the member for Bass for his support on this, because as he pointed out, the legislation we are debating here today about the Victorian Funds Management Corporation is in fact quite intricately linked to board governance and good governance. The point I was making is that we have not seen that in recent times with respect to a number of boards, including the CFA board. Clearly those opposite do not want to talk about the CFA. A similar thing is happening with the CFA debate. As we have seen with the VFMC — —

Mr Foley — On a point of order, Acting Speaker, you have given the honourable member more than ample opportunity to return to the bill. I indicate to the honourable member and to the Acting Speaker that this is the Victorian Funds Management Corporation Amendment Bill 2016. If the honourable member has governance issues in relation to the bill, he should restrict his comments on it having regard to the general amount of latitude that is allowed in debate on government matters. I ask that you make sure that the member no longer ignores your orders and that he takes the opportunity to stick to the bill. He is missing too many opportunities.

The ACTING SPEAKER (Ms Kilkenny) — Order! I uphold the point of order.

Mr D. O'BRIEN — On the point of order, Acting Speaker, given that my time is going to be taken, we are talking about \$51 billion in Victorian taxpayers assets under the VFMC.

The ACTING SPEAKER (Ms Kilkenny) — Order! Thank you.

Mr D. O'BRIEN — I think I am allowed to finish my point of order, am I not, Acting Speaker? We are talking about \$51 billion of assets under the Victorian Funds Management Corporation, managed by the state. What I am hoping is that this bill will lead to better governance arrangements for the VFMC than we have seen for the CFA.

The ACTING SPEAKER (Ms Kilkenny) — Order! Thank you. There is no point of order.

Mr PEARSON (Essendon) — I am delighted to make a contribution on the Victorian Funds Management Corporation Amendment Bill 2016. Australia is very lucky that it has a very large and significant funds management industry. Recently the Australian Bureau of Statistics reported that we have \$2.633 trillion in funds under management as of March 2016. As the member for Malvern said in his contribution, the Victorian Funds Management Corporation (VFMC) indicated in its most recent annual report that it has about \$50.9 billion in funds under management, which delivered an absolute return of 11.69 per cent and outperformed the average by 2.13 per cent.

The VFMC invests in a number of asset classes. It invests in Australian and international equities, infrastructure, fixed income, absolute return funds, property insurance strategies, private equity and cash. The member for Malvern spent a lot of his time talking about the Royal Children's Hospital transaction. He referred to misconduct and shenanigans, and I note that the member actually raised this matter in a media release in about January 2014. It was also mentioned by the then Auditor-General, John Doyle, as being something that he would investigate.

I have subsequently had a look through — and I note the member for Mornington, the deputy chair of the Public Accounts and Estimates Committee (PAEC), is at the table, and he was a former chair of PAEC — and I can see no record of the Auditor-General's office investigating this matter. The matter that the member for Malvern raised seems to be a blip, a moment in time in January 2014, which he has clearly brushed off from

his press release of 2014, and it has not been seen or heard of since, but it leads to an interesting proposition that the member for Malvern put.

Usually when the private sector bids for a public-private partnership a consortium is formed, and invariably at the outset you have equity participants who have shares in a special purpose vehicle which will bid for that asset or that project. They usually are formed early because they need a high rate of return. They are taking on more risk, and if the project goes south, then they are likely to do their dough. Usually what happens then is, if they are successful, the bondholders, or the debt component of the equation, come in far later.

The member for Malvern makes an interesting observation. We are to believe one of two things. Perhaps what happened was that the Victorian Funds Management Corporation, which is separate and independent, made a decision to have a diversified portfolio and made a decision, of its own free will and of its own volition, to invest as a bondholder in the Royal Children's Hospital project, independently of any action of government. That is one possible scenario as to why this transpired, and the member for Malvern points out that that investment has been downgraded to junk. A B-minus rating, I think, is defined as junk. Clearly if that is the case, it has not worked out quite as well as maybe what the original investors had wanted. Nonetheless they are debt holders, and they will be at the front of the queue compared to equity participants.

Or let us suppose the member for Malvern is right. What is he saying? I do not know when the bondholders made a decision to invest, so it might have been before 2009 or it might have been after 2009. Before 2009 the chair of the Victorian Funds Management Corporation was Mike Fitzpatrick. After 2009 it was John Fraser, who was the chair and CEO of the global asset management business group UBS.

So the member for Malvern is clearly saying that Mr Fitzpatrick or Mr Fraser breached their fiduciary duties because they recognised that they could not or should not invest Victorian funds management assets in the Royal Children's Hospital but did so because of explicit political pressure. If that is what the member for Malvern is saying, take it outside. Take it on the steps and say that Mike Fitzpatrick or John Fraser breached their fiduciary duties — breached the Corporations Act 2001 — and broke the law. If that is what the member for Malvern is saying, he should say it out on the steps. He should not sit in here and be a coward and make allegations, because all he has is an outdated, dusty press release, a one-page wonder from

the holiday season of 2014. It is an absolute joke. If that is what the member for Malvern believes, he should say it out there.

As I indicated, this bill is an important piece of legislation. It changes the corporate governance arrangements of the VFMC, and it enables the board to be able to conduct board meetings with members not physically present. This is important when you consider the size of the funds management business in this country and globally. The reality is that when you are looking at a number of different asset classes that you have to invest in, you are going to need directors with a wideranging degree of experience, some of whom may not reside in Victoria. It might be fair and reasonable that those people have got the capacity to dial in and participate over Skype or via videoconferencing, or they may well be travelling. So this is a very good and important initiative.

I did not want to spend a lot of time on the bill. It is an important piece of legislation. I note too the member for Malvern criticised James MacKenzie for having conducted Labor's costings at the last election. What the member for Malvern failed to note — and clearly he may not have been here at the time, because he may have been working on the staff of Peter Costello as the most junior adviser there — is that James MacKenzie was actually appointed by the Kennett government in 1994 to 1997 as the chief executive officer of the Transport Accident Commission. Clearly he is not some mad, raging lefty if he managed to be appointed to a senior role under the Kennett government, and he held that role for a number of years. So I am a bit confused by the member for Malvern's contribution, which can only be described as a gross form of character assassination for those of us in here who had to listen to him for 25 minutes, in relation to Mr MacKenzie, Mr Fraser and Mr Fitzpatrick.

This is an important piece of legislation. The Victorian Funds Management Corporation does a great job in terms of protecting the interests of those entities that choose to invest their superannuation funds. It has done so for many, many years. The reality is that global financial markets are changing with time. They are becoming more sophisticated. They are becoming more diverse. You have a far greater flow of capital, not just across state borders but across other countries. You need to have the best and brightest to be able to make sound investment decisions, and this bill will do that, will do that well and will do that quite effectively.

It is important that we make sure that an organisation like the VFMC moves with the times and can make shrewd investment decisions, as you would expect, and

does so independently. It will be an equity participant, like it is in private equity. It will be a bondholder. It will invest in a wide range of asset classes, as it should, in order to get the diversified return that you would expect it to get. Again, 11.69 per cent as an absolute return, I think, is an outstanding effort in terms of 2014–15. I will be curious to see how it does in 2015–16. It is a very good organisation. It provides a very good service to the people of Victoria, and I commend the bill to the house.

Ms SANDELL (Melbourne) — I rise to speak on the Victorian Funds Management Corporation Amendment Bill 2016. The Greens do not oppose the proposed amendments, which, as has already been stated, improve the clarity of the act and allow for reasonable changes in how decisions are made.

The Victorian Funds Management Corporation (VFMC) currently manages over \$50 billion in funds for hospitals, universities and government departments, such as in funds for their superannuation. Clients include such organisations as the Transport Accident Commission, the Department of Justice and Regulation, WorkSafe, the Royal Children's Hospital, the University of Melbourne and the National Gallery of Victoria.

Currently the list of companies that the VFMC invests in is not public, but analysis from Market Forces, an organisation that specialises in divestment, suggests that around 3 per cent of investment is in fossil fuel companies, 6 per cent is invested in diversified companies that include mining within their portfolio and 11 per cent is invested in companies that support the fossil fuel industry. There are currently no rules preventing the VFMC investing in fossil fuels. I would like the VFMC to divest from fossil fuels; it is something that the Greens will be working on in coming months.

The VFMC divesting is entirely consistent with current Labor government policy. Just last week the government announced a Victorian renewable energy target (VRET), which is a very positive step towards creating new jobs in the renewable energy sector and protecting our climate. I congratulate the Premier and the Minister for Energy, Environment and Climate Change on that announcement. I am very proud to have pushed for a VRET before the election and very proud of the work that campaigns like Yes 2 Renewables and groups like Friends of the Earth and Environment Victoria have done to make it a reality. I love living in a state that is starting to take action on climate change. But the problem here is that we cannot stop climate change if we continue to fund the companies that create

climate change through burning fossil fuels, and so the VFMC divesting from fossil fuels would be 100 per cent consistent with the government's VRET announcement, which sets a target of 25 per cent renewable energy by 2020 and 40 per cent by 2025. That means that in the next four years 25 per cent of Victoria's energy must be from renewable sources.

Achieving that goal means two things. It means not only increasing renewable energy but also decreasing the use of coal gas and other polluting forms of energy. I know the government is coming up with a coal policy later in the year, and I sincerely hope that it is a strong policy to phase out brown coal in Victoria, especially at Hazelwood, our dirtiest power station. But as well as transitioning our energy supply we need to look at how Victoria is funding fossil fuels through this investment fund. More and more Victorians are choosing banks and superannuation providers that do not fund fossil fuel companies. More and more Victorians are demanding that their local councils and their employers become fossil fuel free, with one of the latest examples being La Trobe University, which has now committed to full divestment — what a great step forward that is for that university.

But it is not just environmentally conscious organisations or small organisations that are divesting; big business is also divesting. Just look at Allianz financial services, which had assets in 2014 totalling \$806 billion. In its statement on coal-based investment released in November last year, the company said:

... fossil fuel based energy generation will have to be drastically reduced ... With coal being the fuel with the highest CO₂ emissions in relation to its energy content, a phase-out of coal-based energy production will significantly contribute to transition global energy generation to lower emission levels.

This is from a public document available on the company's website. It is clear that Allianz is not shying away from divestment.

Another example is the Rockefeller Brothers Fund (RBF), which is worth \$858 million. Its divestment statement released in December 2014 says that RBF is now committing to:

... divest from investments in fossil fuels. Our immediate focus will be on coal and tar sands, two of the most intensive sources of carbon emissions. We are working to eliminate the fund's exposure to these energy sources as quickly as possible.

Again this is a public document receiving media coverage.

There are hundreds of organisations that have already divested. They can be found through a quick search online. They include councils, universities, philanthropic organisations, non-profits, faith-based organisations and also big businesses, as I mentioned. They also include superannuation funds. There are many that have either fully or partially divested, such as HESTA, UniSuper, First State Super, McKinnon Super Fund and the list just goes on. In fact recently four Catholic organisations announced a joint divestment following calls from the Pope himself to move away from fossil fuels. These stories are mirrored in Jewish, Muslim and Anglican organisations. Every day there are more and more people calling for fossil fuel divestment across the world, and that includes right here in Victoria. Unfortunately we have not yet heard from the Victorian state government on this issue.

Earlier this month the government launched its pledge program, TAKE2, which says, 'It's time for Victoria to lead. It's time for us all to act', when it comes to climate change. So let us act.

Mr Angus — On a point of order, Acting Speaker, in relation to relevance, the member seems to be straying incredibly widely from the bill, and what she is saying has got nothing to do with the bill. I ask you to bring her back.

The ACTING SPEAKER (Ms Kilkenny) — Order! As the lead speaker for the Greens on this bill, a fair bit of latitude is normally given. The member may continue.

Ms SANDELL — Thank you, Acting Speaker, I appreciate it. Currently the VFMC's policy is to incorporate climate change into the consideration of its investments across asset classes, but unfortunately we have already seen that this statement is not enough. While the VFMC does participate in a number of industry bodies, including the Investor Group on Climate Change carbon disclosure project, finding information about how and whether the VFMC invests in fossil fuels is actually extremely difficult. What we do know is that last month La Trobe University announced that it would divest from fossil fuels following a highly successful campaign from students and staff, but La Trobe had to actually shift its funds away from the VFMC to another funds manager because the VFMC could not provide it with a fossil-free option.

Divesting is not just about protecting us from climate change; as a lot of these organisations would know, it is also about protecting Victorians from financial risk. Investing in climate change causing activities poses

huge financial risks. Not only will inaction on climate change be very expensive for governments and insurance companies as the rate of natural disasters increases, but we know that there is no future in fossil fuel mining. It is financially irresponsible to invest in industries that cannot and will not continue in the long term. We need our funds in Victoria to invest in industries of the future, like renewable energy.

As I mentioned, the VFMC invests for a range of public organisations, many of them focused on health, including WorkCover and the Royal Women's Hospital. I am sure these health-focused organisations would welcome a move away from fossil fuels, which are damaging people's health. For example, at the University of Melbourne the staff and students have worked very hard on a campaign to get the university to divest, and the university has taken a lot of this on board and has recently come out with a sustainability charter. That is a really great move forward, but the university cannot actually divest because its funds are locked up in the VFMC, so it needs the VFMC to divest.

There is already a precedent set for the VFMC divesting from activities which are harmful. In 2015 the VFMC board voted to divest from tobacco. I am sure everyone here agrees that that was a very good move for the health of Victorians, but the next step is to divest from fossil fuels for both the public health outcome and the protection of the climate. It does not have to happen immediately or today, but it does need to happen. We could give the government and the VFMC a year or two to work out their investments and ensure that they divest by 2018.

Fundamentally we as a society have told governments that certain activities are no longer socially acceptable — for example, tobacco, which kills people. The time is upon us when society is already starting to tell us that fossil fuels also kill people and create climate change and that very soon they will no longer be socially acceptable fuels with which to power our society. Governments should see the writing on the wall now and agree to divest our public funds from these harmful and damaging industries. The Greens will be running a campaign along those lines.

Ms SPENCE (Yuroke) — I move:

That the debate be adjourned.

Mr ANGUS (Forest Hill) — I wish to oppose the motion to adjourn the debate. The Victorian Funds Management Corporation Amendment Bill 2016 is an important bill. It has been brought on by the government, and we have heard a number of

contributions in relation to the bill. Particularly the lead speaker for the coalition, the member for Malvern, made a terrific contribution in which he outlined a number of very significant matters relating to that particular organisation.

We can see that within the financial sector in Victoria the Victorian Funds Management Corporation is a significant player with, at 30 June 2015, some \$51 billion of funds under management. It is not an insignificant body, so the matters that have been debated here and the changes that are being proposed by the government with this bill, particularly those in relation to the board, are very important ones and should be properly aired in this place.

If we look at the bill in detail, we can see that clauses 8 and 9 specifically deal with some matters in relation to the board. They are in relation to governance, directors duties and other matters. They are very important matters that need to be properly debated in this place rather than being gagged at this very early stage in the debate. We can see, particularly in relation to corporate governance and those matters, that the government of the day has a very poor record in that regard. We do not have to look very far to see the way the government has treated numbers of boards of various organisations within Victoria — whether it is the Ambulance Victoria board, whether it is the various water boards throughout the state or whether, in the most recent example, it is the Country Fire Authority board, which has been unceremoniously sacked by this government because it did not comply with its political whim. I think it would be totally wrong for us to be curtailing this debate when these important matters need to be canvassed before this house.

We can see, coming back to the boards that I have just mentioned, that those opposite have a very clear track record of bullying. Those who stand in their way get bullied — —

Ms Thomson — On a point of order, Acting Speaker, I remind the member who is on his feet, through you, Acting Speaker, that this is a narrow-focused debate on the postponement of debate on the bill, not a chance to debate the bill that is currently before the house. I ask you to draw him back to the actual question that was put — the postponement of debate on the bill.

The ACTING SPEAKER (Ms Kilkenny) — Order! I uphold the point of order. The issue being debated is very narrow, and I ask the member to come back to that issue.

Mr ANGUS — I suppose one of the key issues that needs to be canvassed in this place is just the lack of clarity in the bill in relation to various roles. As I said, the member for Malvern made an eloquent contribution. He identified matters that had indeed been raised at the bill briefing run by the government, where its representatives were unable to answer basic questions in relation to the chairperson, acting chairperson and deputy chairperson. So to truncate this debate at this stage would be rather inappropriate, given that there are matters that need to be explored and given a proper airing in this place and that essentially show the deficiencies in this piece of legislation. It is important not only that they be raised and canvassed but, most importantly, that the answers that are being sought be obtained from the government.

That is an important role that we play in this place. Despite the fact that, again, prior to the election the now government said that matters would be considered in detail in this place, we know that is not going to happen in this chamber. Hopefully it will happen in the other chamber in relation to this bill, but that does not mean that we cannot explore some of these matters more fully.

As I said, given that corporate governance is such an important aspect not only of this particular bill but of any organisation that is holding \$51 billion of funds under management within the broader corporate sector here in Victoria, these matters need to be properly explored and canvassed. We cannot be just truncating this debate so very prematurely, but rather we need to be going through this in significant detail and looking at the various matters. It is particularly important given what has gone on in the past in relation to the VFMC, particularly in relation to some of the matters which others have touched on regarding the Royal Children's Hospital rebuild. I think there is plenty of scope for further debate on this bill. I think it would be most premature and most inappropriate for this debate to be terminated at this early stage.

Mr FOLEY (Minister for Housing, Disability and Ageing) — I rise in support of the motion that this matter be adjourned. I do so because of course no-one doubts that the Victorian Funds Management Corporation Amendment Bill 2016 is an important piece of legislation that seems to have the widespread support of all members of the house. That does not appear to be in dispute. Members of the Greens, members of the opposition and members of the government have all indicated that, at best, they will support — or, at worst, they will not oppose — the bill, and the issues canvassed by the honourable member for Forest Hill brought nothing new to that. All he did was

reiterate the arguments, particularly those made by the opposition lead speaker.

When we look at the notice paper we see there are many important pieces of legislation for this house to consider. We have the Tobacco Amendment Bill 2016 scheduled next, which is a very important piece of legislation in relation to public health and wellbeing; we have the Primary Industries Legislation Amendment Bill 2016; we have the very important bill on regional Victorian land revocation issues; we have the National Parks and Victorian Environmental Assessment Council Acts Amendment Bill 2016; and so on we go. So there is in fact plenty of important business that needs to be addressed.

In terms of just sticking to the narrow processes of what this debate currently before the Chair is, all the honourable member for Forest Hill pointed out is that his lead speaker in this, the honourable member for Malvern — Side Letter Michael — is just using this as an opportunity to slander hardworking people who have had the support of both sides of this house over many, many years. For him to attack people like Mike Fitzpatrick, John Fraser and James MacKenzie shows just how little regard he has for the processes of the house. This house should not indulge in such character assassination under the falsehood of trying to pretend that this is somehow or other a contribution to valid public debate, when all it is is character assassination parading as parliamentary procedure. I urge all honourable members of the house to support the motion before the house to adjourn debate on the bill.

Ms STALEY (Ripon) — I am really opposed to this idea that we should be adjourning the debate at this point. The opposition has a large number of speakers yet to come, of which I am one. I note with respect to my comments earlier today on the government business program that the Leader of the House at that point said, ‘We are going to ask the opposition to be reasonable on speaking lists’ while at the same time saying these were really important bills, yet now the government is collapsing the debate.

