

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 23 February 2016**

**(Extract from book 2)**

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# HANSARD<sup>150</sup>



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.



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## **The Lieutenant-Governor**

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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The Hon. TELMO LANGUILLER

**Deputy Speaker:**

Mr D. A. NARDELLA

**Acting Speakers:**

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The Hon. D. M. ANDREWS

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier:**

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**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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP

<sup>1</sup>Elected 31 October 2015

<sup>2</sup>Resigned 3 September 2015

<sup>3</sup>Resigned 3 September 2015

<sup>4</sup>Elected 14 March 2015

<sup>5</sup>Elected 31 October 2015

<sup>6</sup>Resigned 2 February 2015

**PARTY ABBREVIATIONS**

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

## Legislative Assembly committees

**Privileges Committee** — Ms Allan, 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.

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(*Council*): Mr Bourman, Mr Elasmar and Mr Melhem.

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

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

**Family and Community Development Committee** — (*Assembly*): Ms Couzens, Mr Edbrooke, Ms Edwards, Ms Kealy, Ms McLeish and Ms Sheed. (*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*): Dr Carling-Jenkins, Ms Pennicuik and Ms Shing.

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



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**Tuesday, 23 February 2016**

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

### ACKNOWLEDGEMENT OF COUNTRY

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

### HANSARD 150TH ANNIVERSARY

**The SPEAKER** — Order! This year is the 150th anniversary of the Victorian Parliament's Hansard service. Commencing on 12 February 1866, our Hansard service has provided an accurate and complete report of parliamentary proceedings throughout its distinguished history. Many of us can be grateful for how good some of our speeches have been thanks to the skills of Hansard.

The Victorian Hansard service follows a long tradition of parliamentary reporting that commenced in Westminster in 1812, when Thomas Curson Hansard first published Parliament's proceedings. For a short time our record of debates was produced by newspapers before the Assembly resolved to establish our own Hansard service.

Today's Hansard uses the latest technology to produce the written record and to broadcast proceedings live. It is a valuable resource for the people of Victoria and an integral part of the democratic process. On 6 March our Open Day will be dedicated to Hansard's 150th anniversary and the 160th anniversary of the Victorian Parliament.

On behalf of the Premier, the Leader of the Opposition and all members, I would like to take this opportunity to congratulate the members of our Hansard team for their dedicated service to this Parliament.

### ABSENCE OF MINISTER

**Mr ANDREWS (Premier)** — I advise the house that the Minister for Roads and Road Safety will be absent from question time today, and that the Minister for Public Transport will answer in his place.

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Election commitments

**Mr M. O'BRIEN (Malvern)** — My question is to the Treasurer. On election eve the Premier was asked by Channel 7's Peter Mitchell:

Do you promise Victorians here tonight that you will not increase taxes or introduce any new taxes?

The Premier responded, and I quote:

I make that promise, Peter, to every single Victorian.

Given the Premier's unequivocal promise to every Victorian to not increase taxes or introduce any new taxes, will the Treasurer honour the Premier's promise in this year's budget, yes or no?

**Mr PALLAS (Treasurer)** — I thank the member for Malvern for his question. I do find it amusing to hear requests from the member for Malvern and those opposite about honouring election commitments. Who can forget those opposite promising to bring debt down? And they doubled it. They promised to reduce taxes, not to increase them, so what did they do? What did that tawdry, dishonest rabble over there do — those feckless fools who had this ridiculous view that they could govern? Whoever put it in their minds that they had the capacity to govern? They went about breaching every commitment they gave to the Victorian people, and they went about it in a malevolent and malignant way. Council rates rose by 10.8 per cent.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Treasurer will resume his seat. The Chair is unable to hear the response provided by the Treasurer. I request all members to allow the Treasurer to respond to a substantive question in silence.

**Mr PALLAS** — So what we saw was a government that in a deliberate and premeditated way trashed the trust that the Victorian people placed in it. Those opposite broke every promise that went to the fiscal settings that they would apply. They increased debt. They increased taxes and charges.

**Mr M. O'Brien** — On a point of order, Speaker, 2½ minutes into answering a question — a very simple question, a question — —

**Mr Andrews** interjected.

**The SPEAKER** — Order! The Premier and all members of the government and the opposition will come to order and allow the member for Malvern to raise a point of order in silence.

**Mr M. O'Brien** — The Treasurer's answer has not directed itself to the question in any way. The Treasurer was asked whether he will honour the Premier's promise, which could not have been made more publicly, more clearly or unequivocally. Will the Treasurer honour that promise in this year's budget, yes or no? I ask you to bring him back to answering that question.

**The SPEAKER** — Order! The Treasurer to come back to answering the question.

**Mr PALLAS** — In public life you have to value yourself by the quality of your opponents, and I need to trade up because, quite frankly, those opposite trashed the trust that they had from the Victorian people. They have the audacity and the hypocrisy to come into this place and to talk about what constitutes honouring election commitments.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Treasurer is to be heard in silence. The Treasurer to come back to answering the question.

**Mr PALLAS** — As a government we will honour all policy commitments that we have given to the Victorian people, because that is what the people of Victoria have expected. We spent a long time putting together policies that we publish, that we put into the public domain and that we actively advocate for. The people of this state can have absolutely no doubt that when this government says it will do something, it goes ahead and does it. We will honour our policy commitments to the people of Victoria. This is a government that honours its word, that honours the trust that the Victorian people have placed in it and that has a commitment not only to seek a mandate but to honour it.

*Supplementary question*

**Mr M. O'BRIEN** (Malvern) — During a media interview on 18 February this year the Treasurer denied the government had committed to not raise taxes, saying:

Not me, go and find a record of me saying it — I'm in charge of the economic settings ...

Is it now the Treasurer's policy that the Premier's promise — clear promise — to not increase taxes counts for nothing?

**Mr PALLAS** (Treasurer) — I thank the member for Malvern for his question yet again, and anybody downwind of the member for Malvern will be able to pick up his rank hypocrisy — the odour of the rank hypocrisy that comes from his mouth. He is the ultimate shiver in search of a spine.

*Honourable members interjecting.*

**Mr M. O'Brien** — On a point of order, Speaker, the house deserves better than this buffoonery from this buffoon of a Treasurer. Bring him back to answering the question.

**The SPEAKER** — Order! The Treasurer, to continue.

**Mr PALLAS** — Not content with trashing the Victorian economy and his own reputation and place in history, the member for Malvern seeks to drag us into the gutter from which he has come. We will honour the commitment we made to the Victorian people. We will honour our commitments. We will also do it in a way that demonstrates that what we say — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I retrospectively warn the member for Rowville. The Treasurer will continue in silence.

**Mr PALLAS** — We will honour the commitments we gave to the Victorian people — what we said. We will honour our policies.

### **Ministers statements: Melbourne Metro rail project**

**Mr ANDREWS** (Premier) — I am delighted to be able to update the house and all Victorians and inform them that the government has concluded the work of refreshing and updating the business case for the Melbourne Metro rail project. This project, an \$11 billion project to transform public transport in our city and our state, is one of the largest infrastructure projects our nation — indeed our state — has ever seen. Unlike other proposals put forward by others in this place, this project stacks up. This rigorous analysis shows a cost-benefit ratio on even the most conservative of methods of \$1.10 back for every dollar invested and \$1.50 back for every dollar invested if you were to use wider economic benefit methodology employed by those opposite.

But why would you not have a positive cost-benefit ratio when you think about 4000 jobs, five new station boxes and 39 000 extra passengers moving throughout the system in the 2-hour morning peak? Why would you not be positively disposed to such a significant project like that? Our government has committed \$4.5 billion to this project, and I have sent to the Prime Minister, a self-declared great friend of public transport, a copy of the updated business case — a strong, robust analysis that makes it very clear to all Victorians and indeed Australians that this is a stand-out product for jobs and a big infrastructure undertaking, but also one that is about protecting our city as a great city of the world and our state as a great state in our nation.

I look forward to the Prime Minister doing more than just talking about public transport but instead partnering with us on equal terms to deliver great public transport in one of the world's great cities.

### Infrastructure contracts

**Mr M. O'BRIEN** (Malvern) — My question is again to the Treasurer. Yesterday on radio 3AW he conceded that if governments break a legal contract that will be 'ultimately an indictment of the government'. Is it now government policy that all contracts should be honoured and that ripping up a contract costing \$1.1 billion was indeed an indictment of his government?

**Mr PALLAS** (Treasurer) — I thank the member for Malvern for his question. Might I say that like Macbeth, he will be haunted by the ghost of his treachery while ever he stays in public life.

*Honourable members interjecting.*

**The SPEAKER** — Order! I apologise to the Treasurer, but the Chair is unable to hear the Treasurer when the Treasurer looks in the opposite direction, away from the Chair. I request that the Treasurer speak somewhat into the microphone.

**Mr PALLAS** — Thank you for the opportunity, Speaker. The member for Malvern will be haunted by the ghost of his treachery, like Macbeth, while ever he stays in public life — just in case he did not hear it the first time. I do not know where the member for Malvern studied law. I understand he is a lawyer, an eminent lawyer I am told, but I too am a lawyer.

Let me tell you, Speaker, when you renegotiate a contract, when the parties reach mutually acceptable terms, that ain't ripping up a contract. That is Contracts 101.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Treasurer, to continue, in silence.

**Mr PALLAS** — Speaker, I thank you for the opportunity to give a lecture on law to the eminent member for Malvern. Let us be very clear about this. Who backed the truck up? Who forced in an obscene rush the compromise of the interests of the people of Victoria? His was the hand that signed the letter. This was a man afraid of the Victorian people, who compromised the interests of this state for his short-term political opportunism and who was afraid of the people of Victoria making a judgement on this issue.

Hundreds of millions of dollars went out the door before this government came into office. What did this government do? It acted responsibly. It reached an agreement. It did not need to rip up contracts. We honoured the processes of adequate engagement, and we got to an adequate and acceptable outcome. Might I say, one that would have been a heck of a lot more adequate and acceptable if they had —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Treasurer will resume his seat. The Treasurer will continue, in silence. The Chair will, from now on, begin to warn members and, if necessary, request members to leave the house. That level of excitement is not acceptable, not even on a Tuesday. The Treasurer, to continue.

**Mr PALLAS** — There is nothing more forlorn than a bunch of born-to-rules who could not even run a lemonade stand. Let us be very clear: we honoured the contractual terms because we reached agreement about how those terms would be adequately acquitted. Let me say the people of Victoria were saved a fortune. What did the Auditor-General say? It was \$22 billion of liability. That is what those opposite signed Victorians up to, a loss-making proposition, with 45 cents back in every dollar. Let us talk about real business cases and real projects.

*Honourable members interjecting.*

**The SPEAKER** — Order! Government members and opposition members, including the Leader of the Opposition, should allow the member for Malvern to ask a supplementary question in silence. The member for Malvern has the floor, and I require the Leader of the Opposition and government members to be silent.

*Supplementary question*

**Mr M. O'BRIEN** (Malvern) — Through the Treasurer's ripping up of the east–west link contracts, he holds the record for paying the largest amount of compensation to not build new infrastructure in Australian history. Can the Treasurer now confirm that Labor's port lease option goes even further and guarantees that future governments will be slugged with possible compensation of up to \$2.1 billion, dwarfing even his east–west link payouts?

**Mr PALLAS** (Treasurer) — Once again I thank the member for Malvern for his question. It is very clear that he is a modern medical miracle: his ears only operate when his mouth is in full operation mode. He cannot listen, and he cannot learn. Quite frankly, this is an opposition whose members fail to appreciate that they backed the truck up. They were the ones who signed the dodgy side letter, who signed the contracts, who shipped out the money before the election — afraid of the judgement of the people of Victoria. It is a shameful and tawdry exercise. While ever the member for Malvern occupies those benches, the government of Victoria is secure for this side.

*Honourable members interjecting.*

**Mr Clark** — On a point of order, Speaker, I draw your attention to sessional order 11(2), which enables you to require a minister to provide a written response if an oral response is not responsive to the question. I submit that this question related to the level of compensation that was payable under the government's proposed port of Melbourne lease and whether it could be in excess of \$2 billion. The Treasurer did not respond to the question. I ask you to require him to provide a written response.

**The SPEAKER** — Order! I ask the technician to raise the volume of that microphone. I apologise to the manager of opposition business and ask him to raise his point of order again.

*Honourable members interjecting.*

**Mr Clark** — The point that I was making related to sessional order 11(2) and the capacity that you have to require a minister to provide a written response if an oral response is not adequate. The question related to the levels of compensation that could be payable under the government's proposed port of Melbourne lease arrangements and whether those could be in excess of \$2 billion. The Treasurer did not respond to the question. I ask you to direct him to provide a written response.

**Mr Pallas** — On the point of order, Speaker, the question actually went beyond that. It actually asked and reinforced the earlier and principal question around the contracts around east–west. As you would recall, Speaker, I answered that question definitively by saying that we rejected the proposition that the member for Malvern had raised and that in fact the contracts had been honoured. It was in response to those issues that I continued to assert that the contractual terms had been properly honoured and liability had been appropriately dealt with.

**The SPEAKER** — Order! For two reasons the Chair is unable to rule on that point of order raised by the manager of opposition business. On the one hand, the Chair believes that that microphone's volume was too low for the Chair to hear it. Further, on the other hand, the level of interjections and noise in the house precluded both the Chair and the Clerk from being able to hear and respond. Therefore I am unable to adjudicate on that point of order put by the manager of opposition business now. The Chair will give itself the benefit of reviewing that response and will come back to the house later on or as soon as possible.

**Ministers statements: Melbourne Metro rail project**

**Ms ALLAN** (Minister for Public Transport) — I am very excited to be able to provide new information to the house on the release by the Andrews Labor government of the Melbourne Metro business case, a business case that outlines the significant pressure Victoria's public transport system is under and the urgent need to address it — the urgent need to do something.

The Melbourne Metro project will be Victoria's biggest public transport infrastructure project since the city loop was completed 30 years ago. It will give us two new entry points into the city, allowing more trains to run on more train lines more often.

For example, on the Craigieburn and Upfield lines, they will have the number of morning peak services increased, as outlined in the business case, from 24 to 40. But also too for regional passengers, regional passengers will be able to get on a train in Ballarat or Bendigo or Geelong or Gippsland and be able to be delivered to the front door of the Parkville cancer centre. I can appreciate —

*Honourable members interjecting.*

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

**Ms ALLAN** — These are very good reasons why doing nothing is not an option, and we reject the approach of those opposite, because over the next 15 years — —

**Mr Watt** — On a point of order, Speaker, some of my country colleagues are wondering how they will get the V/Line buses into that tunnel.

**The SPEAKER** — Order! There is no point of order, and I warn the member for Burwood. The member for Burwood knows well that points of order are not to be used in that manner. The member for Burwood will not be warned again on the same topic. The minister, to continue in silence.

**Ms ALLAN** — As I was saying, regional Victorians will be able to get to the front door of the cancer centre that is currently nearing completion, the Royal Melbourne Hospital and the Royal Women's Hospital, thanks to this project, and that is a significant benefit — —

*Honourable members interjecting.*

**Questions and statements interrupted.**

## SUSPENSION OF MEMBER

### Member for Burwood

**The SPEAKER** — Order! The member for Burwood will withdraw from the house for a period of 1 hour. The minister, to continue in silence.

**Honourable member for Burwood withdrew from chamber.**

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Ministers statements: Melbourne Metro rail project

**Questions and statements resumed.**

**Ms ALLAN** (Minister for Public Transport) — As I said, the business case shows that patronage on our train system is expected to double in the next 15 years. We recognise the urgent need to take action, which is why we have got on with delivering the Melbourne Metro rail project, in sharp contrast to those opposite, who wasted four long years on this program.

## Employment

**Mr GUY** (Leader of the Opposition) — My question is to the Treasurer. Australian Bureau of Statistics (ABS) statistics last week show that in January, 12 279 full-time jobs were lost in Victoria. Will the Treasurer today recommit to keeping his election promise to create 100 000 full-time jobs in two years, when after nearly 14 months he is still over 72 000 jobs short, yes or no?

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition asked his question and will now allow the Treasurer to be responsive to a substantive question.

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the Leader of the Opposition for continual disruption.

**Mr PALLAS** (Treasurer) — I thank the Leader of the Opposition for his question, because it does give us an opportunity to look at exactly what progress this government is making, putting jobs first and making sure that Victorians get back to work. Unemployment of course is currently at 6.3 per cent. It is significantly lower than the 6.7 per cent that we inherited from those opposite.

Since November 2014, 39 600 full-time jobs have been created in the state of Victoria. Under Labor we have created 68 700 new jobs right across the state. But the good news does not just stop there; it goes on and on and on. The number of unemployed Victorians has dropped by 9200 since we came to government.

Regional unemployment, an outstanding performer in our jobs story, is down to 5.4 per cent — down from 6.6 per cent in November 2014. This is particularly interesting because it is the lowest level of unemployment in regional Victoria and equal lowest of any state or territory in the nation. And of course regional employment is up 15 800 since November 2014.

Let us look at some outstanding examples. In Warrnambool and the south-west the unemployment rate has dropped from 5.2 per cent in November 2014 to 2.4 per cent. Right across regional Victoria the success of this government continues, and might I say we are committed to growing jobs. Those opposite and the people of Victoria need lose no sleep over the solid conviction that this government will never waste a minute honouring its commitment to the Victorian

people, putting jobs first, putting Victorians first and getting on with an outstanding jobs performance.

When it comes to jobs and tackling unemployment, those opposite proved to be an oasis of incompetence. Under the coalition total employment grew by 3.6 per cent, while total unemployment grew 44.2 per cent. It would be just so much better if those opposite sat down and copped the glaring obviousness of their inadequacy.

**The SPEAKER** — Order! The Chair puts very respectfully to all members that we are having difficulties with the sound system. Therefore the Chair from time to time is unable to hear questions and answers, and I am very sure that your many friends — you have one or two in the media — are in the same position as the Chair. Whilst I accept that robust debate is very much part of our tradition, I respectfully request that members consider that we are having technical problems and therefore the Chair is unable to hear questions and answers on occasions because of technical problems with the microphones and the sound system as well as because of disruptions.

**Mr Hodgett** — Could you hear our interjections?

**The SPEAKER** — Order! I could hear the deputy leader without the microphone, and I am sure I could hear the Leader of the Opposition. But we will continue.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — Given that the Treasurer spent over \$700 000 in just one month advertising the Back to Work program and in the first three months of operation the Back to Work program paid out only \$169 000 to employers, will he now admit: is it his policy that Back to Work is failing the unemployed and is nothing more than an expensive publicity stunt?