This is the first bill to come before the house in this sitting week, and it is an important bill. Our lead speaker, the member for Malvern, has explained that not only is this bill to do with a very large organisation, an organisation that manages \$51 billion of assets, but also that it goes to the governance of that organisation, and there are unanswered questions about what this bill is going to do. We did say in the debate on the government business program earlier today that we would like to have this bill go into a consideration-in-detail stage, but what is the

government doing? Not only is it not going into consideration in detail — —

Mr Angus interjected.

Ms STALEY — I thank the member for Forest Hill — the government is gagging the debate. It is not enough that we cannot actually get the answers to the quite legitimate questions that we have asked about this bill, but after only a few speakers suddenly the government is going to gag debate. This government has a chaotic approach to the house, and it needs to take a good hard look at itself. Week after week we come in here and get a government business program which is either changed around as we are here or which brings something in on the Tuesday or the Wednesday to spring on us and now it has put up six bills and is only allowing 2 hours for debate. That is not proper consideration of a bill. As soon as we dare to stand up and suggest that we do not really like this — —

Mr Richardson interjected.

Ms STALEY — The peanut gallery at the back is all fired up. I can see Ros is here, she has presumably sent the text, and they are fired up to try to interject — —

Mr Foley — On a point of order, Acting Speaker, the member should refer to honourable members in the appropriate terms. I ask you to draw the member back to those forms.

The ACTING SPEAKER (Ms Kilkenny) — Order! I remind the member to refer to members by their appropriate titles.

Ms STALEY — I go back to what is a narrow debate about adjourning this important bill, and there has been no legitimate argument put forward as to why the next bill should be brought on in its stead or that this needs to be adjourned, because in fact there is no legitimate argument; it is just that this government is in disarray over its legislative program.

As somebody who does want to speak on this bill, I have got to say that I think it is a shutting down of our legitimate rights — the right of the minority, to have its say. Once again this government is all about shutting down voices and bullying those it does not like. It just seems to find new ways to do that day in and day out. Today we see it is going to shut down this debate. I urge those on the government benches to consider why they are so mindlessly just following on this and suggesting we should shut down debate on this important bill after 2 hours. We need to continue to debate this bill — —

Mr Katos interjected.

Ms STALEY — I am being told by the member for South Barwon, our whip, who would know these things, that it is not even 2 hours. Shame on the government; we should not be gagging this debate at this point in time, and I urge those in the house to vote against this.

Ms THOMSON (Footscray) — I understand that it is the member for Seymour's first term in this place, and if she had wanted to see dysfunction — —

Honourable members interjecting.

Ms THOMSON — The member for Ripon, I stand corrected. It is definitely a lesson for her if she wants to see — and as she walks out of the house and is not prepared to listen — the truth is, if she wanted to see dysfunction she should have seen the Baillieu and Napthine governments in their four years in office, because that was dysfunction. They were the governments that could not run, that could not function, that could not get bills passed, that could not deal with their own legislative programs they wanted to introduce into this house. Those were the dysfunctional governments.

We all know that government business programs change from time to time with the number of bills that are coming in, the urgency of those bills to be debated and how they will be carried through the Parliament. They change all the time, and that is why we have government business programs — to deal with the priorities. But if anyone was actually in the house listening to the debate, they would realise that very little time has been spent on the bill before the house — the Victorian Funds Management Corporation Amendment Bill 2016 — and it is a wideranging debate that has very little to do with the substance of the bill, so there is no point in continuing a debate that has about nothing to do with the bill at all and everything to do with whatever it is that a particular member of the opposition wants to raise and to go through or whatever issue they want to pluck from the ether to debate in this place.

For that reason, even though I agree with all members of this house that this is a very important piece of legislation, there is no fundamental reason why this bill should not be adjourned, given that contributions have been made by the members opposite in relation to this bill.

Mr GIDLEY (Mount Waverley) — I rise to speak against adjourning debate on this bill. If ever there was a time in the history of the state of Victoria when it was important to have a full and frank debate on the

Victorian Funds Management Corporation and corporate governance, it is under the current Labor government — a government that has torn up the best practice of corporate governance in so many areas and in respect of so many institutions in our state, whether that be the Country Fire Authority, whether it be water boards or whether it be the risk of this government following the Labor movement interstate and looking to raid and get its hands on a range of funds.

As I said, if ever there was a time for this Parliament to give a bill worthy consideration, whether or not that be in consideration in detail or whether or not that be through an extended debate, it is this bill today. There have already been a number of important contributions made in relation to the uncertainty arising as a result of clause 8 and clause 9. There is no question that there is uncertainty in relation to the outcomes of those particular clauses. That is of concern, given the magnitude of the funds under the management of this particular organisation. Whilst opposition members do not oppose reasonable and sensible amendments to acts which incorporate new technology, there are some real questions to be answered in relation to, as I said, the corporate governance issues.

In addition to that, there are certainly questions to be answered, and this is an opportunity for this Parliament to hear the enormous concern about corporate governance in this organisation when the now Premier was involved in his former role as the Minister for Health. We only have to look at the massive investment of public dollars to finance the Royal Children's Hospital, despite the claims by the then minister, now Premier, that the project was a public-private partnership and that no government funds were payable in the construction phase. Of course when you have those sorts of comments that were so at odds with what we found out later as a result of changes that the previous government made — —

Mr Foley — On a point of order, Acting Speaker, it is a very narrow debate before the Chair at the moment. The honourable member is seeking to prosecute arguments relating to the actual bill. I ask that either the honourable member be drawn back or, if he refuses to be drawn back, you direct him to stick to the matter of the adjournment of debate itself. It is a narrow procedural motion.

Mr Wakeling — On the point of order, Acting Speaker, it has been a very wideranging debate. The previous speaker for the government was talking about the former government, which had nothing to do with the matter before the house. I would ask you to overrule this point of order.

Ms Thomson — On the point of order, Acting Speaker, at all stages I was talking about the government business program and the adjournment of debate on bills before the house and therefore was quite on topic and relevant to what is being debated, which is the adjournment of debate on the bill before the house.

The ACTING SPEAKER (Ms Kilkenny) — Order! I uphold the point of order. It is a very narrow debate, and I ask the member to come back to the debate.

Mr GIDLEY — On the point of order, Acting Speaker, I was certainly touching on the importance of corporate governance.

The ACTING SPEAKER (Ms Kilkenny) — Order! I have ruled on the point of order.

Mr GIDLEY — Okay. I will come back to the importance of corporate governance, in particular in relation to this organisation and the reason why debate on this bill must be extended in this house. Corporate governance is of fundamental importance to this organisation, in particular — —

Ms Thomson — On a point of order, Acting Speaker, this is a very narrow focused motion to adjourn debate on a bill. It is not about corporate standings, status or whatever the member wishes to talk about; it is about the adjournment of debate on this bill. The member should be brought back to talking about that.

Mr GIDLEY — On the point of order, Acting Speaker, surely given that this debate to adjourn is in relation to a body, the VFMC, and the importance of being able to talk about corporate governance, corporate governance is related to the reason why debate on this bill should not be adjourned, particularly when you have had the then health minister mislead the public and mislead Victorians about the corporate governance of that organisation at the time then — deliberately doing so as well.

The ACTING SPEAKER (Ms Kilkenny) — Order! I have ruled on the point of order.

House divided on Ms Spence's motion:

Ayes, 47

Allan, Ms	Knight, Ms
Andrews, Mr	Lim, Mr
Blandthorn, Ms	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Carroll, Mr	Neville, Ms
Couzens, Ms	Noonan, Mr

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
Hutchins, Ms
Kairouz, Ms
Kilkenny, Ms

Pakula, Mr
Pallas, Mr
Pearson, Mr
Richardson, Mr
Richardson, Ms
Sandell, Ms
Scott, Mr
Sheed, Ms
Spence, Ms
Staikos, Mr
Suleyman, Ms
Thomas, Ms
Thomson, Ms
Ward, Ms
Williams, Ms
Wynne, Mr

Noes, 36

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
McCurdy, Mr
McLeish, Ms

Morris, Mr
Northe, Mr
O'Brien, Mr D.
O'Brien, Mr M.
Paynter, Mr
Pesutto, Mr
Riordan, Mr
Ryall, Ms
Ryan, Ms
Smith, Mr R.
Smith, Mr T.
Southwick, Mr
Staley, Ms
Victoria, Ms
Wakeling, Mr
Walsh, Mr
Watt, Mr
Wells, Mr

Motion agreed to and debate adjourned.

Debate adjourned until later this day.

TOBACCO AMENDMENT BILL 2016

Second reading

Debate resumed from 25 May; motion of Ms HENNESSY (Minister for Health).

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to lead the debate for the coalition opposition in regard to the Tobacco Amendment Bill 2016. I wish to state at the outset that the coalition — the Liberal and National parties — will be supporting the bill before the house. This bill seeks to principally do two main things in regard to access to cigarettes in the state of Victoria. The first is that it will seek to prohibit the capacity for people to smoke in an outdoor dining area. This will include new definitions of what will qualify as an outdoor dining area. It will also seek to regulate the sale, promotion and use of e-cigarette products. They will be treated in the same way cigarettes are treated in the state of Victoria.

By way of background, it was back in 1987 when the Victorian Tobacco Act 1987 was developed. That certainly led to the work of some great health prevention organisations, including the Quit organisation, which was very active during the 1980s and 1990s. I certainly do recall the activities of that organisation as a Fitzroy supporter. Quit was a longstanding supporter and sponsor of that club, and it used its sponsorship of that Victorian Football League and AFL team in order to promote a smoke-free environment and to encourage people to give up smoking. We know that, as a consequence of that, organisations like Quit and many others have done tremendous things in terms of reducing the capacity for people to smoke in the Victorian community.

In January 2009 the legislation was changed, which took effect to prohibit electronic cigarettes and their cartridges containing nicotine in Victoria. This obviously is a recent development where, through the use of vaping, people have had the capacity to access cigarettes by way of utilising an electronic device. Many in the Victorian community will have seen people who have participated in the use of these electronic devices, commonly known as vaping.

During 2013 and 2014 the former coalition government did a lot of work in this area with regard to implementing further controls for the prohibition of cigarettes within the Victorian community. I know that in my former capacity as the Parliamentary Secretary for Health under the then health minister, the Honourable David Davis in another place, I was certainly involved in the passage of those bills before the Victorian Parliament. It was certainly something that was supported by the Victorian community. This included the coalition Tobacco Amendment (Smoking at Patrolled Beaches) Act 2012, which prohibited smoking at patrolled beaches, as well as the amendment bills of 2013 and 2014, which saw the prohibition of smoking in certain public areas, including swimming pools, children's playgrounds, skate parks and sporting venues, and subsequently kindergartens, schools, hospitals and public buildings. Those pieces of legislation also restricted further the promotion and display of tobacco products, enhanced enforcement powers and increased penalties for the use and sale of illicit tobacco.

It was noted that during 2013 the Greens party introduced amendments to ban smoking in outdoor dining and drinking areas, and they were only for allowing smoking in designated areas. These amendments were unsuccessful, and it should be noted that they were only supported by three members of the Greens party; they were not supported by either of the

major parties. In August 2014 the coalition announced plans to introduce a statewide ban on smoking in outdoor dining areas during the course of the next term of government, being this parliamentary term, if re-elected. The work of that was to work through the matter of banning smoking in drinking areas as part of a further discussion. Prior to the 2014 election the then Labor opposition did not make any commitment to reform tobacco laws. In August 2015 the now Minister for Health announced that the Andrews government would introduce a ban on smoking in outdoor dining areas, which will be effective from 1 August 2017. This bill seeks to implement that statement that was made by the health minister in August last year.

During April this year a number of organisations, including Quit Victoria, the Cancer Council Victoria, the Heart Foundation and the Australian Medical Association (AMA), recommended as a priority that the Tobacco Act 1987 be amended to require smoke-free outdoor dining and drinking with an allowance for designated outdoor smoking areas in certain licensed premises. It should be noted that this bill does not seek to deal with the issues that were raised by those organisations with respect to smoking in drinking areas.

Some of the main provisions of this bill are to ban smoking in an outdoor dining area. The meaning of outdoor dining area includes that it is a public place that has an occupier, that it is used for the consumption of food provided on a commercial basis and that there are outdoor drinking and dining at the same premises. The bill will also ban smoking at a food fair or within 10 metres of a place where food is served at a festival or market. It will allow smoking in a drinking area but not one that is within 4 metres of a dining area or that is an area that is not separated from an outdoor dining area by a minimum of a 2.1 metre wall, and that specification is based on the average adult breathing height of 1.5 metres. The wall must be impermeable. This is based on recent legislation that has been introduced in the New South Wales Parliament.

The bill will allow for snacks to be served and consumed in areas where smoking is permitted. A snack is defined as a pre-packaged, shelf-stable food that does not require intervention to prepare or uncut fruit. I think many of us would know — and the community would broadly understand — the concept of snack foods for this purpose. The penalties associated with the bill are consistent with penalties for smoking in areas where smoking is already banned. The bill will also provide for the sale, supply, display and promotion of e-cigarettes to be regulated in the same manner as for tobacco products. E-cigarettes are still available to be bought and used but are not to be

sold to people under the age of 18 et cetera. The bill will also allow for the sale and use of any e-cigarette smoking cessation tools that may be approved by the Therapeutic Goods Administration into the future.

The Department of Health and Human Services will support this legislation by providing organisations with free signage and education for venues and patrons. The enforcement of the legislation will be the responsibility of local government enforcement officers. The bill will bring Victoria into line with states such as New South Wales, South Australia and Tasmania, which have smoke-free dining areas. The ACT, the Northern Territory, Queensland and Western Australia have gone a step further and have smoke-free outdoor dining and drinking, with designated outdoor smoking areas at certain liquor-licensed premises. New South Wales, Queensland and the ACT have also legislated for tighter controls on the sale, use and advertising of e-cigarettes, and all other states and territories, except for the Northern Territory, are debating increased regulation.

If I may, I will refer, firstly, with regard to the proliferation of the use of e-cigarettes throughout Victoria if not Australia, to information provided to the opposition by the government. I thank the minister's office for the provision of this information. It contains some alarming statistics in relation to young people — children between 12 and 17 — who have used e-cigarettes.

The information shows that across all cohorts the average for males and females is 14 per cent of all children surveyed having used e-cigarettes. Alarmingly the figure was 6 per cent for 12-year-olds within the state, which I find quite alarming, and at the upper end — among 17-year-olds — that figure sits at 30 per cent: 32 per cent for males and 29 per cent for females. That is a 10 per cent increase on the figure for 16-year-olds, which is 20 per cent: 26 per cent for males and 14 per cent for females. That shows a significant increase in usage — from 20 per cent to 30 per cent — in young people aged 16 and 17. There would be a range of reasons why that is the case, but obviously for many the fact that the product is a non-tobacco product means it would be seen to be a safe product for young people to use. That in and of itself is a concern.

The use of these e-cigarettes is commonly now known as vaping, so much so that the word 'vape' was recently named the Oxford English Dictionary's 2014 word of the year. I do not know if that is something that we as a nation — as a society — would necessarily be happy about. It has been identified that the use of e-cigarettes

has grown from there being just one manufacturer — in China — in 2005, to today there being an estimated global business of \$3 billion with over 466 brands operating in this field, according to statistics provided by the World Health Organisation.

In Australia information indicates that in terms of the percentage of Australians that had been identified, a study shows that in 2010 only 2 per cent of the Australian population had tried e-cigarettes, and that that had increased to over 16.8 per cent in 2013. That is clearly a significant increase in the take-up of the use of e-cigarettes across Australia.

There has also been a recognition on the part of health practitioners that there is certainly concern about where e-cigarettes sit in terms of their health impacts. As reported, the Royal Australasian College of Physicians president, Professor Nicholas Talley, said there was little evidence about the safety of e-cigarettes and that Australian regulators needed to maintain bans. He said, and I quote:

We must step with caution when it comes to promoting e-cigarettes as a safer alternative because the jury is still out as to whether there are no side effects ...

We don't know if e-cigarettes help people quit traditional cigarettes, and even if they do it is too early to rule out any possible long-term health effects that they may or may not cause.

It took many years for the serious health impacts of smoking tobacco to be realised so to say that e-cigarettes are the solution is premature.

I certainly think that is something that would be recognised by many within the community, and it is pleasing to see that the government is moving in regard to the use of these products.

There are concerns that have been raised in regard to the bill. Firstly, in regard to issues concerning drinking, which I alluded to earlier, the bill will allow smoking in areas where drinking is still permitted. As I said, leading health bodies like Quit, the AMA, the Heart Foundation and the Cancer Council have called for the bill to be amended to ban smoking in areas where both dining and drinking is permitted. This is not a provision that has been supported, I am advised, by the Australian Hotels Association.

The space usage for smoking when not dining is another area which has been highlighted as being of concern. Clause 6(1)(a)(ii) is not explicit in stating that smoking is only banned in an outdoor dining area during the period in which food is available in that space. It is the intention of the bill that if a venue is only serving food in a designated time frame — for example,

dinner is between 6.00 p.m. and 9.30 p.m. — smoking is then permitted in the outdoor dining area outside those times. Many of us would know of organisations and community clubs et cetera where they have designated areas for eating at particular times of the day but at other times of the day those areas are identified as an area, for example, where people can go and smoke, particularly late at night. Clearly that is an issue that needs to be identified.

There has been an impact in New South Wales regarding the capacity of some venues that have ceased to serve food in outdoor areas, and this is to allow patrons to both drink and smoke. A potential unintended consequence of this legislation could be that people are encouraged to drink alcohol and smoke without food, and obviously I will need to see what the anecdotal evidence is after the bill is passed and implemented throughout the state.

In terms of the issue of vaping, there have been concerns raised about vaping, but there are some who still believe that the evidence is not clear and therefore they have argued that vaping should not be treated similarly to cigarettes. The coalition, as I indicated from the start, supports the government's position in regard to this issue. We believe we should err on the side of caution, but it should be noted that there are some within the community who still have the view that vaping has not proven to be a problem and therefore governments should not legislate accordingly.

As I said from the start, the coalition will be supporting the bill before the house. Victoria is the last jurisdiction in Australia to ban smoking in outdoor dining areas. The bill before the house is largely based on the New South Wales and South Australian outdoor dining legislation, and that is consistent, as I said, with the coalition's position on this issue back at the 2014 state election. The National Health and Medical Research Council recommends caution on e-cigarettes, and this bill will result in e-cigarette availability and use, albeit in a regulated environment.

I think it is imperative that we all work together to ensure that we reduce people's propensity to smoke. Clearly cigarettes have traditionally been an area of concern, but now we are seeing a move towards e-cigarettes, particularly amongst younger people, with 14 per cent reporting using e-cigarettes. It is imperative that we do everything in our power to deal with this appropriately and to regulate it appropriately, similar to cigarettes. Therefore the coalition supports the bill before the house.

Ms THOMAS (Macedon) — It is a great pleasure to rise today to speak on the Tobacco Amendment Bill 2016. I note that the minister is in the house, and I congratulate her on all the work that she has done in bringing this bill to the house. I also note and am pleased that the opposition is indeed supporting this bill. It is a very important bill, and it is important to take time to remember that every year 4000 Victorians will lose their lives as a result of tobacco-related illnesses and diseases. It is for this reason that this bill is indeed so important.

I thank the opposition for supporting the bill. I note that the minister in her second-reading speech said that there is generally bipartisan support for tobacco reform, but I think it is worth noting that if we were to look at who has led these reforms, then we would note that only Labor has delivered the life-saving reforms that our community expects. While I note the minister's second-reading speech, I think she was rather generous in her assessment of those on the other side.