**Mr PALLAS** (Treasurer) — I thank the member for his question, and let us not forget that those opposite had a plan to create jobs by training 1 billion Victorians. That is right — 1 billion Victorians. That was their plan. Let us never forget exactly how incompetent they were with numbers. Their definition of jobs for the 21st century involved signing dodgy side letters and making it as hard as possible for Victorians to find a job.

In the December quarter 714 payments had been made from the Back to Work scheme — approximately \$1.2 million. It continues to play a very substantive role in job creation and the opportunities for Victorians

across the state. But let us be clear: those opposite oppose Back to Work. Let us wait and see when this project is finally at its conclusion how well it has done.

**Ministers statements: Melbourne Metro rail project**

**Mr MERLINO** (Minister for Education) — It is my pleasure to provide the house with new information on a key achievement of the Andrews Labor government, the Melbourne Metro rail project. We have heard from the Premier and we have heard from the Minister for Public Transport that the Melbourne Metro business case has been released, and I am delighted to highlight the significant improvement that this will bring to education.

The report details the compelling case for this transformational investment in public transport in Melbourne. We know about the five underground stations — Arden, Parkville, CBD North, CBD South and Domain. I want to focus on Parkville in particular. We know that the education cluster to the city's north is something to be proud of. Melbourne University, Monash University, RMIT, research institutions and hospitals all call Parkville home. The Metro rail project is an extraordinary opportunity for Victorian students.

But it is not only about education; the Parkville precinct is critical to Victoria's and Australia's leadership in biotechnology, medical research and health services and draws people from across metropolitan Melbourne and regional Victoria.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for South Barwon and the member for Eildon!

**Mr MERLINO** — The Melbourne Metro Parkville station will provide seamless public transport for those 45 000 people employed in the precinct, as well as 14 000 residents and 70 000 university students.

**Ms McLeish** interjected.

**The SPEAKER** — Order! I will not call the member for Eildon to order again.

**Mr MERLINO** — The report details how Melbourne Metro will for the first time link every train line in Melbourne to Parkville, opening up a huge number of opportunities for students and decreasing travel time.

Those opposite, under their rushed and desperate plan, would not have built Parkville. Extraordinary

incompetence! Unlike those opposite, we know the importance of the Parkville precinct for our students in Victoria.

### **Regional Network Development Plan**

**Ms SHEED** (Shepparton) — My question is for the Minister for Public Transport. Constituents in my electorate are concerned about what impact the recent major problems with V/Line trains and services mean for the Regional Network Development Plan. To date there has been no visible action on the plan, except a summary of public feedback that appeared to be still a long way from a plan. The Standing Committee on the Economy and Infrastructure heard on 9 February that millions of dollars have been lost from the V/Line budget in free travel and replacement bus services and major repairs since the V/Line problems arose in January.

Can the minister assure Shepparton train travellers that this blowout in expenditure to address the current problems will not impact on the rollout of the Regional Network Development Plan in terms of timing or new infrastructure investment?

**Ms ALLAN** (Minister for Public Transport) — I thank the Independent member for Shepparton for her question and for her ongoing advocacy and support for building a better public transport system in regional Victoria, because certainly through the Shepparton community — —

**Ms McLeish** interjected.

**Questions and statements interrupted.**

### **SUSPENSION OF MEMBER**

#### **Member for Eildon**

**The SPEAKER** — Order! The member for Eildon will withdraw from the house for the period of 1 hour. The Chair will not continue to tolerate interjections. I requested all members to respect the fact that we are having technical issues, and the Chair is unable to hear ministers whilst they are on their feet and is therefore unable to adjudicate. The minister, to continue in silence.

**Honourable member for Eildon withdrew from chamber.**

### **QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS**

#### **Regional Network Development Plan**

**Questions and statements resumed.**

**Ms ALLAN** (Minister for Public Transport) — Through my conversations with the Shepparton community and the member for Shepparton, it is a really good example of bad practice by the former Liberal government that let Shepparton languish for too many years. It is just astonishing, is it not, how the same people who cut \$74 million to V/Line now have a big voice about regional public transport services?

Can I assure the member for Shepparton that the Andrews Labor government is certainly committed to both rebuilding and looking to a stronger future for V/Line in particular but also for regional public transport more broadly, and a key plank to doing that work is of course the development of the Regional Network Development Plan that has had great interest from the Shepparton community. And, as I said, I can understand why, given that when they had a minister representing the area, she did not bother to raise the issue once in her four years in government. We know though that we are taking a very different approach, which is why we have consulted with the local community, and there are indeed many, many people from Shepparton who have taken an active involvement.

I think I have already directly answered the member's question about assurances around the future of the plan. We are finalising the policy plan as we lead up to the May state budget. I assure the member for Shepparton that I understand very well the needs and the priorities of the Shepparton community, and we look forward to working with a member who actually raises these issues in Parliament, who is active on these issues in Parliament. Unlike those opposite, who prefer to take a very different approach in cutting funding, we will take a very different approach and build a stronger V/Line.

#### *Supplementary question*

**Ms SHEED** (Shepparton) — Given Ballarat, Bendigo, Geelong and the Latrobe Valley were heavily invested in during the last round of funding for regional rail, can regions such as Shepparton that have been completely overlooked expect priority in the solutions the government says will be provided by the Regional Network Development Plan?

**Ms ALLAN** (Minister for Public Transport) — In the member's supplementary question she has clearly outlined some of the ongoing legacy issues, if you like — some of the historical issues that have challenged the Shepparton community.

*Honourable members interjecting.*

**Ms ALLAN** — Goodness me. You're all experts over there all of a sudden, aren't you?

**The SPEAKER** — Order! The minister will continue in silence.

**Ms ALLAN** — Thank you, Speaker. I will continue to work with the member for Shepparton and the Shepparton community, and their priorities have been raised through the consultation process. Those priorities have been put into the policy considerations that are currently being considered by the government and me. Because whether it is for Shepparton or for other regional areas we certainly do want to build a stronger regional public transport system. The jokers opposite, who cut funding, clearly took a very different approach.

*Honourable members interjecting.*

### **Ministers statements: Melbourne Metro rail project**

**Mr PALLAS** (Treasurer) — I rise to update the house about a new government initiative: releasing the business case for the Melbourne Metro rail project. The business case for Melbourne Metro shows that it will create 3900 jobs. It will increase Victoria's gross state product by \$7 billion on the most conservative of estimates. It will generate massive wider economic benefits in increased productivity, land values and of course employment. This is a project that will transform Victoria, making it easier and quicker to move around the city.

The business case also establishes a clear and a vital role for the private sector. The market interest here and abroad is absolutely huge. It is a massive vote of confidence in the Melbourne Metro project and infrastructure investment in this state. Investors recognise that this is a world-class infrastructure project, and they are eager to progress their involvement in it. Six out of 10 top construction companies in the world, 4 out of 5 of Australia's top non-residential construction companies have registered their interest; 44 organisations from 11 different countries have formally registered their interest in the largest package of works on this mega project.

These companies are currently involved in some of the world's largest public transport projects, whether it be Crossrail in London or alternatively the Riyadh Metro in Saudi Arabia. But this will also deliver better value for taxpayers, balancing the risk between the state and the private sector. Melbourne Metro will deliver significant benefits to road users by decongesting roads and freeways into the city. Victoria is once again becoming renowned for its vision and its passion for delivering quality infrastructure.

### **Elevated rail proposal**

**Mr HODGETT** (Croydon) — My question is to the Minister for Public Transport. I note that the previous Labor government rejected the option of elevated rail on the regional rail link for 2.5 kilometres from the Maribyrnong River to West Footscray due to the potential for adverse noise and visual impacts on nearby residences. I ask the minister: if a cheap and nasty option that would adversely impact residents was rejected by the Brumby government, why is she now imposing this option on residents of the south-eastern suburbs?

*Honourable members interjecting.*

**The SPEAKER** — Order! The Chair would rather have the minister respond to the Assembly and not necessarily directly to the Deputy Leader of the Opposition. The minister to respond.

**Ms ALLAN** (Minister for Public Transport) — I hope those opposite are pretty confident that there has not been an elevated rail project they have ever supported. I hope they are very confident. I would also like to remind, in answering the question, the member opposite that in terms of the proposition in his question he may have been a little bit incorrect, because the final scope of the regional rail link project was of course signed off in 2011.

*Honourable members interjecting.*

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

**Ms ALLAN** — I think that puts to rest the allegation in the question of suggestions about various options that were ruled in or out by a former Labor government given that that final scope was signed off, and I think it might have been Terry Mulder's signature on that document. Of course when we are talking about the regional rail link project, those opposite could not work out whether they were lovers or haters of the project given they could not work out whether they supported it or not.

What is at the heart of this question from the member opposite is his and his colleagues' ongoing opposition to our program of getting rid of 50 dangerous and congested level crossings. That is at the heart of his question. No matter how many tactics meetings the member sits in and thinks of all the clever and creative ways he can rush into the Parliament and have questions on this issue, that remains the heart of the opposition's approach on this matter — that members opposite oppose it. Well, we are certainly determined to get on and deliver the removal of the 9 level crossings on the Dandenong corridor between Dandenong and the city and indeed the 41 — —

**Mr Andrews** interjected.

**Ms ALLAN** — Actually, Premier, it is only 40 at the moment, because we have already got rid of 1.

*Supplementary question*

**Mr HODGETT** (Croydon) — I ask the minister: given the previous Labor government rejected a sky rail for regional rail link, why did this cabinet not reject an elevated sky rail option on the Cranbourne and Pakenham lines for exactly the same reasons, or is it because it was never considered by the full cabinet at all?

*Honourable members interjecting.*

**Ms ALLAN** (Minister for Public Transport) — In talking about propositions that have been rejected, we all know what Victorians rejected in November 2014.

*Honourable members interjecting.*

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

**Ms ALLAN** — That is why we are absolutely committed to delivering on our election commitment to remove those now 49 level crossings, given there is already one that has been completed at Burke Road, Glen Iris. As I said before, what is at the heart of the opposition's approach here is that members opposite are desperately wanting us to copy their playbook, which is to do nothing. Whether it is level crossings, whether it is Melbourne Metro rail project, their preferred approach is to have us do exactly as they did and do nothing. I can tell you, Speaker, and I can assure the house that that is exactly the approach that this government rejects, because there is not a moment to waste in delivering these vital transport infrastructure projects.

**Ministers statements: Melbourne Metro rail project**

**Mr WYNNE** (Minister for Planning) — I rise to inform the house of planning progress for the Andrews Labor government's city-changing Melbourne Metro rail project. I have called on Governor in Council approval to appoint an independent inquiry panel for the project. This is an important step for Melbourne Metro rail, a project we took to the last election.

The previous government, as we know, had no real plan for rail. Melbourne Metro rail will have an independent inquiry panel. The project is slated for public exhibition from late April. The independent panel will consider submissions and hold public hearings midyear.

Members of the community will have ample opportunity to have their say. The alternate rail plan from the previous government was simply dots on a map. Those opposite said it was the transport solution for the biggest planning blunder this state has ever seen — Fishermans Bend. They also wanted to spend an extra \$1 billion tearing up homes and the Jam Factory to rebuild the historic South Yarra station.

We are dedicated to proper infrastructure planning. Without planning or consultation the opposition leader stood at the Montague tram stop in South Melbourne and he called it a train station.

**Mr Clark** — On a point of order, Speaker, we have now reached the point where the minister is treating his own government's sessional orders with contempt. I ask you to bring him back to compliance with sessional order 7, and inform the house about new government initiatives, projects and achievements.

**The SPEAKER** — Order! The minister has made passing remarks. The Chair has heard sufficiently on his passing remarks and the Chair asks the minister to come back to making a ministers statement.

**Mr WYNNE** — Planning for this project will be extensive and the community will be actively engaged with this. It will have an independent panel which will provide advice to me as the minister, and indeed — —

**Mr Guy** interjected.

**The SPEAKER** — Order! The Leader of the Opposition!

**Mr WYNNE** — We will ensure that this project is fully subject to consultation — —

**Mr Guy** interjected.

**Mr WYNNE** — You are a tosser. Have a look at him.

**Mr Guy** interjected.

**Mr WYNNE** — You know what they say about you?

**The SPEAKER** — Order! The minister will resume his seat. The Leader of the Opposition will desist. The minister's time has expired.

**Mr R. Smith** — On a point of order, Speaker, I refer you to question on notice 3639. In the last sitting week I raised this matter. It was a question to the Minister for Industry, and I referred to the fact that it was some weeks beyond the allocated time for answering this particular question. The minister has now submitted what some would refer to as an answer but clearly it is not an answer, and I want to raise with you the adequacy of answers from ministers to questions.

The question that I put to the minister, on notice, was: how much of the much-talked about \$200 million Future Industries Fund would be spent on various industries and how much had been spent and how much was going to be spent in areas such as medical technology and pharmaceuticals, new energy technology, food and fibre, transport, defence and construction technology, international education and professional services? The minister's answer simply says that the money will be spent across all six priority sectors.

I put it to you, Speaker, that if ministers are going to be so cavalier with answers, particularly when it concerns \$200 million of taxpayers money and where it is going to be spent, if ministers are simply going to — —

**The SPEAKER** — Order! The member for Warrandyte — —

**Mr R. Smith** — Speaker, may I say that questions on notice give us the opportunity, on behalf of our constituents and various stakeholders, to raise matters very directly. We also give ministers, under sessional orders, plenty of time to answer them. They have the full resources of their offices and departments to answer questions. If, after being in excess of 90 days late to answer, members on this side, on behalf of constituents and stakeholders, who send us here to ask these questions — —

**The SPEAKER** — Order! The member for Warrandyte will resume his seat. The member for Warrandyte has spoken on the subject at length. He understands that a point of order does not require the

lengthy contribution to the point that the member was making. The Chair heard sufficiently on the point of order. The Chair will follow this matter through for the member for Warrandyte with the minister. The Chair will write in strong terms, not just to that minister but to all ministers, that they need to respond according to sessional orders.

**Mr R. Smith** — On a new point of order, Speaker — —

**The SPEAKER** — Order! On a new point of order, the member for Warrandyte will submit a point of order succinctly.

**Mr R. Smith** — Speaker, with respect, can you, for my clarity, tell me how long a point of order is supposed to go for?

**The SPEAKER** — Order! For the member's clarity, a point of order is not an opportunity, nor is it required, for the member to repeat the question. All the member needs to do is bring the matter to the attention of the Chair. The Chair has upheld the point of order.

## CONSTITUENCY QUESTIONS

### Caulfield electorate

**Mr SOUTHWICK** (Caulfield) — (Question 6798) My question is to the Minister for Health. Rooming house, backpacker-style accommodation is causing severe grief for many communities in Victoria, including those in Myrtle Street and Bailey Avenue in my electorate of Caulfield. I will this week table a petition signed by residents in these streets. They have been subject to a great deal of inconvenience including litter throughout the street, congestion from parked cars driven by rooming house tenants, regular visits from police, parties thrown all day and night, and multiple car break-ins. Given that the minister is responsible for the Public Health and Wellbeing Act 2008, what is the government doing to address the issues impacting residents such as those in Myrtle Street and Bailey Avenue, St Kilda East?

### Sunbury electorate

**Mr J. BULL** (Sunbury) — (Question 6799) My question is to the Minister for Industry. In coming weeks the minister will join me for a local industry forum in Tullamarine to discuss challenges and opportunities arising from a changing market and the diversity and changes experienced in manufacturing. What support packages are available for industry and manufacturing businesses in my electorate, and how can these packages be accessed?

**Mildura electorate**

**Mr CRISP** (Mildura) — (Question 6800) My constituency question is for the Minister for Agriculture. I am seeking information on behalf of Mr Peter Dennis of the Mildura and District Bird Club. The club runs a bird sale on the June long weekend. It has encountered a problem, and it informed the minister of this problem in November 2015. The club is now approaching a critical point in sale preparations, and seeks information from the minister on resolving this matter.

The club informs me that it has been verbally informed by the department that this is a matter that can be rectified by the minister signing off on changes to the Domestic Animals Act 1994 definition. The management of the domestic animal department has advised Mildura and District Bird Club that it can no longer sell non-native birds and that the Domestic Animals Act restricts the sale of caged birds to domestic premises, a bird-keeper's backyard or commercial premises like a pet shop. There is no definition in the act for caged birds, and we request clarification of this term from the minister.

**Niddrie electorate**

**Mr CARROLL** (Niddrie) — (Question 6801) My constituency question is to the Deputy Premier, who is also the Minister for Education, and I ask: how will the Andrews Labor government's \$10 million Inclusive Schools Fund assist Avondale Primary School in my electorate? On 17 June 2015 principal Paul Mulroyan wrote to me highlighting the school's needs and requesting that I meet with the school council, which I subsequently did on 17 August last year. The Inclusive Schools Fund was another election commitment made before the election of the Andrews Labor government. This is a critically important fund for the schools in my electorate. In particular I do ask the minister to please detail to me how the Andrews Labor government's \$10 million Inclusive Schools Fund will assist Avondale Primary School in my electorate.

**Rowville electorate**

**Mr WELLS** (Rowville) — (Question 6802) The constituency question I wish to raise is for the attention of the Minister for Public Transport. In May last year I raised with the minister the matter of overcrowding on school bus services to and from Wheelers Hill Secondary College and Stud Park Shopping Centre in Rowville. A new school year has commenced, and nothing has been resolved. Consequently I must once again highlight to the minister this significant problem

on behalf of students and parents of Wheelers Hill Secondary who live in my electorate of Rowville. I therefore ask the minister on behalf of the concerned parents and students: why are students still having to put up with overcrowding on the Wheelers Hills Secondary bus service, either missing out on actually getting on or having to dangerously stand up on the buses, when this matter was first raised with the minister last May?

**Pascoe Vale electorate**

**Ms BLANDTHORN** (Pascoe Vale) — (Question 6803) My constituency question is for the Premier, and I ask: has the Premier received a satisfactory response to his letter to the Prime Minister regarding the 267 people who face being returned to Nauru? As has been reported quite widely, the Premier wrote to the Prime Minister saying:

... I write to inform you that Victoria will accept full responsibility for all of these children and their families including the provision of housing, health, education and welfare services.

I want these children and their families to call Victoria home.

... we stand ready to provide a safe, secure and welcoming environment for these children and their families, there is no justification for their removal.

This is particularly important to members of my community, including some who are directly affected. As it was reported in the *Age* of 9 February:

And when the last bell rings, the guards return the students to Broadmeadows detention centre, where they live behind barbed with their families.