The reforms that Labor has led in government have included banning smoking in enclosed restaurants and cafes, including dining areas within licensed premises; banning smoking in shopping centres; imposing further smoking restrictions in licensed premises, gaming and bingo venues and the casino; banning smoking in enclosed workplaces, at under-age music and dance events and in covered areas of train station platforms, tram shelters and bus shelters; banning buzz marketing and non-branded tobacco advertising; strengthening the laws to enforce the ban on cigarette sales to minors; banning smoking in enclosed licensed premises; working with the Minister for Education to issue an order banning smoking on Victorian government school grounds; banning smoking in cars carrying children; banning the sale of cigarettes from temporary outlets; providing the Minister for Health with the power to ban the sale of youth-oriented tobacco products and related products; strengthening and clarifying the penalties for a range of tobacco offences; and banning the display of tobacco products and packaging at retail outlets.

So there can be no doubt that it has been members on this side of the house who have led the charge when it comes to important tobacco reforms. I am very pleased that this bill builds on those reforms.

In some good news, smoking rates have significantly decreased over the past 30 years. Data from the Department of Health and Human Services suggests, though, that 12 per cent of Victorian adults still smoke on a daily basis. While we still have that 12 per cent smoking, we will not rest. Importantly for us on this

side of the house, the rate of decline has not been experienced equally across the whole population. Smoking disproportionately affects disadvantaged population groups, with smoking rates higher among Aboriginal people, people who experience psychological distress, people with lower levels of education, people who live in rural areas and people on low incomes or who are unemployed. They continue to be disproportionately represented.

I note at this point that it is shocking, then, to discover that the National Party, the party that purports to represent people living in regional Victoria, still accepts generous donations from big tobacco. In fact the National Party received \$10 000 from Philip Morris in the last financial year. It is also worth noting that in 2013–14 the Liberal Party accepted \$70 000 from big tobacco, and we all know that key Liberal Party strategist Lynton Crosby has actually had himself knighted, I believe, on the basis of his work campaigning for big tobacco against plain packaging.

While I am on the topic of conflicts of interest, we know that many members on the other side of the house are mere spokespeople for the Institute of Public Affairs — the member for Ripon, the member for Kew and the member for Mount Waverley. The Institute of Public Affairs, as we also know, receives funding from big tobacco and has used its position to campaign against that significant funding reform led by a former Labor Attorney-General in the federal Parliament, Nicola Roxon — the great world-first reform to deliver plain packaging.

This is a very important bill. Smoking costs our state \$2.4 billion every year in direct health costs and lost productivity. We are working hard to stop Victorians taking up smoking, to limit exposure to toxic second-hand smoke and to help support smokers to quit. This bill covers two key areas of reform: the regulation of e-cigarettes in line with tobacco products, and the banning of smoking in outdoor dining areas. It is important to note that this bill has been developed in consultation with key stakeholders. Indeed more than 80 organisations have been consulted in the development of this bill.

From 1 August 2017 all Victorians will be able to enjoy a meal outside with their family and friends in fresh air and free from the deadly dangers of second-hand smoke. Research has shown that smoke-free environments support those who have recently quit smoking or are trying to quit. Smoke-free environments also denormalise smoking, particularly for children. Under the law, the ban will cover all outdoor dining areas at restaurants, cafes, takeaway shops and licensed

premises, including beer gardens, courtyards and footpaths where food other than snacks is served. For premises such as restaurants, cafes, takeaway shops and licensed premises, smoking is only banned during periods when the occupier permits consumption of food other than snacks. For example, a beer garden could be used as an outdoor drinking area from 5.00 p.m. to 7.00 p.m., with the consumption of snacks and smoking permitted, and then used as an outdoor dining area from 7.00 p.m. onwards, during which time smoking is banned.

To provide flexibility for businesses where a premises has both an outdoor dining area and an outdoor drinking area, the two areas are required to be separated by either a 4-metre zone in which people cannot eat or smoke or a wall of at least 2.1 metres that stops the flow of smoke. The legislation means food fairs such as the Night Noodle Markets will also now be smoke free. As I said, businesses now have more than one year to prepare for the bans before they start on 1 August 2017. Businesses will have the flexibility they need regarding the use of their outdoor areas, while diners can eat their meals in a healthier and safer, smoke-free environment.

In terms of e-cigarettes, the bill also amends the Tobacco Act to regulate the sale, use and promotion of e-cigarettes in the same way as tobacco products from 1 August 2017. This will mean that children under 18 will no longer be able to buy e-cigarettes. All existing bans on the sale, use and promotion of tobacco products will also apply to all e-cigarettes in Victoria, regardless of whether they contain nicotine or not. In Victoria it is already illegal to sell, supply, possess or use e-cigarettes that contain nicotine, as nicotine is classified as a dangerous poison. The sale of non-nicotine e-cigarettes is currently unregulated, meaning they can be bought by children under the age of 18 and marketed to young people. All public health organisations agree that e-cigarettes should be regulated in some way in order to minimise the potential harms associated with their sale, promotion and use, particularly in relation to uptake and use by young people and the renormalisation of smoking behaviour. The new law will ban e-cigarettes in all areas where smoking is banned, such as enclosed workplaces, dining areas, pubs and clubs, schools and cars carrying children.

Again I congratulate the minister for bringing this very important bill to the house. It builds on a great and long tradition of tobacco reform by those of us on this side of the house. Earlier I noted that, of the parties on the other side, The Nationals are still receiving funding from big tobacco. The Liberals did move back in 2013–14 to ban it. I am proud to stand here as a member of the Labor Party, which stopped receiving

any donations from big tobacco 12 years ago. On that note, I commend this bill to the house.

Ms KEALY (Lowan) — It is a great honour and a privilege to be able to stand today in the house to speak on the Tobacco Amendment Bill 2016. As a National Party member and a member of the coalition, I will be supporting this bill. I do just want to set straight perhaps some of the comments made by the previous speaker, the member for Macedon. In particular I would like to set the record straight around who has been supporting the significant changes to and strengthening of tobacco laws in both Victoria and Australia. I find it astonishing and I do not understand why somebody would make a political issue of this, because if you read through the minister's second-reading speech, it actually quite clearly states that there has been a bipartisan approach.

Perhaps if government members are so good at playing politics, they should be standing up for their Country Fire Authority (CFA) volunteers in their local areas. The member for Macedon has been absolutely silent when it comes to support of CFA volunteers in her area. That is an absolute disgrace, when you see so many people getting sacked, whether it is the minister or the board of the CFA. We have had just complete and utter silence from the member for Macedon. If members opposite want to make a political issue of something and grandstand, perhaps they should actually get involved in the CFA —

Ms Thomas — On a point of order, Acting Speaker, the member for Lowan is not speaking to the bill at all. I request that you bring her back to speaking directly to the bill.

The ACTING SPEAKER (Ms Edwards) — Order! I uphold the point of order. The member for Lowan should please return to speaking to the Tobacco Amendment Bill.

Ms KEALY — It is clearly a sensitive issue for the member for Macedon, so I am happy to move on.

Obviously in my time I have seen some changes around smoking and the acceptance of smoking in the local community. My nanna was always a fantastic person and a good role model for me, but she was a very, very heavy smoker. Nan would always love to have a Fosters at about 5 o'clock in the afternoon, and she would always have a fag in her hand as well. That is something that I remember fondly because she obviously enjoyed having a smoke. But things have changed so much, particularly in relation to our understanding of the health impacts of smoking, not just on the smokers but on surrounding individuals in

relation to second-hand smoke. I guess we have moved forward so much in those years in understanding the impacts of smoking.

In 1987 one in three people were daily smokers, in 1998 it was one in five and the latest figures are just one in eight. It is still far too many. We do need to make more reforms in this area, particularly around education but also in assisting people to give up smoking. We also need to break down some of those barriers in relation to making smoking a normal activity or, I guess, ensuring that our next generation sees smoking as an unhealthy habit, a bad habit, rather than something that cool people do.

It was interesting when on the weekend I went to the birthday party of Kathy, a resident of a supported disability residential service. I wish Kathy many happy returns on her 60th birthday party, but unfortunately for Kathy, she could not have candles on her birthday cake because of the about 20 adults that had been invited to the party, there was not one smoker. Therefore nobody had a lighter, and we could not light the candles on the cake. I think it is probably a true reflection of how far we have really come in relation to the acceptance of smoking in the community that we could not even find a lighter to light candles for a birthday cake.

If we look at the purpose clause of the bill, there are really two main elements: one is about prohibiting smoking in outdoor dining areas, including new definitions of what qualifies as an outdoor dining area; the second element is around regulation of the sale, promotion and use of e-cigarette products and treating them in the same manner as cigarettes. I did clarify this matter with the minister previously. This means it is not just about the sale and distribution of cigarettes but that the changes within this bill that will prohibit smoking in outdoor dining areas will apply to e-cigarettes as well.

There has been some strong reform made by the coalition, particularly over its last term in government. The coalition introduced the bill for the Tobacco Amendment (Smoking at Patrolled Beaches) Act 2012, which was subsequently passed, which prohibited smoking at patrolled beaches. It also introduced the Tobacco Amendment Bill 2014, which prohibited smoking in certain public outdoor areas, including swimming pools, kids playgrounds, skate parks, sporting venues and subsequently kindergartens, schools, hospitals and public buildings. It also restricted the further promotion and display of tobacco products, and enhanced enforcement powers and increased penalties for illicit tobacco. Those are things that the coalition can be exceptionally proud of introducing to

strengthen tobacco laws and make sure that there are fewer smokers.

The main provision of this bill, particularly in relation to smoking in outdoor areas, bans smoking in outdoor dining areas, which means an outdoor dining area in a public place that has an occupier and is used for the consumption of food provided on a commercial basis and areas where outdoor drinking and dining is done at the same premises. It also bans smoking at food fairs or within 10 metres of a place where food is served at a festival or market. I think this is something that would be welcomed by anyone who is a non-smoker, enjoys food and enjoys being outside, particularly during the warmer summer months, because there is nothing worse than sitting down to have a great meal and talk with friends and getting that smell of cigarette smoke. It is certainly not something that I enjoy; I usually move when that is the case. And it is good to see these reforms are being put in place so that we do not have second-hand smoke forced upon us.

The bill does allow smoking in a drinking area, but not one that is within 4 metres of a dining area or any area that is not separated from an outdoor dining area by a wall a minimum 2.1 metres high. I would suggest that we should also see a 4-metre limitation around doors and windows as a buffer zone just to ensure that those zones between a smoking area and a dining area have that space. We know that smoke can move through doorways and through open windows, and I think having a 4-metre buffer would be appropriate in that part of the legislation.

The bill also allows for snacks to be served and consumed in areas where smoking is permitted, where a snack is defined as 'a pre-packaged shelf-stable food that does not require intervention' to prepare or uncut fruit. Now I am yet to go into a bar where they have got a bowl of apples and bananas, but if they start doing that, I guess it will be another step forward in improving health outcomes for the community when we are not smoking and we are having an apple with our beer every time we go to a bar to have a drink.

The other element of the bill is around vaping or e-cigarettes. There are some concerns around this, and I have been contacted by a number of constituents who have seen people within the community using e-cigarettes. I particularly have received a number of concerns from nurses at local health services who feel that having somebody vaping in the staff tearoom or in the bar is not appropriate role modelling for other people and who are also concerned about the secondary impacts on them. That is the thing about e-cigarettes: we really do not know what the health impacts are on

the smoker and in relation to second-hand smoke. We do need to undertake a lot more research to understand what those impacts might be. But as we have seen in the story of cigarettes over a number of decades, we need to be more protectionist and be safer rather than be sorry down the track. The cost to the health system in relation to smoking is significant, and we will feel the impacts of those costs for many, many years to come.

I would like to briefly mention how important it is that we invest in health services that have been dealing with the impacts of cigarette smoke over the years. In my electorate of Lowan, we certainly have an overrepresentation of local people who have chronic disease which is linked to smoking, whether that be chronic obstructive pulmonary disease, cardiovascular disease or a number of smoking-related cancers. It is fantastic to see that finally we have seen \$1 million given to the Wimmera Cancer Centre. I look forward to seeing that building delivered. Hopefully it will reduce the five-year mortality rate for people with cancer in our local area, because our part of the world in the Wimmera has the worst five-year survival rate for cancers. It is something that we are ashamed of but certainly doing a lot of work to improve.

We do need to see a lot more money invested in health infrastructure in our region. The Lowan electorate has 17 hospital campuses, which is by far the largest number of hospital campuses of any electorate, but we have only seen \$1.4 million injected into infrastructure over the past two years, and it is simply not enough. We do need to see more. I realise that we are a long way from Melbourne, but people in the country deserve to have access to high-quality health services to support our valuable GPs, our nurses, our allied health practitioners and the administrative and other associated staff in the hospital.

But most importantly we need to make sure that our local people have access to the health services that they deserve so that Lowan is no longer leading these chronic disease statistics but is actually making a big difference to the lives and families of people who choose to live in country Victoria. Of course any bill that will improve health outcomes for Victorians is something that I will support, and I commend this bill to the house.

Mr McGUIRE (Broadmeadows) — Smoking kills. Every cigarette does harm. Actor Yul Brynner's pre-recorded message that was played after he died was, to put it succinctly, from the grave: 'Don't smoke'. Despite this knowledge, about 4000 people in Victoria die every year from smoking-related causes — that is 11 deaths daily. The cost is \$2.4 billion in health care

and lost productivity. About 13 per cent of Victorians still smoke, yet Victoria has been a leader nationally and internationally in smoking prevention through VicHealth, the Victorian Health Promotion Foundation established under the Victorian Labor government in the 1980s, which has retained cross-party support since. I think that is a credit to the Parliament of Victoria and the approach that has been taken.

I also want to highlight that the prevention of smoking has been an evolution over a long period of time, and Victoria's leadership has been really important. I want to commend the Minister for Health, who is at the table, for continuing this tradition and the values that Victoria has upheld. I hope that in the future the medical research and intellectual property that we have formed in Victoria, where we have been the leader nationally for some time, can be harnessed and taken internationally in a bigger and bolder way as well.

Coming to the bill at hand, the Andrews Labor government will ban smoking in outdoor dining areas from 1 August next year so that Victorians can enjoy a meal outside without being subjected to second-hand smoke. The proposed ban will cover all outdoor dining areas at restaurants, cafes, takeaway shops and licensed premises. I also want to commend the minister and the department because there has been considerable consultation, with more than 80 individuals and organisations engaged in this reform. They represented public health bodies, the hospitality industry, small business, local government, individual community members, unions, tobacco retailers and various government agencies.

This reform will actually allow families and friends to be able to enjoy a meal in fresh air, free from the deadly dangers of second-hand smoke. Research has shown that smoke-free environments support those who have recently quit smoking or who are trying to quit. It is about them not being in a position where they get a whiff of smoke which connects up with the addictive properties of cigarette smoking and the hold it has on people. I think that is a good preventative measure in its own right. Smoke-free environments also denormalise smoking, particularly for children. What we do not want to see with the next generation of Victorians is that smoking again becomes normalised as a part of daily life. There is strong support for the introduction of smoke-free outdoor dining areas, which will bring Victoria into line with other Australian states and territories.

Under the laws the ban will cover all outdoor dining areas in restaurants, cafes, takeaway shops and licenced premises, including beer gardens, courtyards and

footpath dining areas where food other than snacks is served. For premises such as restaurants, cafes, takeaway shops and licensed premises, smoking is only banned during periods in which the occupier permits the consumption of food and other snacks. For example, a beer garden could be used as an outdoor drinking area from 5.00 p.m. to 7.00 p.m., when the consumption of snacks and smoking is permitted, and then used as an outdoor dining area from 7.00 p.m., during which time smoking is banned. So there is flexibility for business. As I said, this has been part of the evolution of the strategy for prevention, and community support has evolved with it. This has been done by governments over the decades.

There is an issue particularly with e-cigarettes. This bill seeks to amend the Tobacco Act 1987 to regulate the sale, use and promotion of e-cigarettes in the same way as tobacco products, also beginning on 1 August next year. This will mean that children under 18 will no longer be able to buy e-cigarettes. All existing bans on the sale, use and promotion of tobacco products will also apply to all e-cigarettes in Victoria regardless of whether they contain nicotine or not. It is already illegal to sell, supply, possess or use e-cigarettes that contain nicotine in Victoria as nicotine is classified as a dangerous poison. This is a critical point. Nicotine is what gets people in, gets them started and unfortunately too often gets them addicted.

The sale of non-nicotine e-cigarettes is currently unregulated, meaning they can be bought by children under the age of 18 and marketed to young people. We have to be conscious of the effect of marketing. Over a long period of time the big tobacco industry has been, how shall I say, manipulative in the way it has been able to glamorise smoking, particularly to impressionable children or teenagers, and get them hooked. We all know how cynical this has been, given that every cigarette does you harm and that smoking kills. This is a business that has been able to pursue this in a cynical way for straight-up profit. All public health organisations agree that e-cigarettes should be regulated in some way in order to minimise the potential harm associated with their sale, promotion and use, particularly in relation to the uptake in use by young people and the attempt to use e-cigarettes to re-normalise smoking behaviour and make it again part of the community.

If you think of all the effort that was put into taking cigarette sponsorship out of sport, because that was clearly a hook that tobacco companies used to associate smoking with glamour and success, and then of the different ways that promotion has evolved, you find that as reform moves forward the industry rallies and

comes up with a new proposition. That is what we are addressing with the new laws to ban e-cigarettes in all areas where smoking is banned, such as in enclosed workplaces, dining areas, pubs, clubs, schools and cars carrying children. This is about limiting young people's exposure to e-cigarettes and their marketing.

The bill is the first major tobacco-related reform since Labor was last in government, and it builds on Labor's steady and already strong record on tobacco reform to improve the health and wellbeing of our community. I also wanted to look at the outdoor smoking dining ban and just reference as well that research has shown smoke-free environments support those who have already quit smoking. As I said, this is important for the proposition of making sure that people do not get hooked again and start smoking. Through observation and research we have seen that a lot of strong-willed people still have to fight over a long period of time and over a number of failures to actually get rid of their addiction to tobacco and nicotine, such is its hold on them. That has proven to be an issue over a long period of time.

In summing up, I just want to say that smoking is now also banned at many public building entrances; at train stations and on raised platform tram stops; in cars carrying children; within 10 metres of playgrounds and skate parks; at sporting venues during under-18 events; and within public swimming pool grounds. Earlier this year the Victorian government brought forward bans on smoking within 4 metres of the entrances of public hospitals, community health services, schools, childcare centres, kindergartens and preschools, and many government buildings, including the Parliament, courts and police stations. These bans are enforced by local government, and individuals caught smoking face on-the-spot fines of \$152, with a maximum penalty of \$758.

This is part of the evolution of a considered policy on prevention, on scrutiny and on compliance. This has been important for Victoria. We have led nationally in so many different ways, and I would like to see that through the aggregation of the work of our medical researchers we establish a platform for Victoria to take further leadership nationally and globally so that we can harness the intellectual property that has already been established and the programs that we know are successful to try to bring this increasingly to the world stage, because this is about saving lives. I commend the bill to the house.