The principal of Glenroy College in Melbourne's north said he was prepared to risk jail by speaking out about the plight of three asylum seeker students at his school, who are waiting to be flown back to Nauru.

**Sandringham electorate**

**Mr THOMPSON** (Sandringham) — (Question 6804) My constituency question is directed to the Minister for Planning. The question that I ask relates to the decision by a panel report, under the Kingston planning scheme amendment C124 for the Mentone Activity Centre (MAC) structure plan, which provided support for a mandatory four-storey maximum height limit for the Mentone Activity Centre. It was based upon a number of grounds, which principally related to the historic features of the precinct and the differentiated approach to MAC planning in the area undertaken by the panel to protect the area. My question, on behalf of the people of Mentone, is: why

was the proposal lifted from a mandatory recommended height limit to a discretionary height limit?

### **Narre Warren South electorate**

**Ms GRALEY** (Narre Warren South) — (Question 6805) My question is to the Attorney-General and concerns infringement fines. What options are available to assist people in paying their infringement debts? Many local residents contact my office seeking help with their unpaid fines and the administration fees that very quickly add up. In fact almost 30 000 residents in the City of Casey currently owe \$102 million in traffic fines. It is an outstanding and alarming fact. In many cases local residents have multiple unpaid fines and with the administration fees are facing bills of thousands, indeed tens of thousands, of dollars. The wonderful team at Casey North Community Information and Support Service does an outstanding job helping many of these people in our community, but they cannot do it all. So I repeat: what actions are available to assist people in paying their infringement debts?

### **Bass electorate**

**Mr PAYNTER** (Bass) — (Question 6806) My constituency question is for the Minister for Health. The constituents of the Bass electorate, in particular those on and surrounding the Bass Coast, rely on Bass Coast Health and Wonthaggi Hospital as their primary source of hospital care, health and wellbeing. In 2010 Bass Coast Health released a service plan and master plan that detailed both the service delivery needs in the area and the infrastructure needed to deliver on the plan. These plans were based on 2006 census data.

Bass Coast is a growing area, and the needs of the community are constantly changing. What does not change, however, is the community's desire for a subregional public hospital. It is not only a desire but a desperate need. People need to be able to access care in a public hospital without the burden of long-distance travel, which is not only very difficult in our regional areas but causes great disturbance to the family and carers. Will the minister work with Bass Coast Health and provide funding for a new service delivery plan?

### **Dandenong electorate**

**Ms WILLIAMS** (Dandenong) — (Question 6807) My constituency question is for the Minister for Industry, who is also the Minister for Energy and Resources. I recently visited the Vestas Wind Systems energy warehouse and training facility in my electorate, and I spoke to local managers and staff who work in the

renewable energy sector and to some of those being trained up. It was great to see the training program in action and to learn about local opportunities for skill development and job creation in an exciting and innovative industry. It is vital that governments support and invest in renewable energy jobs like those at Vestas in Dandenong. I ask the minister: what is the Andrews Labor government doing to support the wind industry to create more clean jobs like those at Vestas Wind Systems in Dandenong?

## **FINES REFORM AND INFRINGEMENTS ACTS AMENDMENT BILL 2016**

### *Introduction and first reading*

**Mr PAKULA** (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Fines Reform Act 2014, the Infringements Act 2006 and other acts in relation to work and development permits, to further provide for enforcement under those acts and to bring forward the commencement of some of the measures in the Fines Reform Act 2014 by including them in the Infringements Act 2006 and for other purposes.

**Mr PESUTTO** (Hawthorn) — I seek a brief explanation of the bill.

**Mr PAKULA** (Attorney-General) — I am happy to advise the member for Hawthorn that the bill seeks to make a range of minor technical and consequential amendments to the Fines Reform Act, the Infringements Act and other legislation to ensure its proper operation, to defer commencement of parts of the act, to allow early commencement by proclamation of some other parts, to repeal the requirement to prescribe lodgeable infringement offences, to extend the work and development permit scheme, to harmonise court powers and for other purposes.

**Motion agreed to.**

**Read first time.**

## **SEX OFFENDERS REGISTRATION AMENDMENT BILL 2016**

### *Introduction and first reading*

**Mr SCOTT** (Acting Minister for Police) — I move:

That I have leave to bring in a bill for an act to amend the Sex Offenders Registration Act 2004, to make consequential amendments to the Children, Youth and Families Act 2005, the Magistrates' Court Act 1989 and the Open Courts Act 2013 and for other purposes.

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

**Mr SCOTT** (Acting Minister for Police) — The bill will improve community safety by providing appropriate powers to courts and police to better manage the risks posed by sex offenders living in the community.

**Motion agreed to.**

**Read first time.**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**

*Alert Digest No. 2*

**Ms BLANDTHORN** (Pascoe Vale) presented *Alert Digest No. 2 of 2016* on:

- Children Legislation Amendment Bill 2016**
- Crimes Legislation Amendment Bill 2016**
- Health Complaints Bill 2016**
- Judicial Commission of Victoria Bill 2015**
- Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015**
- Rooming House Operators Bill 2015**
- Victoria Police Amendment (Merit-based Transfer) Bill 2016**

together with appendices.

**Tabled.**

**Ordered to be published.**

**DOCUMENTS**

**Tabled by Clerk:**

*Financial Management Act 1994* — Report from the Minister for Agriculture that she received the Report 2014–15 of the Greater Sunraysia Pest Free Area Industry Development Committee, together with an explanation for the delay

Mount Baw Baw Alpine Resort Management Board — Report year ended 31 October 2015

Mount Buller and Mount Stirling Alpine Resort Management Board — Report year ended 31 October 2015

Mount Hotham Alpine Resort Management Board — Report year ended 31 October 2015

Lake Mountain Alpine Resort Management Board — Report year ended 31 October 2015

*Parliamentary Committees Act 2003* — Government response to the Environment, Natural Resources and Regional Development Committees Interim Report on the Inquiry into

the CFA Training College at Fiskville (*in lieu of the response previously tabled on Tuesday 9 February 2016*)

*Planning and Environment Act 1987* — Notices of approval of amendments to the following planning schemes:

- Buloke — C25
- Cardinia — C204
- Casey — C182, C210
- Frankston — C110 Part 2
- Gannawarra — C40
- Glenelg — C84
- Greater Bendigo — C200, C219
- Greater Geelong — C340
- Greater Shepparton — C179, C182, C186
- Hume — C210
- Knox — C140
- Mansfield — C15
- Melbourne — C209
- Mitchell — C91 Part 2
- Monash — C121, C122 Part 1
- Murrindindi — C53, C54
- South Gippsland — C99
- Wangaratta — C56
- Wellington — C93
- Whittlesea — C183
- Wyndham — C170

Statutory Rules under the following acts:

- Children's Services Act 1996* — SR 2
- Public Health and Wellbeing Act 2008* — SR 3
- Subordinate Legislation Act 1994* — SR 4
- Wrongs Act 1958* — SR 1

*Subordinate Legislation Act 1994:*

Documents under s 15 in relation to Statutory Rules 1, 2, 4

Documents under s 16B in relation to the — *Cemeteries and Crematoria Act 2003* — Southern Metropolitan Cemeteries Trust's Scale of Fees and Charges

*Surveillance Devices Act 1999* — Report of the Victorian Inspectorate under s 30Q.

## ROYAL ASSENT

Message read advising royal assent on 16 February to:

**Bail Amendment Bill 2015**  
**Drugs, Poisons and Controlled Substances**  
**Amendment Bill 2015**  
**Justice Legislation Further Amendment Bill 2015**  
**Relationships Amendment Bill 2015**  
**Road Legislation Amendment Bill 2015.**

## APPROPRIATION MESSAGES

Message read recommending appropriation for **Health Complaints Bill 2016.**

## BUSINESS OF THE HOUSE

### Program

**Ms HENNESSY** (Minister for Health) — On behalf of the Leader of the House, 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 25 February 2016:

Children Legislation Amendment Bill 2016

Health Complaints Bill 2016.

Judicial Commission of Victoria Bill 2015

Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015.

In briefly speaking to the motion, this is an important and issues-rich government business program. It does demonstrate that the government is getting on with the job of not just implementing very important election commitments but also responding to the policy challenges at hand.

As the minister responsible I can certainly talk to the importance of the Health Complaints Bill 2016. This is a bill that seeks to address the issue of an unregulated proportion of service providers in the health sector industry which are not currently regulated because they fall outside the national regulation scheme. The bill also canvasses important issues around people who are relying upon false and misleading representations by healthcare providers in respect of the impact of their works. We have seen recent commentary in the media around so-called gay conversion therapists, for example. We have seen people make outrageous representations about certain products and medical techniques that allegedly cure cancer. When they are

very vulnerable, people are relying upon and responding to these representations. There has been a significant gap in the regulatory scheme, and we are responding to that call. We are also empowering the health complaints commissioner in this bill to be able to conduct own-motion inquiries in addressing a whole range of current limitations of its jurisdiction. That certainly is a very, very important bill.

Of course the Judicial Commission of Victoria Bill 2015 is another important bill. This is a bill that effectively amends the Victorian constitution to establish the Judicial Commission of Victoria. It also enables a power to provide for investigations into judicial officers and non-judicial members in respect of the Victorian Civil and Administrative Tribunal jurisdiction and makes a range of other consequential amendments. That is another important part of the government business program this week.

The Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015 again goes to greyhound racing and welfare reform, a matter that has been the subject of significant public and industry commentary and contest in recent times —

**Mr Wynne** interjected.

**Ms HENNESSY** — and disquiet, as the Minister for Planning makes the point. This essentially amends the Racing Act 1958 in relation to Greyhound Racing Victoria. It makes certain amendments around the appeals and disciplinary regime for its board. It provides additional and new powers for the racing integrity commissioner, and it also deals with really important issues that have been the subject of debate and that go to the use of lures when it comes to greyhound races and the enforcement regime that sits around that — again a very issues-rich topic and one that I am sure will be the subject of considered and informed reflections by members of this house.

The government business program also includes the Children Legislation Amendment Bill 2016. This is another important piece of reform because it really does go to improving the operation of the Commission for Children and Young People. It is a bill that is focused on disclosure as well, and one does not have to look too far into the public policy space or the reported media to reflect upon the importance of always trying to do better in this space. Again I look forward to informed commentaries by those who choose to speak on that bill in the course of our government business program.

There are two issues that I would also like to quickly foreshadow. The first is that we may go back to the

motion that this house takes note of the addresses on family violence. There are some members who have not had the opportunity to talk on that issue. That was, in my view, one of the grand days of the Parliament, and considering that we still have a significant number of people who wish to make a contribution on the very multidimensional and challenging issues of family violence, I would just like to foreshadow that. The second issue is perhaps to reflect upon the need for flexibility, given that we are in the hands of the upper house when it comes to the ports bill as well. I think it is important at this point in time, as we debate the government business program, to also focus members' minds on the possibility of our requiring some flexibility later in the week. With that short commentary, I commend the motion to the house.

**Mr CLARK** (Box Hill) — The coalition parties oppose this government business program. The acting Leader of the House has been given a hospital handpass in relation to the motion that she has moved, but the proposed business program and the guidance — or rather the lack of guidance — that the acting leader has been able to give to the house has just confirmed the chaos and dysfunction into which the government is rapidly falling. We have a government that seems incapable of putting together a well-reasoned business program and incapable of giving this house proper guidance as to what it intends to do during the forthcoming week, and it continues to be incapable of ensuring proper consideration in this house of the bills that the government brings to the house.

When we look at the bills themselves, it is striking that probably three out of the four bills that the government proposes to deal with this week are bills that either were substantially prepared or previously introduced under the coalition government or deal with important reforms that were introduced under the previous coalition government. We certainly welcome the acting Leader of the House's enthusiastic endorsement of, for example, the judicial commission and health complaints bills, which are largely based on work done under the previous coalition government. Indeed the Children Legislation Amendment Bill 2016 also deals with reforms that were introduced under the previous government. The greyhound racing and welfare reform bill deals with the very important topic of the welfare and protection of greyhounds. We certainly welcome the fact that that legislation is coming on for debate and note that many members on this side of the house have had significant involvement in that issue.

But when it comes to the key issues that this house is being asked to deal with, we have had nothing but an oblique reference from the acting Leader of the House

to the very first item that stands on the notice paper under government business — namely, the government's motion about referring the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015 to the Dispute Resolution Committee. That just typifies the inability of the government to order its business or indeed to run itself as a government. On the one hand we had, last week, the government saying, 'Well, we're going to refer this issue off to the Dispute Resolution Committee, and if we don't get agreement there, potentially Victoria is off to an early election'. Then just a few days later we had the Treasurer saying that if the port legislation is not passed through Parliament this week, he is not going to proceed with it in the Parliament and is going to take the matter to market without legislation.

If ever you needed a demonstration of how the left hand of government does not know what the right hand is doing and that the government is in total disarray and dysfunction, it is exactly that issue. We could not get any guidance from the acting Leader of the House as to how the government intends to deal with that matter other than an oblique reference to the other house. If the government wants to get this issue sorted out, it needs to sit down and talk through these issues properly, genuinely and sincerely with the opposition parties, which have had proposals on the table to resolve this matter for weeks and have not been able to get anything other than increasingly convoluted and complex proposals out of the government.

The other aspect of the government business program and the acting leader's remarks on it is that yet again we find the government running away from consideration in detail of legislation in this house. I have made clear to the house before what a broken election promise this was in terms of the commitment to make consideration in detail a standard part of the practice in this house. But it is not just a broken election promise; what it indicates is that the ministers in this house are either too lazy, too incompetent or too frightened to have their bills come into committee before the house.

As I have said before, particularly when a bill is being introduced by a minister who is in this house — such as the Attorney-General, who has just entered the chamber — the logical place, the proper place, the appropriate place for extensive consideration in detail is in this house. But we have had no indication whatsoever from the government as to whether or not it proposes to deal with the Judicial Commission of Victoria Bill 2015 by having a consideration-in-detail stage in this house and no indication in relation to the Health Complaints Bill 2016. In relation to the Children Legislation Amendment Bill 2016 we have heard

indirectly talk about government amendments but no indication as to whether the government proposes to deal with them here or in the other place. Therefore we oppose this business program.

**Mr PEARSON** (Essendon) — I am delighted to make a few comments in relation to the government business program. I respect the member for Box Hill, because he is a diligent workhorse for the opposition. The great pity for the member for Box Hill though is that frequently when he rises to his feet he does not get much support from his front bench. He is usually here by himself. I am a fan of the member for Box Hill. I listened to the member for Box Hill's contribution, unlike the Leader of the Opposition, who goes into the witness protection program whenever the member for Box Hill gets on his feet.

The member for Box Hill talked about dysfunction and disunity within the ranks of the government. Then he went on to talk about the fact that his concern about the government business program is that the government is putting forward a number of bills which had their genesis in the former government. But members opposite are going to vote against the government business program. So they are saying, 'You're putting up our word, but we're going to vote against it because — well, we don't quite know why'.

It is also confusing that we have a Liberal Party in this state that is opposed to the privatisation of an asset. I yearn for the days when Alan Stockdale and Jeff Kennett strode like colossi in this house compared to the intellectual pygmies we see opposite, who are completely opposed to a sensible use of a public asset.

The member for Box Hill said, 'Well, look, you should sit down'. We have tried to sit down. We have tried to be reasonable. We have tried to negotiate with the opposition. These people opposite — members of the Institute of Public Affairs, I hasten to add — are opposed to a privatisation. If that is not the definition of confusion, I do not know what is. They are divided. They are disunited. We can bring this on now; they can pass it through the Council and we can get on with it. We can free up some capital and put it to a better use — to increase the productivity of the state.

This is an important business program for us. There are four bills. Some bills are about getting on with the normal business of government, as you would expect; some have had a longer gestation period. Having come out of a week of Public Accounts and Estimates Committee hearings, where you are locked up in a — —

**Ms Ward** interjected.

**Mr PEARSON** — I thank the member for Eltham. It is a room in another part of this building, which is a sterile promontory. It is wonderful to be here to talk about the government business program beneath this excellent canopy threaded with gold and light. We are talking about the government business program, and it is a wonderful day to be in government. We are getting on with it. It is a great business program.

I hope those opposite see sense and reason and decide to pass the port bill. I have cleaned out my calendar for Thursday night and Friday. I would be delighted to be here and vote for a privatisation. Those of us in the Labor Party are happy to vote for a privatisation. I just wonder whether those opposite, who purport to be from the party of free enterprise and innovation, as the Prime Minister now describes it — —

**An honourable member** — Liberalism.

**Mr PEARSON** — And liberalism. I wonder whether they will similarly vote for an important piece of legislation. It is a sensible piece of legislation, and I would have thought they would support it.

We have great capacity. There are four bills. I hope that there is a fifth bill added on Thursday night. I am happy to be here, and I would be happy to be here on Friday to get this done — to get on with it. It is a great business program. As I said in my opening comments, it is always a pleasure to see the member for Box Hill in action. I just wish some of those opposite would also bathe in the glow of his eloquence, although it is somewhat misguided in this instance. I commend the government business program.

**Mr HIBBINS** (Pahran) — I rise to speak on the government business program. Unlike the member for Essendon, I am not yearning for the days of Jeff Kennett and Alan Stockdale, but certainly with government members' efforts to flog off public assets, cap rates and support Crown Casino and the grand prix, they are making their very best efforts to imitate the days of Jeff Kennett and Alan Stockdale. Like other members, I was expecting the port motion to go to the Dispute Resolution Committee, but obviously it is a movable feast. We awaken to different news on the port bill every day. My suggestion — and members can take this however they want — is to abandon the whole process altogether if you cannot come to an agreement. That would probably be the best option.

Going on to the government business program, there are four bills. The Greens will not be opposing the government business program in this instance. We have

not requested that any bills go into consideration in detail, but certainly I am sympathetic to calls to do so and to the reminder that it was a government promise that it would become a standard feature that bills will go into consideration in detail. I would welcome more bills going into consideration in detail, because the majority of the ministers are in this house, and it is certainly the appropriate house for more scrutiny to be applied to the government legislative program.

The four bills we have on the program include the Children Legislation Amendment Bill 2016, which I understand makes changes to the powers of the Victorian commissioner for children. We have the Health Complaints Bill 2016, which sets up a health complaints commissioner. We have the Judicial Commission of Victoria Bill 2015, which establishes the Judicial Commission of Victoria. We also have the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015, which makes changes to Greyhound Racing Victoria with regard to animal welfare, so I certainly look forward to that debate on that particular bill.