Mr HIBBINS (Pahran) — I rise to speak on the Tobacco Amendment Bill 2016. The Greens will be supporting this bill as it is a step forward in banning

smoking in outdoor dining areas and in the regulation of e-cigarettes. But from our perspective it is a big disappointment that this bill does not cover outdoor drinking areas as well as outdoor dining areas. Certainly that is a position that is supported by a number of organisations, including the Australian Medical Association, Quit, the Cancer Council and others, I am sure. I feel we could have had Australia's best legislation or legislation comparable to that of other states or equal to the best in regard to outdoor areas. Instead I feel we have a watered-down version. The smoke is the same and the people's health is the same, so we do not believe that there should be a difference or that there is a difference between outdoor dining areas and outdoor drinking areas.

I am very glad that the member for Macedon made such a point of talking about lobby groups, talking about political donations and talking about tobacco donations — —

Mr Walsh — You do not talk about where you get your money from.

Mr HIBBINS — Yes, we do. It is on our website. Let us talk about the Australian Hotels Association. This is essentially the tobacco lobby, the alcohol lobby and the gambling lobby rolled into one. This is a group that is opposed to anti-smoking legislation and is a significant donor to the Labor Party, the Liberal Party and the National Party. Let us talk about who the Australian Hotels Association is. Let us look at its corporate partners. It was very interesting to hear the member for Macedon make a strong point about not accepting tobacco donations. Let us look at the corporate partners of the Australian Hotels Association. We have got Tabcorp, we have got Lion, we have got Carlton & United Breweries and we have got British American Tobacco, a corporate sponsor of a lobby group that donates to the Labor Party. Sure enough we have legislation here before us that simply does not go far enough.

Let us look at the donations this association made in the election year: \$171 000, including a big one of \$100 000 on 27 October. It was certainly looking to back a winner there. Unfortunately before the election the Liberal Party only got \$75 000. It is a complete conflict of interest to have the Australian Hotels Association, which is a representative of the alcohol, gambling and tobacco industries, donating such significant amounts to political parties and at the same time to have the government making significant regulations over those industries. If the Labor Party or any other party were serious about donations reform and integrity in terms of where donations come from, it

certainly would not be accepting funds from the Australian Hotels Association.

I also want to take up the point of the member for Macedon that only the Labor Party has been leading the way. The Victorian Greens introduced legislation to ban — —

Mr Pearson interjected.

Mr HIBBINS — Because the Labor Party voted against it. This is the thing: Labor members can get up and say, ‘It’s only us’, but it is very easy for them to say, ‘It’s only us’ when they vote against other people’s legislation. It is incredible. It was the Victorian Greens — —

Ms Hennessy — On a point of order, Acting Speaker, I appreciate that this is a wideranging debate. However, this is a debate that is essentially about tobacco reform, and whilst I always welcome a bit of life, colour and movement from the member for Prahran, I would ask that you bring him back to the provisions of the bill. In relation to the imputations he wishes to make about some so-called connection between electoral donations and this bill, I would suggest that he initiate that by way of a notice of motion, if he chooses to do so, and I suggest that he chooses his words very carefully.

The ACTING SPEAKER (Ms Edwards) — Order! I uphold the point of order. The member for Prahran to return to speaking on the Tobacco Amendment Bill 2016. I also ask that the member for Prahran not respond to interjections from the other side of the house.

Mr HIBBINS — I thought it would be best to go through the time line of tobacco reform, as other members have done. As I said, it was the Victorian Greens who first introduced legislation to ban smoking in outdoor dining areas and outdoor drinking areas for the same reasons I am sure that members are supporting this bill. We know the devastating effects smoking has had in our community. We know the effects of second-hand smoke on diners, on drinkers and on staff. I know that United Voice has called for bans on smoking in outdoor drinking areas.

We know the importance of decoupling the link between smoking and drinking. We know the importance of denormalising smoking and supporting those who have quit. We know that when we have put in reforms of this kind it has actually been good for business rather than what the naysayers would say, and we know that these sorts of reforms have the overwhelming support of the community.

Unfortunately when we moved our private members bill in the last term of government, it was voted down. Then sometime down the track we saw a commitment by the former coalition government. In its last year in office it made an in-principle decision to legislate for smoke-free outdoor dining and stated that bans would be introduced within five years after detailed consultation periods. Five years — that is a decent amount of time. Ours would have been, I think, done within 12 months to two years. Certainly if that bill had been passed, we would already have seen that legislation in place.

It is good to see progress, but as I said, it is disappointing that this bill does not ban smoking in outdoor drinking areas as well. There are a number of issues with that. I will go through what we think would be the best model in terms of what our bill would provide. It would ban smoking in outdoor drinking and dining areas, but it would allow for a designated smoking area in licensed venues. Licensed venues would be able to establish this outdoor smoking area to be no more than 50 per cent of their outside dining and drinking areas. This outdoor smoking area would have a 2.1-metre buffer wall with a single entrance. No food or drink would be able to be served in this area. That is unlike a provision of this bill, which allows venues to have a smoking area and to allow drinking and snacks in there. Our legislation had other rules around venues creating smoking management plans.

The problem with this particular legislation in not going down that route of covering both dining and drinking areas is that we have a separation of outdoor dining and drinking areas by a 2.1-metre wall or a 4-metre buffer but there is no restriction in the size of the outdoor drinking area relative to the outdoor dining area. That means that if a pub decides to do so, it could designate an entire area as a drinking area, excluding diners from actually being able to use the outdoors. The same goes for cafes. Certainly there have been experiences in New South Wales where this has actually been the case and eating has not been allowed in outdoor areas.

As I raised earlier, the issue with having bans for outdoor dining but not for outdoor drinking is that we remove that opportunity to decouple the connection between drinking and smoking. We know that, obviously, it is difficult for people who have quit. Drinking can often result in a relapse of taking up smoking again. Of course this does not provide for the effective protection of workers who still have to work in these outdoor drinking areas. For these reasons it would have just been simpler and more appropriate to have a ban on smoking in dining and drinking areas, with just a small designated smoking area.

The Greens also have some technical amendments — concerns with wording and technical aspects of the bill that we will be seeking further clarification on — and we may seek amendments in the upper house.

We have 11 000 people who die from smoking each year in Victoria. These are all preventable deaths. We have many people who want to go out and enjoy a night out without having to deal with second-hand smoke. We have workers who need protection from second-hand smoke, and it is unfortunate that this legislation is a watered-down version of what needs to happen and what is best practice, as has been put forward by medical bodies and as is in place in other states. I note that the Queensland model has been put forward as the preferred model. I note that other states and territories — the ACT, the Northern Territory, Queensland and Western Australia — have gone for smoke-free outdoor dining and outdoor drinking, and I think it certainly should be Victoria's ambition or intention to do just that. It is disappointing that unfortunately the government has chosen not to do that at this stage.

Moving on to the provision for e-cigarettes, we understand that there is very limited evidence around the health impacts of e-cigarettes. That makes it difficult to legislate for. I see in this instance that the government has sought to regulate them in the same way as tobacco products, and certainly we see this as a step up from the existing situation, where there are currently no restrictions on the sale, use or advertising of non-nicotine e-cigarettes. They are being used. Certainly one of our main concerns is that e-cigarettes could be used as a tool or as a way of introducing smoking to young people. Particularly we have seen some that have flavoured products or colourful packaging that could appeal to young people. We certainly think that we need to continue to look very closely at e-cigarettes to make sure that they are not used in a way where they could be a dressed-up product that is used to introduce young people to smoking.

There is another thing that we feel is missing from the bill, and that is any legislation to do with water pipes, also known as hookahs or shishas. We note that currently you are allowed to smoke these indoors. You can use flavoured tobacco, which is completely inconsistent with our smoking laws, and in fact it is in many aspects more harmful than smoking itself. I have been provided with a copy of a letter signed by the Australian Lebanese Medical Association, the Australian Iraqi Council, the Afghan Australian Association of Victoria, the Pakistan medical community, Arabic Welfare, the Hellenic Medical

Society of Australia and the Iraqi Kaldonian Association of Victoria.

All these bodies have called for water pipes to be subject to tobacco legislation and be treated in the same way as other tobacco products because these organisations understand the harms that tobacco is causing their communities. They would like to see this product, which obviously their communities use more than others, regulated in the very same way that other tobacco products are regulated so those communities can also benefit from such legislation.

The Greens will be supporting this bill. It is an improvement in terms of restrictions on smoking and e-cigarettes. However, we are very disappointed that it did not go further and encompass smoking in both outdoor drinking and outdoor dining areas. There is a clear conflict of interest between political donations and lobbying by the Australian Hotels Association, and I think the government would do well to look very closely at not accepting donations from that particular association. We need to take further action to protect the health and wellbeing of Victorians from smoking, and certainly we need to be introducing bans in outdoor drinking areas as well.

Mr PEARSON (Essendon) — I am delighted to make a very brief contribution in relation to the Tobacco Amendment Bill 2016. The member for Prahran seemed to indicate that the Australian Labor Party has in recent time taken donations from big tobacco. I want to point out at the outset that he is patently and absolutely misleading the house — he is wrong. It is my understanding that the Labor Party has not taken donations from big tobacco since at least 2001. The member for Prahran again comes into this place, he does not prepare, he does not do his work and clearly he does not know what he is talking about.

The member for Prahran also talked about Queensland being some sort of role model. I understand in relation to Queensland that there are certainly designated smoking areas where you cannot serve food. The problem with that is that those of us who like a drink — and I do not think the member for Prahran likes a drink, but I will point this out to him — is that if you do have too many lagers without a meal you can sometimes get inebriated quite quickly. Therefore if you only allow people to drink and smoke and not have a meal, then you basically run the risk of not having a responsible service of alcohol.

In relation to the bill, this is a great piece of legislation because it builds upon the legacy and work of David White, who introduced the Tobacco Act in 1987 and

whose leadership was pivotal in relation to VicHealth and Quit buying out tobacco sponsorship. It was a world first at the time. If you speak with David today, you will discover that it is still one of his proudest achievements as a minister. He had a long and distinguished career as a minister of the Crown in the other place, and his time as Minister for Health was his highlight of that time.

Smoking-related diseases are terrible afflictions. I lost my grandfather to emphysema when he passed away before I was born. My mother, who was the youngest of her family, was with him when he died, and it was an awful death. He had years and years of discomfort and lethargy, and when he died he effectively drowned in his own blood because the membrane in his lungs gave way and blood just went everywhere. It was deeply traumatic for my mother, who was a young woman at the time, to experience that and it affected her all her life.

It is also important to note the fact that smoking does impact upon the quality of life of a person. If you have chronic obstructive pulmonary disease, you do not have the energy and you do not have the ability to get around and live the sort of life you may wish to live. You may well die quite a few years younger than the average, but those final years are often evidenced by a poor quality of life.

The bill also makes some important changes in relation to e-cigarettes. I think this is important because of the fact that lung cancer has been around for hundreds and hundreds of years — smoking has been around for hundreds of years — but it was only as a consequence of soldiers taking up smoking in the First World War and that cohort broadly suffering from emphysema or lung cancer that the realisation was made that there is a correlation between smoking and emphysema and smoking and lung cancer. We do not know enough about e-cigarettes yet, and we do not know the impact that that is going to have upon the health of people, so it is reasonable that we take those actions.

The bill is an important piece of legislation. I welcome the comments of support from the opposition. Again whenever the Greens come into this place it is always, 'You coulda. You shoulda. We woulda. We coulda. We shoulda'. They are just hopeless. They are forever trying to claim credit for what Labor does in power. It is an important piece of legislation, and I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution on the Tobacco Amendment Bill 2016. The purpose of this bill is to prohibit smoking in

outdoor areas, including inserting a new definition of what would qualify as an outdoor area, and to regulate the sale, promotion and use of e-cigarette products and to treat them in the same manner as cigarettes.

I will begin with the latter part of this bill first, which is around e-cigarettes. I am certainly in favour of the regulation of e-cigarettes. Although e-cigarettes with nicotine are currently banned, the use of e-cigarettes has become controversial. I wrote to the Minister for Health a year or so ago expressing some concern, mainly on cross-border issues with this, that New South Wales had moved on the provision of e-cigarettes to minors, and I encouraged Victoria to take some action. I am pleased to see this bill here today as a result of that.

The use of e-cigarettes came into being because it is a therapy available to those people who want to quit smoking. We know that we want as many people as possible to quit smoking; however, as with so many things, there are some issues that arise from this. Certainly the use of e-cigarettes leads to some concerns including some effects on some people who are endeavouring to use them as a way to give up smoking.

I note that the Australian Medical Association (AMA) has issued a statement on the regulation of e-cigarettes, and it is supporting this decision. The National Party is not opposing this bill, and the AMA has made some comments around the tobacco laws to ensure that the products do not contain illegal ingredients such as nicotine, that the products are not to be sold or promoted to minors and that the products should not be used in smoke-free areas. I think that is very much where we are.

In particular there were some concerns around e-cigarettes and minors that came to my attention, and that it may actually work the other way for minors from what it was meant to do for adults — that is, to promote or normalise smoking habits. By banning them for minors, the bill covers that. We also know that they are banned for use in various other places. I notice the spiel when you travel on an aircraft now includes the use of e-cigarettes on the aircraft.

I turn very quickly to the provisions around banning smoking in outdoor areas. The meaning of an outdoor area is a public place that has an occupier that is used for the consumption of food provided on a commercial basis where the outdoor drinking and dining areas are in the same premises. It also bans smoking at a food fair or within 10 metres of a place where food is served at a festival or a market. It allows for the continuation of smoking in a drinking area but only if it is not within 4 metres of a dining area and is separated from the

outdoor dining area by a wall of a minimum 2.1 metres in height. The wall must also be impermeable, as well as 4 metres from the dining area. The provisions in this bill are once again changing how smokers interact with those who are dining. It is something that I do welcome; however, I know that there have been some issues from some people who are certainly concerned about how this space works. However, I think this bill is moving with the community.

As so many speakers have said in their speeches, we need to continue to encourage, in every way we can, people who smoke to give up smoking for the sake of their health and for the sake of their children and family, and also to send very strong messages about what we now think as a community about smoking in general. The Nationals are not opposing this bill. I know many people wish to speak on the bill. I think it is welcome, and I wish the bill a speedy passage.

Ms KILKENNY (Carrum) — I am really pleased to be able to rise to contribute to the debate on the Tobacco Amendment Bill 2016. I am really pleased also to hear that this has overwhelming support from this house. The purpose of the bill is twofold, as we have heard: to prohibit smoking in outdoor dining areas; and to regulate the sale, promotion and use of e-cigarette products.

When I was reflecting on this bill and what it means, I cast my mind back to those good old days when it was quite normal to chuck the kids in the back of the car and have the windows wound up with mum and dad in the front smoking away, or those days where we used to sit on an aeroplane and the smokers would be down the back and somehow it was understood that the smoke, as it wafted up the plane, was no longer going to be as poisonous or toxic to passengers sitting up the front. So we have obviously come a long way in reducing rates of smoking and, importantly, increasing awareness of the dangers of cigarette smoking and the chronic diseases and illnesses which flow from that.

I understand that back in 1987 one in three Victorians were smokers and that today, happily, that figure is down to one in eight. The most wonderful and terrific news is that smoking among Australian school students is at an unprecedented low. I think it is important that we do all we can to keep it low and to reduce it even further. Part of doing that will obviously turn on what we are proposing to do with this bill — that is, to ban smoking in outdoor dining areas but also to regulate e-cigarettes in the same way as we regulate smoking. What we are seeing and what the Australian Medical Association is telling us is that e-cigarettes are not necessarily an alternative to smoking tobacco, but for

many young people they are the gateway to smoking tobacco, so whatever we can do to prevent that transition, if you like, from e-cigarettes to smoking is a very welcome thing.

Just briefly, when I was reflecting on this I also thought back to an advertising campaign 31 years ago — it was in 1985. You may remember Yul Brynner, from *The King and I*, and his very powerful public announcement that came out in the US. I was living in the US at the time, and I remember this so clearly when it came out; it actually came out after he had died from lung cancer. His one simple message was: ‘Now that I’m gone, I tell you: don’t smoke. Whatever you do, just don’t smoke’. He finished with this:

If I could take back that smoking, we wouldn’t be talking about any cancer. I’m convinced of that.

What was most, I guess, poignant about that message also was that Yul Brynner had actually quit smoking 15 years before he was diagnosed with cancer, so it was a very stark reminder of the tragic consequences of smoking.

Whatever we can do to bring down the rates of smoking is very welcome. Obviously one of the ways to do this is to make changes in the social climate so that we no longer see smoking as either glamorous or, for young people, rebellious. It is important that we show smoking, and also, by analogy, e-cigarettes, to be seen for what it is — that is, it is unhealthy, abnormal, absolutely unnecessary and antisocial and leads to probably one of the most frequent preventable illnesses facing Australia today.

The first reform with this bill is to prohibit smoking in outdoor dining areas and to protect diners from second-hand smoke. People have a right to enjoy a meal without passive cigarette smoke and in a clean and safe environment. But just as importantly, of course, employees and staff have a right to work in a clean and safe working environment.

Briefly the second major reform with this bill covers e-cigarettes. Currently the sale of non-nicotine e-cigarettes in Victoria is largely unregulated, which means they can be purchased by children who are under the age of 18. We know that the use of e-cigarettes has increased significantly across Australia. As I said earlier, there is research to suggest that young people using e-cigarettes are actually progressing to tobacco smoking. We do not know the health consequences of e-cigarettes, and that is because they have been largely unregulated. There have been strong calls from the National Health and Medical Research Council of

Australia as well as the World Health Organisation to fully regulate e-cigarettes.

On that basis, this bill is very welcome news for all Victorians. The health costs to Victoria from what are preventable illnesses from smoking are significant and staggering. It is certainly not cool to smoke, and I think that is the message that we really need to convey to all Victorians, but in particular to young Victorians. I absolutely commend the bill to the house.

Ms RYALL (Ringwood) — I rise to speak on the Tobacco Amendment Bill 2016. The purpose of this bill is to ensure that smoking is no longer permitted in outdoor dining areas and also that e-cigarettes are treated in the same manner as normal cigarettes — that is, that they be regulated.

From a confessional perspective, I am a former smoker, but that was a long, long time ago. I spent a few years of my life as a nurse, early on, after high school, and I must say that at that point the majority of nurses certainly smoked. I remember that at one point in time a very large dining room of a very large inner-city hospital was filled with smoke; from ceiling down it was smoky. Soon changes occurred where the smokers were separated off from the non-smokers into a small dining area, and it almost became impossible for those smokers to continue smoking during lunch and dinner breaks. But as was such, we are talking about the mid-80s there, some changes started to happen certainly soon after.

Becoming more knowledgeable — there is so much more intelligence around — in terms of the impact of smoking on the body and the cancers and other illnesses that are created as a response to it, and making sure that people have information at their fingertips through the internet and other places, have I think done very well to ensure that people are informed. Also, the campaigns that have been run in this state and across the country — campaigns like the Quit campaign — have brought to the fore knowledge about the impacts of smoking.

The member who was on her feet just a few minutes ago talked about young people and how the rates of smoking have lowered in young people, and that is certainly the case. My daughter has had no inclination to take up smoking and finds it an appalling habit. I think it is really, really good that a large proportion of our young people do not smoke and actually do not like smoke. What would be good would be to eventually see smoking rates decline further, simply because of the massive health impacts and the lives that are damaged and struck out as a result of smoking.

The background to this bill is the Victorian Tobacco Act 1987. E-cigarettes and tobacco-containing cartridges were prohibited in January 2009 when the implementation of legislation happened in Victoria. There were obviously significant inroads made into dealing with smoking in the last term of government when we made amendments to stop smoking on patrolled beaches. Further amendments in 2013 and 2014 were made in relation to smoking in public areas. I recall the changes that were made then which related to smoking around swimming pools and around children's sporting activities and skate parks, and then subsequently at schools and kindergartens and around hospitals and so forth. All of this has worked well towards making sure that we are focused on dealing with the health impacts and the health issues that are a consequence of smoking and tobacco products. To that end, further powers were given to ensure that the enforcement of these inclusions involved increased penalties for those who breached the bans, and obviously that is important.

I also note that the increase in the price of cigarettes has, I expect, to a large degree stemmed the increase of either taking up smoking or increasing smoking from a habitual perspective, because certainly the cost is prohibitive. For some, the choice becomes smoking or food, or smoking or other activities in life that they might prefer. Hopefully they would make the decision, like I did many years ago, to actually give up the habit and certainly feel a whole lot healthier as a result of that.

In 2013 the Greens introduced some amendments to ban smoking in outdoor dining and drinking areas. Those amendments to only allow smoking in designated areas did not go ahead at the time, and certainly in 2014 we made the commitment that on return to government we would introduce the ban on smoking in dining areas and also work through the banning of smoking in outdoor drinking-only areas as well. Last year, in August, I note that the health minister announced that she would seek to ban smoking in outdoor dining areas from 1 August 2017, and this bill essentially delivers on that commitment.

As I said, I was a nurse for a reasonably short time in my life — about eight years. I certainly witnessed the impacts of smoking on the health of people, whether it be from emphysema, from lung cancer or from other health-related concerns. In that respect, not only the damage that it does to the person but also the health-related impacts smoking oxygenate has on their families and children, which is terrible. It brings to mind the advertisement that was seen on TV on a number of occasions where a child is sitting next to a

father who has oxygen prongs in his nose and is unable to enjoy life with his child as a result of smoking-related illnesses. Certainly that is not something you would wish on anybody. Having nursed some of these people right up to their passing, it is not a nice way to die — that is probably the only way I can say it — gasping for breath or certainly having impacts on your ability to take in oxygen, retain oxygen and actually oxygenate the blood as a result of cancer. Also metastases and so forth might come with that to other parts of the body, which obviously creates pain and significant health impacts.

In terms of dealing with smoking in the outdoor dining situation, not everybody is going to approve of that, but I certainly welcome that in relation to when I go out to eat because I go out to eat to taste my food and I do not go out to eat and taste the smoke of others or smell the smoke of others. I enjoy being able to dine in a non-smoking area. In terms of that aspect of the bill, I certainly know that Quit, the Australian Medical Association, the Heart Foundation and the Cancer Council Victoria have all called for this bill to be introduced, but they are wanting both the dining and the drinking areas dealt with from that perspective. Obviously their concerns are the health-related impacts of smoking. Those people, being doctors and those associated with the Cancer Council, in dealing with people who as a result of smoking are actually impacted upon by cancer and other smoking-related diseases, see the impacts, and I can understand why they would be wanting this legislation to go through.

Obviously there are some issues around — for example, in New South Wales — some venues not serving food in outdoor areas. One of the things is that you do not want people drinking and not eating at the same time if their preference is to smoke. You would hope that there are wise decisions taken and that people do not just drink and smoke but also make sure that they eat, because obviously drinking on its own is not healthy from a number of perspectives. I welcome the changes to the provisions in relation to outdoor dining areas.

Mr J. BULL (Sunbury) — It is always a pleasure to follow the member for Ringwood, and I congratulate her on managing to give up smoking a number of years ago. I am delighted to be able to speak on the Tobacco Amendment Bill 2016. This is a very important bill and, as we have heard, it aims to place greater regulation around the leading cause of chronic illness in Australia — that is, smoking. As we know, smoking is a major public health issue, and the key reforms addressed in this bill are obviously banning smoking in

outdoor eating areas and regulating the safe use, promotion and sale of e-cigarettes.

I have listened quite closely this evening to contributions from all sides of the house, and I think it is certainly worth reflecting on how much society has changed in relation to smoking and cigarettes over the past few decades.

You only need to walk out into Queen's Hall, or certainly into the government party room and a number of other rooms around the Parliament, to see that the pictures are predominantly of men, I should note, who have been photographed or painted with cigars or pipes in hand. I know that the member for Yuroke enjoys older films. If you look at some old movies, you will see that a number of people in those films are often seen smoking — smoking in the workplace, smoking in social situations and of course smoking in the home.

Times have changed considerably. We can see that the promotion of smoking within all of these settings was something that society just accepted as something that was a given. My father took up smoking when he was just 13 and smoked until he was in his mid-40s. To his great credit he quit because my sister and I both suffered from asthma, and smoke around the home was not a good thing. We can cast our minds back to the Benson & Hedges Cup. As I have mentioned, smoking was associated with sport, movies and pop culture. This connection and promotion of cigarettes was very common and a very dumb thing. We have come a long way but there is a long way to go.

Statistically, in Victoria smoking rates are fortunately at their lowest ever. According to a 2013 study, 12.6 per cent of the population smoked — a decrease from 15.5 per cent in 2010. We know that great work is being done in the community, and a bill such as the one we have today does have a significant impact on reducing smoking rates. I also note the work done by the lead health agencies to make sure that we are reducing the number of people smoking in our society. That is a very important and very good thing. Many of the smoking-related initiatives that I have just spoken about have occurred over the last 15 years, including banning smoking in shopping centres, which occurred in 2001; banning smoking in enclosed workplaces and at underage music events, in 2006; prohibitions on advertising, particularly to young people; and tackling the detrimental effects of smoking in Victoria. The first part of this bill will place a prohibition on smoking in outdoor dining areas. The aim is to increase the number of smoke-free areas in order to provide healthier and safer dining environments for the community.

As I have mentioned, thanks to a very successful public health campaign we are certainly all aware of the dangers of passive smoking. The fact remains that there is no safe level of second-hand smoke; it is a fundamental danger to all non-smokers, particularly children. This evening I have listened to a number of members who have spoken about the dangers of smoking in cars. When we look back at smoking in cars et cetera, we need to look at it through eyes that are not too judgemental. As the science has increased and our knowledge of medicine and health has increased, we understand the effects far more than were ever known, but I certainly think that we must all work harder and do more to ensure that we reduce those smoking rates and ensure that all of these areas can be smoke-free, to make sure that people can have a meal and enjoy a lunch or dinner without the effects of second-hand smoke. In Melbourne and Victoria obviously we are famous for our hospitality, and our dining industry is the envy of the world and contributes not only to our cultural identity but also significantly to our vibrant economy.

I am certainly aware of the time and that a number of speakers are still to come. The second part of the reforms looks to regulate the use of electronic cigarettes. This is a precautionary response to a new type of cigarette which, instead of burning tobacco, burns a heated liquid. We do not yet fully understand the potential dangers of e-cigarettes, which is why I am certainly pleased, and we are very pleased as a government, to be able to ensure that the legislation is before the house today. Ultimately this bill serves to regulate e-cigarettes and ban smoking in outdoor areas. I commend the bill to the house.

Ms SULEYMAN (St Albans) — I rise to speak in support of the Tobacco Amendment Bill 2016. I commend the speakers from both sides on the excellent contributions that we have heard today in relation to the health of Victorians and reducing smoking and smoking-related harms. Hopefully this bill will help reduce exposure to second-hand smoke, smoking behaviours and smoking triggers in outdoor dining areas. I am not happy to say this, but as someone who used to smoke many, many — —

Honourable members interjecting.

Ms SULEYMAN — I know. It was terrible. I feel like it was somebody else, not me. We are talking about 10 years ago, and it feels like a lifetime ago.

Honourable members interjecting.

Ms SULEYMAN — I am not going to get to how many, but it was just terrible. It was a terrible, terrible habit that I had. I was fortunate enough to realise that smoking was a horrible habit for my health and wellbeing, for the environment and for my family members. I was able to quit very quickly, to the point where just smelling smoke now would make me literally sick. I really commend this bill, because there is nothing worse than being in an outdoor dining area next to a table with people smoking it is awful. It is not only awful for their own health and wellbeing but also for the others around them who are affected. Why should we be affected by someone else's very bad behaviour and habits?

As we have heard from both sides, smoking-related illnesses are terrible. We only need look at some of the statistics and figures in relation to smoking. Sadly over 4000 people in Victoria have lost their lives to smoking. The cost of smoking to health care and our healthcare providers is probably close to \$2.4 billion, and unfortunately around 13 per cent of Victorians continue to smoke.

I am extremely delighted. I am delighted that outdoor smoking will be banned, and I am happy and extremely pleased that smoking in cars where children are passengers will also be banned. Many times when you are driving a car, you see innocent little babies in vehicles where parents are puffing away. It is just terrible to see that. This amendment and this bill ban smoking in cars where children are present and have on-the-spot fines for parents or people in vehicles who are smoking in front of children. It is just terrible. I am strongly against people smoking near kids, because kids do not have choices, and unfortunately they find themselves in an unhealthy environment. We in this place have an obligation to protect our young children and make sure that they have the best health environment and surroundings as possible.

In relation to e-cigarettes, they have appeared only in the last few years, and it is important that this bill will focus on reducing the potential harms associated with the sale, use and promotion of e-cigarettes. I am really happy to see that addressed in this bill as well. It was interesting to walk into an airport and see that some people are using e-cigarettes, believing it is not really smoking. Well, it is a form of smoking, and it is a filthy form of smoking, so I am very happy to see that this bill also encompasses that measure as well.

I have already spoken about second-hand smoking and some of the adverse effects it has in relation to a 30 per cent increase in the risk of heart disease and cancer-related illnesses, and these health problems

continue to increase in our community. I totally support any form of prevention of smoking in our community. I commend this bill, and I also commend the minister for acting swiftly in relation to the Tobacco Amendment Bill 2016.

Mr THOMPSON (Sandringham) — I am pleased to join the debate on the Tobacco Amendment Bill 2016 and note that the main purpose of this bill is to amend the Tobacco Act 1987, firstly, to prohibit smoking in outdoor dining areas, and secondly, to regulate the sale, promotion and use of e-cigarette products.

I note that the 58th Parliament's *Alert Digest* No. 9 of 2016 has a ministerial response to a query made by the Scrutiny of Acts and Regulations Committee regarding the Tobacco Amendment Bill 2016, and I would just like to place a couple of those comments on record. The Minister for Health and Minister for Ambulance Services on 6 June 2016 wrote to the chairperson of the Scrutiny of Acts and Regulations Committee, Parliament of Victoria, and an attachment to that letter covered a number of points. It says:

Expression — Prohibition of e-cigarette advertisements —
Exemption for advertisements that discourage smoking

Question to the Minister for Health: does clause 9 permit an advertisement whose sole or principal purpose is to encourage users of tobacco products to switch to e-cigarettes?

I would just like to place on record the commentary:

It is intended that clause 9 of the Tobacco Amendment Bill 2016 (the bill) would prohibit the display of an advertisement whose sole or principal purpose is to encourage the users of tobacco products to switch to e-cigarettes.

Such an advertisement would be considered an 'e-cigarette advertisement' within the meaning of the amended legislation. Clause 9 of the bill will amend section 3B of the Tobacco Act 1987 (the principal act) to insert a definition for the term 'e-cigarette advertisement'. An advertisement whose sole or principal purpose is to encourage tobacco product users to switch to the use of e-cigarettes would not fall within the exemption provided for in the amended section 3B(7) of the principal act, as such an advertisement would encourage the use of e-cigarette products.

The rationale for not extending the exemption to such advertisements is in line with the government's precautionary approach to mitigating the potential risks associated with the use of e-cigarette products. Evidence to date about the harms associated with e-cigarette use is limited and the Therapeutic Goods Administration has yet to approve an e-cigarette product as a smoking cessation aid. It would be premature to allow advertising that encourages smokers to switch to e-cigarettes in these circumstances.

Should the Therapeutic Goods Administration approve an e-cigarette product as a smoking cessation aid in the future, clause 9 of the bill provides for regulations to be made to

exclude that particular product from the definition of 'e-cigarette'. An e-cigarette product which has been excluded by regulations would not be subject to the ban on advertising of e-cigarette products and could be lawfully advertised in the same way as other smoking cessation aids or quitting medications.

I note that the role of the Scrutiny of Acts and Regulations Committee is to comment on a range of issues in relation to bills introduced into this house which might trespass unduly upon rights or freedoms, and I will not recite all of subclause (a) or subclause (b). However, it is interesting to note the work of this committee in this instance has cast light on the bill. It has provided a ministerial response in a timely way which provides some elucidation on the terms and intent of the bill, which will facilitate those who might seek to understand the terms of the bill and how it might be more widely applied.

I remember in this chamber a former member who was a pharmacist. There were a couple of pharmacists who were members in this place — three in fact, upon recall, and two during my time. One was the most vigorous anti-smoking campaigner you could ever get. If tobacco companies were promoting or sponsoring matters, he was very keen in his opposition.

We note that the work of VicHealth was funded from the hypothecated tax revenue from the sale of tobacco to encourage health promotion in Victoria. There is a bipartisan approach to the work of VicHealth, which has done an outstanding job in promoting positive health initiatives in Victoria across a range of fields. Its funding genesis was a hypothecation of the sale of a packet of cigarettes — a tariff of circa 5 per cent or so — which was directed towards health promotion causes. Electorate by electorate around the state there would be many good projects that have been funded by the Victorian Health Promotion Foundation.

But back to the pharmacists, the then member for Frankston, Graeme Weideman, was a very, very strong opponent of the smoking of tobacco. The basis of his opposition was having seen his mother die of lung cancer. He was vigorous in his opposition. Another person in the Parliament, who was once presented with a packet of cigarettes called 'Parliament', which were available overseas in a country of Asia Minor, was a prolific smoker. That had been a pattern of yesteryear too — many people might be gathered out on the back verandah of this place, smoking. Even in Strangers Corridor it may not have been inappropriate to light up. There was a social time, moment or occasion.

However, for those who have been close to lung cancer, given the preventability of disease, for those who are

aware of the addictive nature of tobacco smoking and for young people who may try it and then be reticent or unable to give it up even though they may wish to, it does create a major difficulty. It creates a massive cost burden on a working family's household budget if people are addicted to smoking. We would have our own insights and understandings in relation to that.

Closer to home, my father-in-law died of lung cancer. He was a very strong man, and it was strange to see him prior to his death — his unwellness, his medical difficulties. While otherwise physically strong, he died due to the smoking of tobacco, a product grown not only in the north-east of Victoria but also in the part of Europe where he had grown up. So measures that might serve to promote non-smoking or that might promote good health ought to be welcomed by the chamber.

Mr SOUTHWICK (Caulfield) — I rise to make some comments on the Tobacco Amendment Bill 2016. This is one of the sorts of bills in this house which is quite important because it goes to the crux of health and it certainly goes to the wellbeing of individuals, particularly when you are talking about young people — and I want to make some comments about that shortly. This bill prohibits smoking in outdoor areas — and it includes new definitions of what will qualify as outdoor dining — and it regulates the sale, promotion and use of e-cigarette products so that they are treated in the same manner as cigarettes. I will have some specific comments around young people and e-cigarettes shortly.

I do want to point out that certainly there was the intent and there were a number of activities when we were in government to move towards this. I particularly note that there were moves in August 2014 when the coalition announced plans to introduce a statewide ban on smoking in outdoor dining areas. During the course of the coalition's term, prior to the election, there was no comment on this issue by the then opposition, now current government. However, I do commend this particular bill and the fact that we now have it before us.

One of the key elements of this bill is in terms of banning smoking in outdoor areas, and this is very important. For me, what some of the regulations that we have had around smoking over the years have meant is that they have pushed smokers from inside venues to outside those venues. Unfortunately this has meant that in many of the great venues around Melbourne — many of the cafes and places in which you would like to enjoy a conversation or have lunch or something with people — if you are not a smoker, you effectively have to live with the fact that many of those people who

were smoking inside venues are now smoking outside those venues. They have effectively become outdoor ashtrays outside many of these cafes.

I have been a long-term advocate against smoking, particularly due to my personal circumstances. I grew up in a family where my mother was a chain-smoker, and that led to health issues for her. We saw that all the way through her life in the many health complexities due to her smoking. It really put me off in terms of what the effects of smoking are, and I have seen them on many, many occasions. So whatever we can do to ensure a healthy environment or to make a cleaner environment, particularly when it comes to things like smoking, then I am certainly a big supporter of that.

I commend many of the groups that have been fighting for a ban on outdoor smoking. I know it is unfortunate that we are one of the last states to bring this law in line with New South Wales, South Australia and Tasmania, which have smoke-free dining, but the fact that we are now doing something is great. I think it is really important for lawmakers to be able to implement policies like this to ensure that people can just enjoy one another's company without having to deal, quite frankly, with second-hand smoke and the consequences of that.

The issue of e-cigarettes is quite interesting. There are many who think that e-cigarettes are in fact a way of being able to get off the habit of smoking, and they have been used for moving smokers into quitting. Currently there is insufficient evidence to suggest that that is the case, but certainly anecdotally I have heard a number of people suggest that using e-cigarettes is a way of being able to wean yourself off smoking.

What particularly concerns me about e-cigarettes — and I am glad that there are some regulations around this — is their use among young people. Vaping, as it is commonly now termed, has become something that is almost like a modern-day version of smoking. It has taken the attention from smoking in the traditional sense to something that is really cool to use. I have seen it particularly with my son's friends, who are of a young age. They come to school and say, 'Hey, you know, this is something that we should be doing'. Here are kids at 14 years of age who are using e-cigarettes as something that is cool.

When you start on that as a 14-year-old — and it may not be tobacco to start with — it does not take long before you then move into something else, because it is a gateway. I sat on the inquiry into methamphetamines and have seen the unfortunate consequences of the role ice has played in our community. Many people started

on one drug, and it was a gateway to move into other drugs. Certainly marijuana is an example of that, and drinking and certainly smoking in one sense. I have heard of unfortunate situations whereby some of these young people at the age of 14 have started on vaping — not using tobacco — and within eight months are into marijuana.

It horrifies me that kids of that age are already starting to move into these sorts of drugs. What concerns me is: where are they going to be by the time they hit 16 or 17? Not only are they doing this at schools, but they are dealing it at schools and they are getting other kids to get involved in this stuff by saying, 'It's a cool thing to do; it's something different'. It is almost a way of being able to engage kids at a very, very young age. So I am glad that there is regulation at least to be able to look at this.

I am very concerned about the consequences of this sort of stuff, and I think what we do need, as we have always needed with any form of drugs, is education. Education is an absolute key in some of this. It is not just about prohibiting these sorts of things but about informing, particularly young people, about what the consequences are of using these sorts of drugs.

I am pleased that over the years we have seen a decline in the smoking of cigarettes in their traditional form. It was not many years ago when you would go along to a party and find that just about everybody would have a drink and a cigarette in their hands. You do not see that as much now. I will not say who, but there is somebody nodding.

Sure, there are issues of freedom in all of this. If individuals want to smoke, then I certainly would not suggest that we take that choice away from them. Where this bill is quite important is that it addresses what smoking does to the bystander, somebody who is sitting at a table next to someone at a restaurant and who wants to just sit there and not have smoke blown in their face just because they are there. That is something that the bill deals with.