The Greens will not be opposing the government business program in this instance, but certainly we would hope that the government does heed calls to have more bills go into a consideration-in-detail stage, because, putting aside its commitment before the election, the fact, I think, that we have only had a handful — two bills — go into consideration in detail is actually becoming quite farcical. I would hope that down the track, certainly this year, we will see more opportunities to question ministers regarding individual bills.

**Mr McGuire** (Broadmeadows) — Let us analyse what the manager of opposition business has said about chaos and dysfunction, and let us not have overnight amnesia. Let us remember what happened last sitting week when we were in here: the Liberal Party voted against the government business program and then voted in favour of each bill. Liberal members made no prior requests to take the bills into a consideration-in-detail stage, and then they whinged. And guess what they have done today? They have done exactly the same thing. Members of the National Identity Crisis Party, or should we call them the Country Party — oh no! That got ruled out — did the same flip-flop as if they were straddling a barbed wire fence, as their old hero Sir Joh Bjelke-Petersen would have described their position. So let us resolve the identity crisis of The Nationals — or is it the Country Party, or is it the National Country Party? Let us just call them the Barnabys. Let us just have that on the record that that is what they should be, and let us look

at the judgement that was so astute from our new Deputy Prime Minister, who in one day went from defending a minister to declaring, ‘Goodnight Irene’. That is the level of the issue — —

**Mrs Fyffe** — On a point of order, Deputy Speaker, whilst I note that the debate on the business program today has had some variety, I do not understand how a federal situation can at all be entertained in the Victorian Parliament business program debate.

**Mr McGuire** — On the point of order, Deputy Speaker, I am going directly to the point that has been raised about chaos and dysfunction, and I am pointing it out in the way it needs to be because this is what is going on. We have had an obstructionist proposition come from the opposition parties in this Parliament, so I am calling it out. It is directly relevant, and it goes to identity and the crisis that is going on and the politics and tactics that are being played out to try to go against the government business program. The government wants to get on with delivering for jobs and growth, and to get the value out of the port of Melbourne, rather than deal with this obstructionist proposition that we come and hear every day, the play-acting, and then they vote in favour.

**The DEPUTY SPEAKER** — Order! I think I have heard enough on the point of order. It is a wide debate, but I suggest that the honourable member comes back directly to the matter before the house, and that is the government business program.

**Mr McGuire** — I am delighted to, Deputy Speaker. But I did just want to make one other point about the Greens political party, which called a division the last time and then halved its vote — and that says it all. In the public arena, it halved its vote in the house that decides government. That is the dysfunction that we are talking about. This dysfunction comes from the Liberal Party, it comes from the National Party and from the Greens political party. So on the legislation that we are introducing this week — —

**Mr Crisp** — On a point of order, Deputy Speaker, I believe that the member is defying your instructions. He said he would be brief, and here he is continuing on unabated.

**Mr Pakula** — On the point of order, Deputy Speaker, it is quite clear that just prior to the member for Mildura rising to his feet, the member for Broadmeadows was going directly back to the question of the government business program. I think if the member for Mildura demonstrates some patience, you

will see that the member for Broadmeadows will get there.

**The DEPUTY SPEAKER** — Order! I do not uphold the point of order. The honourable member was being apposite to the question before the house, and I will continue to hear him.

**Mr McGUIRE** — On the legislation that the government is introducing and why it is important, we have the Children Legislation Amendment Bill 2016. That is further legislative implementation of the recommendations of the landmark *Betrayal of Trust* report into child sexual abuse. We have a bipartisan proposition on this piece of legislation, so I look forward to that vote going through. We have the Health Complaints Bill 2016 legislation. As opposition members have said, the former coalition government did some good work in this area. I am happy to make that acknowledgement; that is not an issue. But let us get it done, let us get it put through, and let us actually look at the historical perspective to all of this.

This goes back to the Cain government in the 1980s giving people the first legislative ability to actually take up complaints, have them heard, change the system and all the rest instead of having to go to the courts in a negligence case, which of course was a costly legal process. So this is the way we evolve. I am happy to acknowledge anybody's contribution, because that is what the Parliament is supposed to be about; that is what the people expect. So I look forward to these bills going through. I commend them to the house.

**Mr CRISP** (Mildura) — I rise to speak on the government business program. The Nationals in coalition are opposing this program. We are opposing it on the basis that the motion that is before this house was rapidly moved in the twilight session in the last sitting week to refer this away. I too believe, as the Leader of the House does, that there is still time for reasonable negotiation on this bill and this is a premature move, one that I think reflects some of the confusion about how to manage this particular bill. This was supported by the acting Leader of the House saying, 'Well, this particular motion is on, it's off, or maybe it's something else'. I think that those comments are strong, and it is worth noting that nobody seems to know what is going to happen with this motion. On the port, I think the concerns there have been laid out quite clearly, and in the debate I am sure they will be supported. I think it is a case that we are now spending at the expense of our kids' future.

We have four bills on the program this week. The main purpose of the Judicial Commission of Victoria

Bill 2015 is to provide for investigations into judicial officers and non-judicial members of the Victorian Civil and Administrative Tribunal and then to settle that in. That is not a particularly difficult piece of legislation.

The debate on the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015 will be led by the shadow minister, the member for Gippsland East, and I am looking forward to his contribution. I think this builds on some of the work that has been done in the greyhound industry over time. Also, the Domestic Animals Act 1994 and other acts are being amended.

For me the Health Complaints Bill 2016 is a good one to go into consideration in detail, because it does provide for changes in the way complaints are made and also for looking at the responsibilities of the health complaints commissioner and how health complaints are managed. I think that will be one to go into consideration in detail because it is one that is very important to our communities.

The Children Legislation Amendment Bill 2016 — and this is always important work — is really about picking up some inadvertent drafting concerns after the 2014 legislation, which comes into effect in March, and also enables the legal sharing of information between the Secretary of the Department of Health and Human Services and various other people on serious adverse events for young people in out-of-home care and justice settings.

It is not a very complex program, but it is one that I think does reflect some issues with the way this house is being run. When you look at the notice paper, I think the notice paper reflects chaos somewhere, whether it is in government or somewhere else. It is not a well-ordered piece of paper. It is meant to assist the running of the house, and I think it just further confuses the house. Whether that is intentional or otherwise, I think it is something that reflects strongly on the way the government is going about its business. We will not be supporting this business program.

#### House divided on motion:

##### *Ayes, 46*

Allan, Ms	Knight, Ms
Andrews, Mr	Lim, Mr
Blandthorn, Ms	McGuire, Mr
Brooks, Mr	Merlino, Mr
Bull, Mr J.	Nardella, Mr
Carbines, Mr	Neville, Ms
Carroll, Mr	Pakula, Mr
Couzens, Ms	Pallas, Mr
D'Ambrosio, Ms	Pearson, Mr

Dimopoulos, Mr  
 Edbrooke, Mr  
 Edwards, Ms  
 Eren, Mr  
 Foley, Mr  
 Garrett, Ms  
 Graley, Ms  
 Halfpenny, Ms  
 Hennessy, Ms  
 Hibbins, Mr  
 Howard, Mr  
 Hutchins, Ms  
 Kairouz, Ms  
 Kilkenny, Ms

Perera, 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, 35*

Angus, Mr  
 Asher, Ms  
 Battin, Mr  
 Blackwood, Mr  
 Britnell, Ms  
 Bull, Mr T.  
 Burgess, Mr  
 Clark, Mr  
 Crisp, Mr  
 Dixon, Mr  
 Fyffe, Mrs  
 Gidley, Mr  
 Guy, Mr  
 Hodgett, Mr  
 Katos, Mr  
 Kealy, Ms  
 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.  
 Staley, Ms  
 Thompson, Mr  
 Wakeling, Mr  
 Walsh, Mr  
 Watt, Mr  
 Wells, Mr

### **Motion agreed to.**

## **MEMBERS STATEMENTS**

### **Susan Chow**

**Mr WYNNE** (Minister for Planning) — I rise today to congratulate Susan Chow on her well-deserved Victorian Senior of the Year Award. Susan has been an active member of the Chinese community as president of the Fitzroy Chinese Women's Association and as president of the Fitzroy Chinese Association. I am delighted to congratulate Susan and recognise the impressive volunteer work that has contributed so much to those around her.

My electorate of Richmond is one of the most diverse and vibrant areas in Victoria, with many cultures contributing to its unique make-up. It is through the wonderful work of people like Susan that we enjoy a rich culture and sense of inclusiveness in our community. For more than 15 years Susan has worked tirelessly to build strong foundations and networks in the Chinese community, fostering health and respect. Because of her selfless dedication, the community has enjoyed a range of activities that bring people together to celebrate Chinese and Australian culture. Susan's

dedication to the Chinese community demonstrates the value of service to others, building connections, friendships and cultural ties. Her advocacy for senior women in the community affords her much respect, and her passion for bringing people together means that many people count Susan as a very dear friend.

As the Chinese community in my electorate recently came together to celebrate Chinese New Year, I wish to acknowledge the strong foundations and cultural ties that link this community and again congratulate Susan for being such an integral part of it and an outstanding contributor to the community of my seat of Richmond.

### **Dorset Road–Maroondah Highway–Bellara Drive, Croydon**

**Mr HODGETT** (Croydon) — I rise once again to bring to the attention of the Minister for Roads and Road Safety the intersection of Dorset Road, Maroondah Highway and Bellara Drive, Croydon. This intersection is essentially two intersections operating as one and requires an urgent upgrade to alleviate traffic congestion in the local area. It has previously been identified as the second-worst area for traffic congestion during afternoon peak hours in Victoria.