The bill also deals with e-cigarettes by making sure that they do not become a gateway drug. It regulates the use of e-cigarettes in the same way as it does the use of tobacco. It is an important thing to look at. It is important also that the National Health and Medical Research Council continue to monitor the use of these sorts of things and ensure that there is proper research that underpins some of the statements that are being made, particularly around the use of e-cigarettes and other mechanisms. I am glad that on these sorts of

things there is bipartisan support, as there should be, and I commend the bill to the house.

Mr BURGESS (Hastings) — The Tobacco Amendment Bill 2016 is an important piece of legislation and one that has, as the previous speaker said, bipartisan support. It is important because more and more, as medical evidence grows, the community needs to be protected from various things. That is part of a modern government — that it moves with the medical evidence of the times and puts in place legislation that will protect the community from elements that it needs to be protected from.

The purpose of the bill is to prohibit smoking in outdoor dining areas, including those that come under the new definitions of what will qualify as an outdoor dining area. It also regulates the sale, promotion and use of e-cigarette products — that is, to treat them in the same manner as normal cigarettes.

In January 2009 legislative changes came into effect to prohibit in Victoria electronic cigarettes and their cartridges containing nicotine. The coalition's Tobacco Amendment (Smoking at Patrolled Beaches) Act 2012 prohibited smoking at patrolled beaches. In 2014 the coalition announced plans to introduce during the course of the next term a statewide ban on smoking in outdoor dining areas and to work through the matter of banning smoking in drinking areas. Prior to the election, members of the current government had nothing to say on that, but in August 2015 the current health minister announced that Labor would ban smoking in outdoor dining areas from 1 August 2017, and this bill, thankfully, delivers on that commitment.

In April 2016 Quit Victoria, Cancer Council Victoria, the Heart Foundation and the Australian Medical Association Victoria recommended as a priority that the Tobacco Act 1987 be amended to require smoke-free outdoor dining and drinking, with allowance for designated outdoor smoking areas in certain licensed premises.

The main provision of this bill bans smoking in outdoor dining areas, which means outdoor dining areas in a place that has an occupier and that is used for the consumption of food provided on a commercial basis and where there is outdoor drinking and dining at the same premises. It also bans smoking at a food fair or within 10 metres of a place where food is served at festivals or markets. It allows smoking in a drinking area but not one that is within 4 metres of a dining area or in an area that is not separated from an outdoor dining area by a wall that is a minimum of 2.1 metres high. It allows for snacks to be served and consumed in

areas where smoking is permitted. 'Snack' is defined as pre-packaged shelf-stable food that does not require intervention, is not prepared or is uncut fruit.

The coalition, as I said, fully supports the measures in this bill. It is a normal process for a modern government to act as the health evidence grows, as it has over the past decade and more, because this sort of thing is dangerous for both the smoker and those surrounding the smoker. I think it is really important that that is recognised. The opposition recognises that and the government has recognised that, and I wish the bill a quick passage.

Mr LIM (Clarinda) — I am very pleased to rise to speak on the Tobacco Amendment Bill 2016. The objective of the bill is of course to amend the Tobacco Act 1987 to reduce the prevalence of smoking and smoking-related harm. The bill covers two key areas of reform, and they are the banning of smoking in outdoor dining areas and the regulation of e-cigarettes in line with tobacco products.

In view of the fact that there are time constraints, I am going to refer to this bill in some very general terms. I think we all should be very, very proud that in Victoria in particular and in Australia we are way ahead — very progressive — in looking after our people by introducing very advanced and progressive laws when it comes to smoking and concerns with smoking.

If you look at this in the context of comparing what is happening here in this country and what is happening in other countries, particularly in Asia and where I come from, people there are smoking like crazy. In China smoking is still very much a pain in the neck as far as cost to the community and the country goes. The Chinese government, for example, is very contradictory, wanting to constrain the costs on the public health system of the effects of smoking but very much hooked on the tobacco tax which brings in billions and billions of yuan.

Here in Victoria we are forging ahead by deciding and telling ourselves that we cannot afford that kind of stupidity and that we have to bring in legislation like the bill that we are talking about right now. I cannot be prouder than to be part of this government that is taking steps towards achieving the outcome that is intended by the bill. We can see the effects of this because just recently we have been rated the second most livable country in the world. This is part of it and very much an ingredient of it, by defining us as a community and country where our quality of life and wellbeing are paramount. I commend the bill to the house and wish it a speedy passage.

Mr T. BULL (Gippsland East) — It is a pleasure to rise to make a short contribution on the Tobacco Amendment Bill 2016. It is good to see that over recent years under governments of both persuasions very positive steps have been taken in relation to restrictions on smoking in public places. I was a member of the VicHealth board for a number of years, and this was something that was under constant discussion at board level. Previous speakers have outlined the steps — and I will not go over them again — that were taken by the previous government in relation to smoking in public places. It is pleasing to see that those are being continued.

One of the areas that I think does need a little bit of clarification in the bill is in relation to public places that are dining areas for a set period of the day. I think about my home watering hole in the little town where I grew up, Metung, which I think has certainly got one of the best pubs in Victoria. There is a magnificent balcony there, overlooking Bancroft Bay.

Mr Pakula interjected.

Mr T. BULL — I thank the Attorney-General for the vote of confidence. Between the hours of 10 and 12 that lovely balcony overlooking the bay is a very popular dining area, but it is also the area where a lot of smokers go from the bar. I know that the intention of the bill has been explained by some speakers, but I hope that we do not have to come back with an amending bill to actually clarify what is specifically defined — in what I will call a grey area — as a smoking area and a non-smoking area as we cross over from lunch and dinner times at some of our more popular eating establishments. I just make that comment.

Generally it is very pleasing to see that governments of both persuasions have been taking positive steps in this area. There are always arguments — and some have been put forth — in relation to the bill not going far enough, but every bill relating to this is a step in the right direction.

In relation to e-cigarettes, I know that there has been considerable debate around them. The reality of it is that the expert advice is that the jury is out on whether they are harmful or not. So in relation to e-cigarettes I think it is more than appropriate to be taking the cautious approach.

Ms VICTORIA (Bayswater) — I am delighted to talk on the Tobacco Amendment Bill 2016. One of the main purposes of this bill is to prohibit smoking in outdoor dining areas — something that the coalition,

when it was in government, said it would certainly push forward on. As a reformed smoker — I think it has been 20-odd years since I had a cigarette, thankfully — I can tell you that even when I was a smoker I hated being in amongst people who smoked in dining areas. When I travel overseas now, it is still one of the first things I notice in a lot of countries — that people are allowed to smoke in dining areas. It is revolting, and of course the people who are eating are not choosing to be smokers. For those who say, ‘Well, you know, it’s up to me. It’s my lungs’, well, no, it is all of those around you.

The other thing that this bill is going to do is regulate the sale, promotion and use of e-cigarette products and treat them in the same manner as tobacco. For me this bill is a real no-brainer. We know that people who are actually smoking tobacco cigarettes are among those with the highest risk of having heart disease here in Australia. It is the most preventable reason for heart disease, so certainly we do not want people going back to smoking, but we also do not want young people thinking that this is trendy and is also harmless.

The jury is still out as to whether or not there is any harm, certainly in regard to some of the additives, because there is flavouring put in a lot of these e-cigarettes. The vapour produced is at a very high temperature, and we know that some of the flavourings are fine to be consumed in food products, but we do not know what effect they will have if they are being inhaled into the lungs. We know that it is not good to actually inhale anything into the lungs other than, obviously, fresh air.

There have been lots of arguments about whether or not sitting next to a roadside and dining there is going to be harmful. Yes, but do you know what? You make the choice to do that. You do not make the choice to sit next to a smoker. On those facts alone I commend the bill to the house and look forward to the day when we can have tobacco-free dining.

Debate adjourned on motion of Mr PAKULA (Attorney-General).

Debate adjourned until later this day.

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2016

Second reading

Debate resumed from 4 May; motion of Ms ALLAN (Minister for Public Transport).

Mr WALSH (Murray Plains) — I rise to make a contribution on behalf of the coalition on the Primary Industries Legislation Amendment Bill 2016. This particular piece of legislation amends six principal acts: the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Domestic Animals Act 1994, the Prevention of Cruelty to Animals Act 1986, the Public Administration Act 2004, the Veterinary Practice Act 1997 and the Wildlife Act 1975.

Part 2 of the bill deals with the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, and the effect of the amendment there is to abolish the Victorian Agricultural Chemicals Advisory Committee. This is a committee that was providing advice to the secretary to the department on regulation and control of the application of chemical products. I suppose it is useful when you start amending acts — and this bill is taking away a particular advisory committee — to look at what the principal act actually does. The purpose of the act is to impose controls in relation to the use, application and sale of agricultural and veterinary chemical products, fertilisers and stock foods and the manufacture of fertilisers and stock foods; in relation to providing protection against financial loss caused by damage and contamination to land, plants and stock from agricultural spraying; and in relation to the production of agricultural produce to avoid the contamination of food for human consumption.

The regulations under the Agricultural and Veterinary Chemicals (Control of Use) Act support the act and provide an operational framework for chemical use in Victoria. The objectives of the regulations are to prescribe the records to be made and kept by users and sellers of certain chemical products; to prescribe information to be provided in relation to certain agricultural spraying to be carried out on land near schools, hospitals, aged-care services or children’s services; to prescribe the equipment to be used when carrying out aerial spraying; and to prescribe other matters authorised by the Agricultural and Veterinary Chemicals (Control of Use) Act.

The advisory committee has had an important role in providing advice to the secretary on these particular issues. There was a cost-benefit analysis done by the department about whether this advisory committee was

appropriate into the future. That has recommended that the consultation be done in a different process, where it will be done in future with stakeholders, including discussion papers, presentations and meetings.

Accepting on face value from the briefing that that is the outcome of this, it is important that there is a proper consultation process put in place. As I said, with the intent that is in the act and in the regulations, it does prescribe a lot of activities that impact on agriculture.

I suppose when you think about agriculture in this state now, there is no longer a department of agriculture. The department of agriculture is only a division of the Department of Economic Development, Jobs, Transport and Resources, so we can obviously see the priority that this government has for agriculture through the fact that it has now been downgraded to just being a division of a larger department rather than being a standalone department in its own right. If you look at the economic contribution that agriculture makes to the state, particularly from exports, you would have thought that it was a department that was deserving of a status in its own right rather than just being a division of a larger department.

Part 3 of the bill before the house deals with the Domestic Animals Act. What it does is effectively extend the moratorium on the euthanasia of restricted breed dogs, which was to end on 30 September 2016, to actually end on 30 September 2017. This is to give the government time to respond to a parliamentary committee that actually looks at this issue around restricted breed dogs and how they are to be managed into the future.

I suppose it is always useful when this issue comes before the house to reflect on some of the history of this particular legislation, because in my time here it has probably been one of the most changed pieces of legislation. Going right back from the early 2000s to now there has been a progression of legislation, most of which was obviously introduced by the Labor Party when it was in government last time, to try to control these types of dogs and limit the damage that is done in the community when they attack someone. The most recent changes were made, I think, in 2010 by the then Minister for Agriculture, Joe Helper. He actually put in place the legislation that is now being talked about around the management of restricted breed dogs — the fact that they cannot be bred and that they are all supposed to be registered and housed appropriately. At that particular time there was a moratorium put in place to allow people to make sure those dogs were registered and had the appropriate housing, and that had bipartisan support in this place.

Ayen Chol was the young child who was tragically mauled and killed by a pit bull terrier in St Albans, and some members of her family were seriously injured as well. I was the minister at the time, and we actually closed up that moratorium and brought that act into place immediately. As time has gone on, a number of people with allegedly restricted breed dogs have gone to court to challenge that definition of their particular dogs, and that has made it very expensive for local governments to attend those particular actions. The parliamentary committee has reported back on a better way to manage restricted breed dogs, and I assume we are expecting that over the next 12 months there will be legislation in this place as to how those sorts of dogs will be managed in the future.

I suppose there has been a long debate around whether it is about the breed or the actions of the dog. One of the challenges the government and the new minister will have is that once a dog has attacked and, as in Ayen Chol's case, tragically killed a child, it is too late to then worry about whether it was the deed or the breed. So there are some real challenges in the community, I think, about how those sorts of dogs are managed. As was the case throughout the decade of the previous Labor government, there has always been bipartisan support across the chamber to make sure these issues are managed in the best possible way.

I will look with interest at the legislation that comes forward in the future, because in reviewing what we could do about this particular issue, particularly after the death of Ayen Chol, one of the things I did as minister was to go out to the Royal Children's Hospital and visit with the plastic surgeons who deal with these particular issues. You see some really traumatic situations where young children have been attacked by dogs.

For those who have not made themselves aware of these issues, a dog does not just cut but tears the skin and makes a real mess; and it infects as well because obviously from eating meat and other things the dog's mouth is infectious. So particularly for young children it can be quite debilitating for their physical appearance and a very traumatic experience for them as well. We need to make sure that there is balance, obviously, but we also need to make sure that people in the community feel safe from dogs that can cause attacks. I am interested to see what legislation comes forward.

Part 4 of the legislation deals with the Prevention of Cruelty to Animals Act 1986, and the effective change here is that it extends the scope of who can be issued with a notice to comply. Currently the notice is given to the person who is in charge of an animal, but this bill

redefines that to the relevant person and enables notices to be issued to the most appropriate person who had that animal, whether it be the owner of the animal, the person in charge of that animal or another person, because you do not necessarily have to be the owner of an animal to mistreat it. So, as I said, this is about making sure the most appropriate person is actually served with a notice if there is any issue around animal cruelty.

The bill also increases the maximum duration of scientific procedure premise licences from three to four years. Currently it is three years, but in extending to four years it actually aligns the duration of the licence with the compliance inspection of that particular licence and cuts some red tape for those businesses. It is worthwhile noting that there are still shorter term licences available for one, two or three years for small businesses that only need a licence for a short period of time and do not necessarily have to apply for a full four-year licence for that particular issue.

Part 5 of the bill before the house amends the Public Administration Act 2004 to make some changes within the Game Management Authority (GMA). It replaces the chair of the Game Management Authority with the CEO as the person with the function to the public service body head in relation to employees of the GMA. I suppose the issue here that is being addressed is that when the Game Management Authority was set up the first people that were appointed were the chair and the board. It was a new authority that was set up under legislation by the coalition in government, and with a chair and the board being the first people, obviously those functions had to be vested in either the chair or the board at that particular time. Obviously now it has been running for a period of time, and I agree it is appropriate that those powers now be vested in the CEO of that particular authority.

I think it is worthwhile putting on the record my appreciation as the then minister for the work done by Roger Hallam, the previous chair of the Game Management Authority, in actually setting that authority up and doing the work to make sure that it functions and performs the roles it does now. As a number of people in this place would be aware, Roger Hallam was a previous finance minister in one of the Kennett governments. He is someone who is very dedicated to good public administration but is also a person who has hunted all his life. He was actually very thrilled to get the opportunity to be involved in setting up the Game Management Authority and making sure it delivered a really good outcome.

In his time there the then coalition government did an economic study of the value of the hunting industry to the Victorian economy. I think that was the first time it had been done. It showed that the hunting industry on its own had an economic value to Victoria of about \$282 million per year, and the then government found that if it added the economic benefit of hunting for pest control animals to that figure, the economic value was about \$417 million. It is a very significant industry in Victoria.

About 40 per cent of that spend was in the metro area and about 60 per cent was in regional areas, so hunting is something that adds significantly to regional economies. Part of the study broke that economic value down to local government areas. If my memory serves me correctly, the Shire of Gannawarra, which is in my electorate and in the north of the state, was one of the local government areas that was seeing a significant benefit from hunting, particularly because of the duck hunting that goes on there. One of the other local government areas that was seeing a significant economic benefit was the Shire of Wellington, which is in the electorates of the members for East Gippsland and South Gippsland, because of the hunting that goes on there. There is not only duck shooting but also deer hunting in those electorates.

I know that not everyone is in favour of hunting, but hunting is a significant industry for those who practise it, for those communities that benefit from it and for those businesses that benefit from it. One of the things that is interesting in relation to the whole issue of hunting is that for those people who have been out to the Melbourne showgrounds and to the SHOT expo, they would actually see that it is a family activity. If you go to the SHOT expo, which is effectively a huge expo for the hunting industry, there are families there: mums, dads and children — everyone is there. It is very much a family activity that is carried on.

Part 6 of the bill deals with the Veterinary Practice Act 1997. Veterinary officers in Victoria are regulated by the Veterinary Practitioners Registration Board of Victoria. Currently if the board has concerns about the health and wellbeing of a veterinary practitioner and is worried about how that person is performing their role, before the board can act it has to initiate either an investigation by agreement with the practitioner or a formal hearing. This change enables the veterinary practitioners registration board to suspend the registration of the veterinary practitioner while it investigates to determine whether it believes there are concerns into the future in relation to public health and safety or animal health and welfare. As I understand it,

this is something that has been supported by the veterinary practitioners registration board.

The last section of the bill I want to talk about is part 7, which deals with the Wildlife Act 1975. Again, this deals principally with the Game Management Authority. It does a number of things, the first one being around the refusal of an application from a person who has been found guilty of an hunting offence. Currently the Game Management Authority can refuse to grant an application for a new hunting licence to a person who has been found guilty of an offence under the Wildlife Act, but at the moment it cannot refuse new applications it receives from people who have a cancelled or suspended licence. As I would read that, someone who has been found guilty of an offence and had their licence cancelled or suspended can apply for a new licence from the Game Management Authority, which creates unnecessary administrative costs for the GMA as it takes action to refuse that particular reapplication. This closes a loophole; under this bill the GMA will be able to disqualify the holder of a licence for up to five years if they have committed an offence.

There is a provision in the bill that allows the Game Management Authority to undertake controlled operations during close seasons. Currently the GMA can carry out an investigation of an offence for hunting, taking or destroying game during close seasons. These offences are included on the list of offences for which the GMA is empowered to conduct controlled operations in order to collect evidence. A controlled operation is an activity conducted to get evidence that might lead to a prosecution for a relevant offence. The GMA is explicitly empowered by name under section 74 of the Wildlife Act to have these authorised controlled operations. However, the words 'during a close season' have not been previously stated. So the offence of hunting, taking or destroying game during a close season under section 44(1) is a key aspect of the GMA regulatory role. However, it is not included as a relevant offence. This amendment seeks to include section 44(1) as a relevant offence in relation to controlled operations that may be conducted.

One of the other changes to the Wildlife Act is the amendment of the definition of a punt gun. A lot of people probably do not know what a punt gun is. It is effectively the use of a higher gauge gun. A 10-gauge calibre firearm usually has three barrels, which used to be used when there was commercial hunting of ducks in particular in this state. This actually changes the definition of a punt gun in the legislation. As I understand it, the government has indicated it will conduct consultation with stakeholders prior to making any further changes to the regulations in relation to punt

guns that sit underneath the legislation. It would be interesting if the minister or someone on the other side in their contribution could clearly set out whether the government intends to undertake regulatory change or not, because without it the status quo remains under the Wildlife Act for the types of firearms that can be used while hunting. Probably in the other place, either in committee or in the minister's summing up, it would be useful for the government to set out its intentions in terms of what it wants to do after this legislative change is done, which will enable the regulations to be reviewed in the future.

I suppose the most controversial part of this legislation — everything I have covered so far has been agreed on by everyone involved in this — would be the changes to the publication requirements for the closure and reopening of wetlands. I suppose it is a more contentious issue. The bill proposes removing the requirement for an advertisement to be placed in a newspaper when emergency closures of wetlands are foreshadowed. Gazettal notices are still required. The Game Management Authority would still undertake the usual communication activities, such as media releases, social media and stakeholder liaison. This change simply removes the need to place an advertisement in a newspaper, which can delay closures.

With the formation of the Game Management Authority and the advice it gives, Field and Game Australia (FGA) in particular has been very strongly of the view that the Emergency Closures Advisory Committee (ECAC) is not needed anymore. The feedback I have received from field and game about this particular piece of legislation is that instead of the change introduced by this bill, there should be a change that winds up the Emergency Closures Advisory Committee and lets the Game Management Authority manage those issues in the future. I will quote from the feedback that Field and Game Australia provided me. It believes that:

The changes to modify the processes of the Emergency Closures Advisory Committee ... avoid, and wallpaper over, the fundamental issue, which is that the creation of the Game Management Authority makes ECAC redundant. Consequently, FGA believes that those clauses of the bill refining and modifying the processes of the ECAC should be removed —

and replaced with a clause which winds up the ECAC.

I suppose FGA's view is that in effect there is a duplication process. As I understand it, up until this year, for six years ECAC had not met. There was a process that was gone through this year around some emergency closures. My understanding is that it is there

to advise how you can reopen wetlands for hunting after there has been an investigation in relation to the presence of rare waterbirds. If you look at this particular hunting season, there were some grave concerns about what went on, particularly with Lake Elizabeth, but also with Lake Toolondo and Johnson Swamp. For the benefit of the house, Lake Elizabeth is a wetland to the west of Kerang. Everyone was of the view that there would be hunting there during this year's duck season. Everyone was set up around the lake on the Friday, and at about 4 o'clock on the Friday, I think it was, a notice went out that the lake was closed. It was done under the Wildlife Act, and no-one was allowed to be around that lake. It was not just hunting that was prohibited; people were prohibited from being there.

There were quite a few duck shooting camps set up around the lake. People had been there, set up their camps, had relaxed, were having a meal and were enjoying the ambience of the area, waiting for duck shooting the next morning. Lo and behold, the police cars came in, and the police said to those people that they had to vacate the area because it was illegal for them to be there. I am mindful of the fact that because it was the Friday before the duck hunting season opening, they were not hunting. They were not using firearms; there were sitting around the campfires, enjoying, as I said, the ambience of the area.

They had a couple of beers, and the police came in and said, 'You have to leave'. They said, 'We can't, because we have been drinking. We may or may not be over .05'. The police got quite insistent that they actually had to vacate that particular area, so it turned into quite a mess. Talking to some of the police that I know in Kerang who had to carry out that particular order, one of them said to me, 'That was one of the worst days of my life, having to go and do what we did there, because it was just wrong what actually went on there, forcing people who may have been over the limit to go and drive because they had to vacate that particular area'.

That was done because of the presence of blue-billed ducks. Blue-billed ducks, in my understanding, fly very, very differently to normal ducks. They fly a lot closer to the water. They actually have a different wing action. If a hunter has done the duck identification process, which you have to do to go and hunt ducks, they will know that a blue-billed duck flies very differently, looks very different and has completely different characteristics about how it is in the air compared to the ducks that we hunt. There was some concern from the hunting industry relayed back to me, which was, 'What is the value of having a duck

identification process, where people actually sit an exam and are trained and qualified to hunt ducks and know the different species they are hunting — what is the benefit of doing that if they close a particular wetland, as they did with Lake Elizabeth, at very short notice, noting from a hunter's point of view that the hunters know how those ducks fly and what they look like and would not have been shooting them?'

It was probably a sad day for the duck hunting season with the issues at Lake Elizabeth, and again there were some issues at Lake Toolondo and also some issues at Johnson Swamp, where, as I understand it, there was an agreement that it would be closed at the start of the season because of an unknown number of Australasian bitterns — a small bird — that were there, but that once they were able to fly, it would be opened again. Again there was a lot of anger because that was not opened anywhere nearly as quickly as it should have been.

That clearly sets out the content of this particular bill. The coalition is not opposing the legislation. As I said when I went through the issues, it will be interesting to see what legislation is actually put forward for the Domestic Animals Act to deal with restricted-breed dogs and dangerous dogs in the future, because we have a responsibility in this place to make sure that people feel safe in the community and particularly that children are safe in the community from these types of dogs into the future.

Mr J. BULL (Sunbury) — I am very pleased to contribute to debate on the Primary Industries Legislation Amendment Bill 2016. As we have heard, this bill amends six principal acts: the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Domestic Animals Act 1994, the Prevention of Cruelty to Animals Act 1986, the Public Administration Act 2004 and the Veterinary Practice Act 1997, as well as the Wildlife Act 1975. Previously in the house I have spoken about the importance of good care and treatment of all animals, and it is something I feel particularly passionate about. I certainly know that this bill, in many of its clauses, addresses some of the failings in our current laws, tightens some of the loopholes that presently exist and provides greater protection for wildlife and other animals.

While it is important to care for animals, it is imperative to be mindful of those who do a great job in protecting animals in our community. I certainly want to take this opportunity to acknowledge all of those staff and volunteers who do such a wonderful job in helping our community look after animals. I am a member of the Labor Animal Welfare Network, a dedicated group of passionate members who advocate for the very best for

animals. Last sitting week I know a number of members in the house joined me and Dr Chris Brown at a pet-friendly event. I thought this was a really interesting insight into animal ownership across the nation. I was certainly surprised to learn that pet ownership is actually declining in Australia, and that is something that I know a lot of people were surprised to learn. There are a number of reasons for that that the lead speakers at that event outlined. It left me with things to think about when we left that event.

The last issue to cover — and I know the previous speaker mentioned this as well — is the pit bull registration legislation. It is fair to say that there are a number of complexities that surround the regulatory framework in this area. Rules about ownership and registration sometimes cannot be explained easily. Currently owners of pit bulls are required to implement a number of restrictions in respect of their dogs, such as having obligatory registration, secure arrangements in the house, muzzling and keeping the dog on a leash at all times in public and observing a prohibition on breeding. The current act makes it impossible to register a pit bull that was not in Victoria prior to 2011, based solely on its breed. Any dog which cannot be registered, as has been identified by a council officer, needs to be seized and euthanased.

The previous speaker spoke about the challenges and the financial obligations that councils are experiencing as a result of these changes, and I think it is worth acknowledging the complexity of this legislation and certainly the ramifications in terms of ensuring that we get this right. The tragic death in 2011 of Ayen Chol was mentioned previously. I think we all need to learn from such events, and a number of things obviously had to be faced and a number of challenging decisions made by the minister at the time.

I think that we still need to understand through the committee process the very best way to proceed with this matter. The crux of the bill is the recognition of owning a pet. The moratorium until September 2107 on destroying restricted breeds will prevent the unnecessary destruction of pit bulls. Certainly the economy and infrastructure committee's report into the current framework is a very important one. I know that councils, including my local council of Hume, have expressed concern about the hardships that are faced, but it is more important, I think, that we get this right so that people are protected in our community and we are not destroying and harming animals just based on the fact that we consider them to be bad dogs.

We know the amendments will also toughen the consequences for individuals who breach the Wildlife

Act 1975. Currently the act contains many serious offences, such as the hunting of endangered species and hunting outside game season, and these are certainly important considerations. I do note that the previous speaker went to some length in discussing these amendments.

There was certainly an area that to me was an important and I would say highly concerning discovery in my research for this bill — that is, that the *Australian Veterinarian Journal* has estimated that vets in Victoria have a suicide rate 3.8 times greater than the general population. Factors such as working in isolation, long hours, limited holiday opportunities due to the difficulty of recruiting, difficult client relations and obviously the constant emotional trauma of seeing animals die contribute to the fact that one-third of veterinary practitioners report poor psychological health. If I think of the vets who have dealt with our family animals over the years in Sunbury, we have had some terrific vets. I always think that vets are just extraordinary in the way that they are incredibly —

Ms McLeish interjected.

Mr J. BULL — Dr Naphthine was not in Sunbury, but we had some outstanding veterinarians and they would always go above and beyond —

Mr McCurdy interjected.

Mr J. BULL — He probably was a good vet.

These vets would go above and beyond in helping and assisting the family when we lost a pet or had a sick pet. Other members may tell me otherwise, but I certainly know that it was a great surprise to me that there is a significantly high percentage of vets who suffer severe mental illness. When you look at the facts and go down the list and see these things, it makes perfect sense. I think that along with our emergency services — our paramedics — these are great challenges that face government, and it is certainly an important thing that this house needs to understand.

There are provisions in this legislation that will allow the Veterinary Practitioners Registration Board of Victoria to streamline the process of administration to limit access to controlled drugs by suspending the registration of a veterinarian during a formal hearing. By closing this loophole, we allow the veterinarian who is subject to a formal hearing to reduce the sanctions against them by becoming unregistered.

I strongly believe that the welfare of our wildlife, the care of our pets and of course, as I have just outlined, the health and wellbeing of our veterinarians are of

great importance to the wellbeing of the community. I certainly think that all members of the house would agree with me on that, and I very happily commend the bill to the house.

Ms McLEISH (Eildon) — I rise to make a contribution to the Primary Industries Legislation Amendment Bill 2016. As we have heard, this bill amends six different acts: the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Domestic Animals Act 1994, the Prevention of Cruelty to Animals Act 1986, the Public Administration Act 2004, the Veterinary Practice Act 1997 and the Wildlife Act 1975. Whilst each of those acts has a specific purpose and there are reasons why these amendments are before the house, generally the amendments address deficiencies or unintended consequences in the current legislation. I will be focusing my contribution mostly around the Public Administration Act and the Wildlife Act, although I will be touching on the others.

I will start with the Domestic Animals Act 1994, which really is about restricted breed and dangerous dogs. This bill is extending the moratorium on the destruction of restricted breed dogs. I wondered whether I should not expect a little bit more than this, given the noise that the government has made about it, but perhaps it has found out, as our lead speaker, the shadow minister, indicated, that this issue is not as simple as the government had initially expected. There was a moratorium placed in early 2015 on the euthanasia of restricted breed dogs because they were of a restricted breed and for no other reason. While this was happening, the economy and infrastructure committee was conducting an inquiry into the restricted breed legislation and how best to manage that in the future. At the time the moratorium was expiring on 20 September this year. The government has six months to respond to the inquiry, which is actually about 23 September, so the government did miss that. I initially wondered when it only put the moratorium on for that year if it was perhaps overly confident in how simple this might be.

We certainly do know that there have been a number of horrific dog attacks that have been very traumatic for the people involved, for families and for others. We also know that councils have had a lot of difficulty in dealing with this because of matters that have gone to court — how costly it is, perhaps how it has really pushed their expertise and the cost of getting experts involved.

The Public Administration Act 2004 deals with the Game Management Authority. It is quite a simple change being made here: to substitute the chief executive officer of the Game Management Authority

as the person who has the function of public service body head in relation to the office and to the employees of the Game Management Authority. I think it is important to note that when the Game Management Authority was established there was no CEO at that time. Now that there is a CEO, I think it is very clear that you need to have, for good governance, the separation of powers between the roles of the chairman and the CEO. We do not want to blur those lines of who is accountable and responsible for what, and I think it is a commonsense move.

I want to mention the Game Management Authority and hunting. The Game Management Authority was introduced by then Minister Walsh in September 2013 to improve the effectiveness of game management in Victoria. Hunting, and in particular recreational game hunting, is an important part of Victoria's cultural heritage and is certainly a legal activity. Whilst it might be a little bit controversial, I think we really have to look back at some 40 000 years of history here to know that the traditional custodians certainly undertook hunting as part of their way of being.

In the middle of 2014 a report titled *Estimating the economic impact of hunting in Victoria in 2013* was released. It was pretty staggering because it revealed that hunting was worth some \$439 million to Victoria's economy. That is particularly significant. At the time there were 46 000 licensed game hunters who supported three and a half thousand jobs. This report into the industry really provided some validation. A lot of the peak hunting bodies spoke to me about this. I have a lot of hunters in my electorate. It really made them feel that what they do — recreational hunting — is validated because it can play a very important role. As at 30 June 2015 there were 47 007 hunters licensed to hunt game in Victoria, with nearly 26 000 duck hunters, 29 000 potential quail hunters and 30 500 deer hunters.

I know that the hunters feel very passionate about what they do, in particular their ability, through their hunting, to even be involved with foxes and wild dogs. The government cut significantly the wild dog efforts, and the impact is being felt now. Overnight I had an email from people at Merrijig, with photos of some of the attacks on their sheep. The Game Management Authority is responsible for the administrative, licensing, compliance and enforcement functions. As the regulator it will not have a role in promoting the industry but certainly will have one in encouraging sustainability and responsibility in game hunting, which is a perfect lead into the Wildlife Act 1975 and the changes that are being made there.

One of the components in the bill is the refusal of new applications for a hunting licence by people found guilty of an offence. If we think about the types of offences that are most common, they are possessing, breeding, trading or exporting our protected wildlife, and we probably hear more about snakes, birds and turtles. This change will close a loophole so that the Game Management Authority can refuse to grant an application for a new hunting licence to someone who has been found guilty. At the moment that cannot happen. It will be able to specify a period of disqualification for the holder of a cancelled licence for up to five years and will be able to require the return of a cancelled licence to the authority within a specified period.

Another important element of the bill is that it allows controlled operations during closed seasons. It is very important to understand that there is a period when hunting can occur and a period when hunting is closed. The bill proposes the inclusion of an offence of hunting, taking or destroying game during a closed season. That will now be an offence and obviously something that will be able to be prosecuted. This will certainly help the Game Management Authority in its regulatory operations. This is particularly important because there have been times when people have not been able to suffer the consequences of acting illegally.

There is a change with the amendment of the definition of 'punt gun' to provide for the use of 10-gauge calibre firearms or firearms with three barrels for hunting game. This is something that is being done in legislation only. We are not really sure about what is going to happen here. As we know, a punt gun is a large shotgun that is about shooting large numbers of waterfowl.

There are changes to publication requirements for wetland closures and reopenings. As I have said, there are periods when they are open and closed, but sometimes things happen where particular wetlands need to be closed for a particular reason. We can look at things like the late breeding of some animals, and they are still there, or others in times of drought may move to particular areas where there still is water, because there is none elsewhere. This change will simply remove the need to place an advertisement in a newspaper. There still would be the required amount of publicity around that, whether it be social media or through Field & Game Australia or whoever, but this will streamline the processes around closures and reopenings.

I will move very quickly to the Agricultural and Veterinary Chemicals (Control of Use) Act 1992. The

Victorian Agricultural Chemicals Advisory Committee is being abolished, as required under the act. I think the costs of running this committee pretty well outweigh the benefits. The agricultural department, which is no longer an entity in itself but a division of the Department of Economic Development, Jobs, Transport and Resources, will continue just to consult with stakeholders and the community as required. But I hope that without a formalised committee it will undertake these consultations on a frequent basis and that without the committee structure, rather than being pushed through with a committee structure in place, it will have good processes and systems in place so that it can continue to do what is required.

Mr PEARSON (Essendon) — I am delighted to be making a contribution tonight in relation to the Primary Industries Legislation Amendment Bill 2016. As previous speakers have advised, this bill amends a number of acts of Parliament and covers a wide range of areas. I want to speak on a few topics, because the bill does cover wide ground.

One aspect of the bill refers to the extension of the moratorium in relation to dangerous breed dogs. Currently the moratorium expires on 30 September. The government received a report from the relevant parliamentary committee on 23 March, and the bill looks at extending this until 30 September 2017 so the issue can be looked at in a bit more detail. I guess what is interesting on this particular point is the fact that it is a complicated area. There are some dogs which are clearly far more aggressive in nature by breeding, but it also comes down to the way in which they are treated and to temperament, as well as the individual dogs themselves, so it does require a bit of thought.

In preparing for this contribution I was thinking about where my electorate office is. It sort of backs onto a car park where I park my car. There is a large car park that traders use and workers in the local strip shops use, and there are a couple of laneways from where you can go out onto the street, so sometimes I cut through there. There is a florist there, and they have a large dog which they let out because it is quite a big dog; it would probably come up to about my hip in height. I think it is a retriever of some description. When you are working your way through the laneway, you turn around a corner. There was one instance when this dog appeared and became aggressive towards me, and thankfully the owner was there to restrain the dog, so that was fine. There was another instance where I turned the corner — the owner was obviously out in the car park — and the dog rushed at me. Again, I sort of thought, 'Geez, what's going on here?'

Last week I was there and I had my daughter with me, my youngest girl, who will be turning five next month. I made sure I grabbed her and I lifted her up as we were walking through because a dog of that height would have reached up to her head and you just do not know what the animal is like. You do not know how it has been treated or the way in which it has been looked after. You just do not quite know, and it is frightening and it is concerning. I do not particularly want to be bitten by a dog, but I would rather it be me than my youngest girl.

As legislators, when we are asked to make a call on changing legislation which would say this breed of animal must be destroyed, this breed of animal can live, I think we want to give that some careful consideration and thought, particularly in the context of the way in which owners quite rightly feel about their animals. The member for Sunbury spoke quite eloquently about his experience. I remember when I first became a member of this place I went to a candlelight vigil at the Lost Dogs Home in North Melbourne because a number of people were concerned at the high rates of euthanasia that were occurring there at that time. That would have been early in 2015. There were instances where people were quite concerned by the rate at which animals were being destroyed.

I was quite surprised when I went down there that there were hundreds of people at the vigil who felt really passionately about the rights of animals and the safety of animals, who were quite willing, able and interested to look at rehoming and rehousing animals, but had a real issue with the then management structure of the Lost Dogs Home. I found that surprising, although 'surprising' is not quite the right word. I knew this was an issue that would be quite topical and would be of interest to a lot of people, but the fact was there were so many people who came out on a Sunday morning who were there to express their dismay and concern at the relatively high kill rates occurring.

The member for Sunbury in his contribution talked about the high rate of mental illness amongst our veterinarians, and the bill makes some changes to the way in which disciplinary action can be taken against veterinarians and recently disqualified veterinarians. I think this is a really important component of the bill. The reality is that as a state we do three things really well: we do good health care, we do good education and we do great food and fibre. We have got to be vigilant because with the rise of the Asian middle class in the Asian century, a growing and burgeoning market will want to purchase our goods in the food and fibre market. We need to make sure that we have high standards applying to our veterinarians, not only to

ensure that we have the appropriate balances in place but also, as the member for Sunbury quite rightly pointed out, to ensure there is appropriate health care available that so that those veterinarians can discharge their duties.

I think it would be an incredibly taxing role in terms of night work, weekend work and dealing with animals that have been fatally injured and that have to be put down; dealing with terminally ill animals that have to be put down in front of young children and families; and dealing with the isolation, as the member for Sunbury pointed out. It is really difficult, and in most occupations where you have camaraderie, where you have got an esprit de corps, where you have the ability to share the load and compare notes to try to work out what is going on, what is best practice and how you can try and support each other, that is really comforting and reassuring, as opposed to then going off and working for yourself and being by yourself. I know in my experience there have been times when I have effectively been a sole trader. It has all been on me, I have had to do everything and that is tough. It is tough when you are out there by yourself. It is a lot more fun when you are collaborating with two or more people, when you can bounce ideas off each other and you can work well together.

The bill also makes changes in relation to streamlining processes for notification in relation to the closure of wetlands and changing bag limits. This is important because I think we are seeing the decline the print media — the mainstream media as we know it. A few things have been found, and one is the fact that the turnaround time can be quite slow. I will talk to that in a moment. There is also the issue of cost, reach and effectiveness. The reality is that if you want to put a full page advertisement in a Melbourne daily, it is probably going to cost you around about \$40 000 to \$50 000, which would be my guess these days. If you then look at trying to use only a portion of that, then obviously the cost is going to be proportionate. If you also look at the regional and rural papers, it is an added cost again.

The other issue is that the way this works is that you do not have the Minister for Agriculture calling up the editor of the paper and saying, 'I want to place an ad'. It would be, 'Right, the government has made a decision, let us go and talk to the head of communications in the department'. The head of communications would then talk to the head of communications in Department of Premier and Cabinet, who manages the media buying contract. That person would then contact the media buying agency and say, 'What rates can you get us for this level of advertising?'. You would then have to try to get copy produced. It might be a standard pro forma

that you can use, that you can just take off the shelf; that might be the case. It might actually be a requirement that you get a creative agency involved.

So you turn around and say, 'Right, from the moment the government says, "At a high policy level we have decided and we have determined that we must look at dealing with this", to the point when the ad actually appears, it could be quite a significant amount of time and it is going to be costly'. The reality is that this could be more effectively dealt with by basically saying, 'Right, into the *Government Gazette* it goes, and the minister can go out on social media and can broadcast it that way'. The reality is that most of us are conversant with social media in this place and in the other place. I think if we want to talk to ourselves we put it on #springstreet and we know it is going to be disseminated far and wide. There is a pretty good penetration rate amongst the 128 members of this place and the other place, and we have all reasonable levels of connections into our own communities, so there is that capacity to disseminate that information far and wide. This is an important piece of legislation, it covers a number of areas of interest and I commend the bill to the house.

Mr McCURDY (Ovens Valley) — I am delighted to make a brief contribution before the dinner break on the Primary Industries Legislation Amendment Bill 2016. As previous speakers have said, the six main acts that this bill addresses are the Agricultural and Veterinary Chemicals (Control of Use) Act 1992; the Domestic Animals Act 1994; the Prevention of Cruelty to Animals Act 1986, which is the one I want to spend a few moments on; the Public Administration Act 2004; the Veterinary Practice Act 1997; and the Wildlife Act 1975.

I will go straight to the Prevention of Cruelty to Animals Act 1986. This bill proposes two amendments to the act, within which there is scope for a notice to comply to be issued and extended. Currently when an inspector believes an offence is being committed or is about to be committed a notice to comply can be issued to a person in charge of an animal. The bill redefines this as the relevant person — that is, the owner or the person who is in charge of the animal or another person who has taken responsibility for that animal. That will remove any loopholes that currently exist.

We have been talking about dangerous dogs this afternoon, and we are still talking about animals with this bill. When we talk about animals, I want to touch base particularly with the Minister for Agriculture in the other place. Clearly she has set her sights on destroying the commercial dog-breeding industry,

which is quite disappointing. I understand the issue of puppy farms that she talks about. In fact sometimes she is quite confusing because a puppy farm by definition is illegal, so you do not need to be calling it an illegal puppy farm. By definition, a puppy farm is illegal, and we need to be cautious that those hidden agendas do not lead us to where we are heading in that there will be a black market greater than ever in the dog industry. History shows that if you start going down that line, things will get ugly.

At the moment commercial breeders are very regulated, and it is important that they are and they agree to it, but placing restrictions on how many breeding bitches they can have at their premises will reduce the amount of domestic breeding, which in turn will obviously reduce the number of available pets and there will be a void in the market. If that void appears, the black market will begin to grow. We have to be careful about listening to the animal activist groups.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Orlando shootings

Mr SOUTHWICK (Caulfield) — I wish to raise a matter for the Minister for Education. I ask him to give permission for the students at Glen Eira College to fly the rainbow flag over a few days to publicly show their support for the victims and their families that have suffered a tragic loss as a result of the Orlando massacre.

On 12 June 2016 a gunman killed 49 people and injured 53 others inside a gay nightclub in Orlando, Florida. It was the deadliest mass shooting by a single gunman in the US and the deadliest incident of violence against LGBTI people in the US. It is great to see that the community has come together in solidarity and support of the community during this very difficult period. It is also terrible and inconceivable that this sort of thing should happen in the great world in which we live, and it is even more abhorrent that members of a group would be targeted because of their race, gender, sexual preference or religion.

What gives me hope is young people like Gal Gross, a year 11 student from Glen Eira College who is standing up and wanting to do something to show his support for the LGBTI community. Gal is the president of the student wellbeing committee at Glen Eira College. It

was a pleasure to host him and his legal studies class in Parliament a few months ago. Gal contacted me out of the blue, wanting to know where he would get a rainbow flag as he wanted to fly it at his school as a mark of respect. I called a few people to find out where I could locate one, and after making a few calls I finally located a flag for him. He now has the difficulty of getting departmental approval from the education department so he can have the flag flown at Glen Eira College. In two days he has got 214 people to sign a petition — almost a third of the school want this flag flown.

Congratulations to Gal, his committee and the staff and students at Glen Eira College on taking a stance on this important issue. I know the minister would not want this matter to be caught up in government bureaucracy, so I ask him to speak to the department and to whoever he possibly can to ensure that Gal and the students and staff at Glen Eira College can appropriately show their respect to the people of Orlando and the LGBTI community.

Victoria University Sunbury site

Mr J. BULL (Sunbury) — My adjournment matter, one of great importance for the Sunbury community, is for the attention of the Minister for Planning, who I see is in the house. The action I seek is that the minister coordinate a whole-of-government approach and create a master plan for the former Victoria University campus in Sunbury, on Jacksons Hill. I have raised this very important matter in the house before, and I am committed, determined and passionate about seeing it addressed.

The site, known previously as the Caloola Training Centre and before that the Sunbury Mental Hospital, has a long and dark past. I am not going to provide a history of that tonight; I have done so in the house before. This week I have had the great honour of tabling a petition in the house from the Sunbury Asylum Alliance and the Sunbury Community Progress Association. With over 1200 signatures, the petition draws to the attention of the house the decay, neglect and vandalism of the now-abandoned Victoria University Sunbury site and requests the reacquisition of the decommissioned site and its protection for future community use.

I want to thank each resident who has signed the petition, written to me or called to raise this important matter. In particular I want to thank Alison Cunningham and Julie Davenport of the Sunbury Community Progress Association as well as all members of the Sunbury Asylum Alliance for their

hard work in bringing this petition to the house. I also want to thank Cr Ann Potter along with the federal member for McEwen, Rob Mitchell, who has discussed this issue at length with me. Recently a community advisory committee was assembled by Hume City Council to develop a proposal for an arts and cultural precinct on the site, and this report is now with the Hume council.

It is a great shame that Victoria University chose to close the campus and close the door on tertiary education for Sunbury and the broader Hume and Macedon Ranges region. I can see the honourable member for Macedon nodding her head as well. We are where we are, and we cannot go back; we can only go forward. We need a coordinated whole-of-government approach that delivers tangible, practical and beneficial outcomes that stand the test of time and stand up to the challenges in market conditions, a plan that ensures the future of the site that is secure and sound for generations to come, and a plan that involves the community in every step of the way and also involves Hume City Council. I ask that the site be considered as part of a whole-of-government approach led by the Minister for Planning in conjunction with the Minister for Education, the Minister for Training and Skills and of course the Minister for Creative Industries, in consultation with the relevant departments.

As I have said before, Sunbury is planned to grow significantly over the next 15 to 20 years, and with such growth important demands for new educational opportunities will arise. My hope and my vision for the Jacksons Hill site is for it to become a wonderful hub of educational and community opportunity, a place of learning and discovery, a place we are proud of and a place that captures and protects the historical significance of the site not just for today but for future generations. For this to happen, we need a whole-of-government approach, and tonight I ask the Minister for Planning to make this happen.

Princes Highway east upgrade

Mr T. BULL (Gippsland East) — My adjournment matter is for the Minister for Roads and Road Safety. The action I seek is that the minister match last week's \$25 million commitment by the federal government for upgrades to Princes Highway east.

Although I am sure the minister has been to Lakes Entrance during his time in the job, I am not sure that he has been past Lakes Entrance. If he were to travel that far away, he would see that this section of Princes Highway has areas that require upgrades, despite the work that was done by the previous government. In

recent years quite a deal of roadworks were undertaken on Princes Highway east, funded by the coalition. These included three overtaking lanes between Orbost and Nowa Nowa at a cost of \$11 million, funded jointly by the state and commonwealth coalition governments. Also resurfacing works were carried out on the approaches to Orbost and Cann River.

It is important that the works on this section of Princes Highway east continue. That is why last week I was very pleased to join with the federal member for Gippsland, Darren Chester, and the mayor of East Gippsland Shire Council, Cr Marianne Pelz, to announce a \$25 million federal funding commitment. Clearly some of the areas that do require works are on some sections of the road that basically have no road shoulders outside the fog lines, so I would be hoping that that would be some of the work that is undertaken with this investment.

It is also likely that the federal government will announce further road investment projects in the coming weeks. I am certainly aware that the Great Alpine Road and the Monaro Highway have sections that need improvement. Should these announcements eventuate, I would certainly hope that matching funding is allocated from the state as well. However, the \$25 million for Princes Highway east has been announced. Given that this is a section of road that falls under the state government's jurisdiction and for which we have had \$25 million in federal money committed, I would certainly hope that we would have a matching state contribution.

We have had a considerable amount of money taken away from the roads maintenance budget — we have had significant cuts in recent years since 2014 — but this is a great opportunity for the minister to fund these very worthwhile projects in Gippsland East.

Country Fire Authority enterprise bargaining agreement

Ms THOMAS (Macedon) — The matter I wish to raise with the Minister for Emergency Services concerns Country Fire Authority (CFA) brigades in my electorate of Macedon. Last Thursday the minister spoke in Lancefield with CFA captains in the eastern part of my electorate. It was great to have him there to explain the government's position and to reassure volunteers that the proposed enterprise bargaining agreement between the CFA and its paid workforce will not impact their important role in keeping our community safe. In fact, as Fair Work Commissioner Roe has made clear, and I quote:

The role of volunteers in fighting bushfires and maintaining community safety and delivering high-quality services to the public in remote and regional areas and in integrated stations is not altered by this agreement.

I am also pleased that the government has listened to the concerns of volunteers and inserted additional safeguards into the agreement to protect their role, encourage diversity and ensure there is no veto over CFA management decisions. Both volunteer and career firefighters will be consulted, and that is exactly as it should be. As we all know, there is a great deal of fear and concern in our regional communities fuelled by the disgraceful political opportunism of those on the other side of the house, including, as we now know, using this concern to raise campaign funds for the Liberal Party. Again I ask that the minister join with me on a visit to my electorate to reinforce the high opinion the Andrews government continues to have for volunteers in our community.

Lake Eildon powerlines

Ms McLEISH (Eildon) — My adjournment matter is for the Minister for Regional Development in the other place, and the action I seek is for the minister to support the Lake Eildon houseboat industry by providing the appropriate level of funding to ensure that the powerlines across the road at the entrance to the houseboat building area are undergrounded and that the roads are also tended to. There is currently an application to Regional Development Victoria to fund this project, and that is tacked onto the back of a Goulburn-Murray Water project to improve and link the sewerage system between Jerusalem Creek and Eildon. That is certainly a very valuable project as well, but I am really keen for the houseboat industry not to miss out on the funding that it requires.

We have boatbuilders and renovators, marine mechanics, painters, electricians, plumbers, boat owners, marina operators — there are four marinas there — salesmen, restaurants and shops that service the area as part of this industry. I am very familiar with the industry. I have visited on a number of occasions, as I did again last month, and each time I am reminded what a significant contributor to the local economy the houseboat sector is. It is also a significant employer. Lake Eildon itself has great potential, way more than is currently realised. It is also a very popular recreational boating destination. Transport Safety Victoria says that 42 per cent of recreational activity happens on inland water, with 25 per cent of that on Lake Eildon.

The industry does need support. The project in question is absolutely necessary — undergrounding powerlines and fixing the roads. The powerlines are low hanging,

and they prevent large boats moving to and from the boatbuilding area. New boats that are built to get to the lake have to go under the powerlines, and boats coming from the lake for maintenance also have to go under them. What happens at the moment is that they are too low and the tops need to be removed from the large houseboats so they can get under the powerlines. This is not good enough. It takes significant time and cost, and Eildon in the Shire of Murrindindi, as members would know, is one of the smaller shires and has a lot of economic challenges. This is an area that is doing well and can do very well; there is lots of activity, and you cannot help but notice that activity. When I was there I did see a boat that had to have its top removed so it could come in for refurbishment.

I know that those in the industry are very keen for this part of the project to be approved, so I call on the minister to make sure that that part of the project as well as Goulburn-Murray Water's project to improve and link the sewerage system between Jerusalem Creek and Eildon be funded.

City of Kingston bus services

Mr RICHARDSON (Mordialloc) — My adjournment matter tonight is for the Minister for Public Transport. The action I seek is for the minister to update my community on the bus service improvements that are occurring across the City of Kingston that have a direct benefit for my constituents in Mordialloc. The City of Kingston will grow by 20 per cent over the coming 10 years, and currently about one in nine people catches public transport. One of the key things we need to do to try to address some of that population growth is to encourage more people onto our transport system, but with recent Auditor-General findings stating that at least one in two buses does not link up with the train timetable, we have to try to do better to integrate our bus services with our train services. Importantly, some of those connections are for our secondary colleges, particularly Parkdale Secondary College, which has increasing student numbers; it has well over 1500 students now. I am keen to work with Public Transport Victoria, with the minister's office and across the board to try to see how we can do better to improve those transport connections.

In conclusion, I ask the minister to update my community on some of the bus improvements that are occurring across the City of Kingston that are benefiting the Mordialloc electorate.

Charlton child care

Ms STALEY (Ripon) — My adjournment matter is for the Minister for Families and Children in the other place. The action I seek is that she direct her department to work with the Charlton Playgroup and Buloke Shire Council to establish an approved family day care venue at 1 Armstrong Street, Charlton. Charlton has experienced somewhat of a baby boom in recent years. The traditional model of either the mother staying home with her children or grandparents taking on that childcare role is no longer sustainable. There are now many parents looking for child care.

Recently the shadow minister, Georgie Crozier, a member for Southern Metropolitan Region in the other place, and I met with parents at Charlton who cannot work because of a lack of local child care. Just in that meeting were a chef, a teacher, a podiatrist and an agronomist, all of whom are either unable to work or are restricted because their families cannot access the child care they need to work as much as they would like. This is a terrible waste of human capital — all those years of education and training unable to be used because of no child care in Charlton.

I make a particular point of noting that there are significant health workforce shortages in this part of the state. A fully trained podiatrist is like hen's teeth, and it is a terrible pity a lack of child care is a barrier to her working. The closest available child care is at St Arnaud — an hour round trip to drop the child off, and another hour to pick up the child. At least one parent in Charlton undertakes this trip.

The playgroup and parents have a solution: opening the existing playgroup and maternal and child health nurse building to be a registered family day care venue. The venue has all the approved signage, outdoor areas, toilets and other facilities for a playgroup. No other venue in Charlton has these, and the current regulations make registering a family home for family day care unattainable.

This is not primarily a funding request. It is a request for the minister to take an interest in the parents of Charlton to facilitate the creation of a family day care venue in Charlton. The parents of Charlton feel abandoned by the minister and the government and unable to get any traction in working towards a solution that meets their needs.

A similar story exists in Donald, where, despite the heroic efforts of Emma Vogel and others, the department is putting every barrier possible in front of launching a second family day care provider in the

Donald Children's Centre. It is disgraceful that the minister is putting her ideological dislike of family day care ahead of practical solutions to the needs of parents in Charlton and Donald.

Glenroy College

Ms BLANDTHORN (Pascoe Vale) — I appreciate the opportunity to raise a matter for the attention of the Minister for Education. The action I seek is that the Minister for Education join me on a visit to Glenroy College to meet with the school principal and other members of the school community.

I visited Glenroy College on Monday, 30 May, one of many visits I have made since I was elected. On this particular occasion I was meeting with principal Paul Dingle and a couple of key staff members regarding two important programs they run within the school, the literacy acceleration program and the attendance improvement program, both of which are designed to target specific needs of students within the school. Students who participated in the literacy acceleration program experienced dramatic improvements in their literacy levels in a very short period of time, and certainly in terms of those who participated in the attendance program the school also saw great improvement in their attendance at school.

The introduction of these specialist programs takes up considerable resources. They are quite intensive in their nature and require significant teacher and staff investment. So far this has been managed by internal allocations, but this is something that, given the other needs of the school, it is finding difficult to continue with. Glenroy College has tremendous potential. It boasts an outstanding leadership team in principal Paul Dingle, the assistant principal and other staff, as well as the student group. I would ask that the Minister for Education accompany me on a visit to the school.

Polwarth electorate leasehold land

Mr RIORDAN (Polwarth) — I call on the Minister for Energy, Environment and Climate Change to review the current process being undertaken by government land managers such as the Great Ocean Road Coast Committee in renegotiating leasehold land to private operators to ensure a fair and transparent system is in place.

The magnificent electorate of Polwarth has some of the best state-owned playgrounds for both locals and visitors alike. The coastal economies of Anglesea, Kennett River, Skenes Creek and Peterborough rely heavily on the short, medium and long-term campers

that make these special places a favourite spot. Knowing that government can do some things well — especially taxation and bureaucracy — the public has voted very much with its feet over the past 20 years to the effect that the private sector can and does run better camp and tourist facilities than government agencies do. Since creating private leases in some of the best locations along the Great Ocean Road, the government and community have seen fantastic and sustainable tourism facilities grow and develop.

Only 20 years ago there were no 4½-star camp sites. Toilets did not work, and sites were wet and waterlogged. Camp kitchens and modern services were non-existent. The government harnessed private investment, which has seen in the case of the Anglesea Beachfront Family Caravan Park, run by the Morris family, that park become one of the largest and most popular caravan parks in Australia. So the shock, particularly to the Anglesea community, has been great as people have learnt that a government agency is about to resume control of a highly successful locally run business. The community know how much the Morris family has done to grow tourism in their town and fear that the Great Ocean Road Coast Committee's change of ownership is without consultation and without a plan.

Of most concern is that the community have no idea what the park's future is. Quite simply they do not trust the government to maintain the high standards, and they fear greatly for tourism in their town. There is a fear that the government takeover is planned for the rest of the leases along this most important tourist route.

Family violence

Ms SPENCE (Yuroke) — I wish to raise a matter for the Minister for the Prevention of Family Violence. The action I seek is for the minister to meet with members of the Yuroke Youth Advisory Council and discuss the Andrews Labor government's commitment to ending violence against women and children. This year my youth advisory council has decided to focus on the issue of violence, in particular through community-based awareness campaigns. The council will be both running an awareness campaign and developing a report based on its work throughout the year. As the minister knows, violence, and in particular family violence, continues to be a significant issue in my electorate. In the Hume local government area, 6 out of every 10 instances of assault-related offences in 2014 were related to family violence. Members of my youth advisory council will no doubt benefit greatly from hearing directly from the minister about actions taken to date by this government and what they can do

to help. I hope the minister is able to join us for a meeting in the near future.

Responses

Ms NEVILLE (Minister for Police) — A number of members have raised a range of issues with a number of ministers, and I will pass those issues on.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 7.21 p.m.