There are a high number of movements at this intersection at any time of the day, and with limited signal time, this intersection also sees traffic queuing for up to 1 kilometre during peak periods. This causes extreme frustration for local residents, as well as for motorists, who can spend an additional 20 minutes in their car while taking their children to or from school or while travelling from one area of Croydon to another.

Melbourne's population is growing at over 100 000 people each year. Property development in Maroondah is in its prime, and financial investment is required from the Andrews government to reduce congestion in the area. During regular meetings with Maroondah City Council the government has continually flagged this intersection as one of its top priorities. I appeal to the government to provide the necessary funding for upgrades to this intersection to enable the free flow of traffic and improved safety in the local area. Last Thursday I spoke to students at Sacred Heart Primary School in Croydon. One young boy asked me when this intersection would be upgraded. Let us do it sooner rather than later so that when this young boy is old enough to drive, he will not have to experience the congestion, delays and traffic problems that exist at this intersection today.

## Geelong

**Mr EREN** (Minister for Tourism and Major Events) — I rise to update the house on the Labor government's commitment to growing the Geelong region's economy as well as job opportunities. It is great news that last week it was confirmed that WorkSafe Victoria will be moving its \$120 million headquarters to Geelong. The move will see 700 workers calling the space at the historic Dalgety & Co building at 1 Malop Street, Geelong, home. During construction 22 full-time jobs and 3 new full-time apprenticeships will be created and the project will support local suppliers and contractors. This will be a two-part move. This year more than 150 WorkSafe jobs will begin in Geelong at the Transport Accident Commission building on Brougham Street. Those people, along with the rest of the office, will move to the new site in 2018, when the development is expected to be completed.

This is an exciting development that will bring jobs and business opportunities to the region. It is the first major project to be announced since the establishment of the Geelong Authority, which oversees all major projects for the city. The same day this was announced an exciting showcase of what Geelong has to offer was on show as part of the recent Transforming Geelong roadshow. The event was run thanks to the City of Greater Geelong, the Committee for Geelong, Viva Energy Australia, the Geelong port, the Victorian Regional Channels Authority and of course our government. The Premier's words about Geelong could not have been more true:

Geelong is special. Geelong is unique. Where Geelong goes, so goes our state.

Congratulations to all of those involved in orchestrating such a remarkable event.

I was also pleased to read in today's *Geelong Advertiser* that the Australian Bureau of Statistics move to Geelong is scheduled for next week. Thirty employees will be making the move to the newly refitted Ford Discovery Centre, and 80 more full-time jobs will be filled.

## Canni Creek picnic races

**Mr T. BULL** (Gippsland East) — Picnic racing is an important part of our state's racing industry, and last weekend I had the pleasure of attending the annual meeting at the Canni Creek racetrack. The day attracted a record crowd of over 1200 people, and the cup was taken out by Shanghai Rooster, trained by the father-son combination of Alec and Reg Manning, who

also trained the quinella. Full credit to Ian Dunkley and his team for putting on a great race day.

Canni Creek is one of three venues in East Gippsland that hold one meeting per year, the others being Hinnomunjie and Swifts Creek. All three clubs contribute much to the community and to worthy local causes, such as emergency services and bush nursing centres. While our picnic club races may not attract the bigger crowds of venues closer to Melbourne, they have been an important part of the East Gippsland community for over 100 years. This year Hinnomunjie will celebrate its 140th anniversary, Buchan its 129th and Swifts Creek its 120th. Speaking with other racegoers, the general consensus at Canni Creek was that picnic racing is alive and well. However, it would be helpful if these clubs were given some security about their future operations from both industry and government.

## Australia Day

**Mr T. BULL** — I would like to make the house aware of the exceptional achievements of two members of my electorate, June Treadwell and Jim Duggan, in being awarded medals of the Order of Australia. June has dedicated her life to volunteering in the community after a teaching career in Melbourne, and Jim has given outstanding service to his community mainly through service club and church group participation. Well done to both.

## Academy of Sport, Health and Education

**Ms HUTCHINS** (Minister for Aboriginal Affairs) — Last week I had the pleasure of visiting the Academy of Sport, Health and Education, better known as ASHE, in Shepparton. ASHE was established in 2005 in conjunction with the Rumbalara Football Netball Club and the University of Melbourne. ASHE offers a unique framework focusing on the three key areas of health, education and sport for young Aboriginal people in the greater Shepparton region. Given the academy's success in delivering this unique education framework over the years, young Aboriginal people from all over the country are now enrolled and participating in ASHE's programs.

ASHE also delivers a range of community-based short courses in the area of community development and leadership. These particular programs are developed on an as-needed basis and can provide opportunities and incentives for students who want to seek higher levels of education. ASHE has created its own unique culture, and it is a central hub for many young Aboriginal students in the greater Shepparton region. I heard

firsthand from students who spoke about their struggles in the mainstream education system and how they felt excluded and not wanted at different times in their education.

These young and talented Aboriginal students were bullied and experienced racist comments at school, and these were the main reasons for them not wanting to go to school. Now, in the culturally safe environment and structure of ASHE, young Aboriginal students are finishing their year 12 certificates or equivalent, and the students participating in school want to be role models for their younger siblings and other relatives.

I would also like to take this opportunity to thank Leonie Dwyer and her team of amazing teachers and staff, who do incredible work, and the students for being so honest and open.

### **Boroondara planning**

**Mr PESUTTO** (Hawthorn) — I raise for the attention of this house the growing concern across the City of Boroondara in response to the government's announcement of its review into zoning throughout Victoria's municipalities, but particularly cities like Boroondara.

The government's announcement on 6 February that it was releasing state of play reports has confirmed what the people of my electorate have long suspected. Prior to the last election both the then planning spokesperson, Mr Brian Tee, and the Greens criticised the strong zoning protections that the previous government put in place for Boroondara. They effectively argued that the area should be sliced open for high-density development throughout the entire area.

The Minister for Planning's media release on 6 February was telling, and I quote:

'State of play' reports have been released for suburban subregions and regional cities, part of the Andrews Labor government's review of residential zone changes, introduced under the previous government.

The review was an election commitment after the previous Liberal government rushed through major zone changes ...

...

The review will establish whether Victoria's residential zones require adjusting ...

Residents in my electorate of Hawthorn are increasingly concerned at what this portends. The state of play report for the eastern subregion makes its intentions for the area clear. It has a predetermined

view about what should happen in areas like Boroondara.

Boroondara is a municipality that invests heavily in preserving the heritage, character and amenity of its neighbourhoods, and there is a direct and powerful connection between this commitment and the strong community spirit and volunteer ethic that runs so conspicuously throughout my electorate. Far from being penalised or criticised for this, the people of my electorate should be respected and genuinely consulted on their future.

### **Battle of Long Tan commemoration**

**Ms WARD** (Eltham) — Across Victoria last Sunday at midday bugles played, echoing throughout our local cemeteries, commemorating those brave souls who lost their lives while serving our country in Vietnam. Ninety-eight Victorians died in the Vietnam War — the very heartbreaking reality of war.

This year is the 50th anniversary of the Battle of Long Tan. As we stood in the beautiful sunshine at the Eltham cemetery, surrounded by gum trees and a gentle breeze, we could not have been further from the noise, gunfire, mortar, heat and downpour experienced by our soldiers at the plantation at Long Tan. In that battle D Company faced an estimated 2500 Viet Cong. It is nothing short of astonishing to think that those soldiers forced the Vietcong to retreat. Sadly, 18 Australians lost their lives during the Battle of Long Tan.

In Eltham we attended the vigil at the graveside of the last Victorian to be killed in the Vietnam conflict, David Wallis. We saw his photo: a man with a shy smile and gentle eyes, partially hidden by his dark glasses.

I want to thank the Vietnam Veterans Association of Victoria for the huge amount of work it has undertaken for this year's commemorations, and especially for the sensitivity and thoughtfulness with which it undertook the planning of Sunday's vigils. I would particularly like to thank my own local DViets for their work, including their president, Peter Blackman, and his crew, for their thoughtfulness, dedication and hard work. I have mentioned the DViets before in this place, and I will continue to mention them. They are a great group of men who offer tremendous support, friendship and community to each other, and I thank them very much for all that they do.

### **Oxley Christian College and Coldstream Primary School**

**Mrs FYFFE** (Evelyn) — One of my favourite duties as the member for Evelyn is this time of the year getting to present students with their leadership badges. Last Monday morning I had the pleasure of presenting Oxley Christian College students with their leadership badges as part of their investiture ceremony. Oxley is an immensely popular secondary school because of its reputation for excellent academic results and extracurricular programs, which build confidence and capability in our young people.

I then spent the afternoon at Coldstream Primary School, where I presented badges to the younger generation of aspiring leaders. Coldstream primary is filled with happy, vibrant children and engaged parents who are actively involved in all school activities. Both schools are a credit to the Yarra Valley.

While there are not enough places for all of us to be leaders, there are opportunities to lead in our own small way. We are all pioneers of our own life paths, which ultimately contributes to the direction the world takes. By taking some risks, developing a sense of fairness and having a go, we can each help redefine tomorrow's standards and values to make our communities, our state and our country better for all. It starts with each one of us being prepared to put ourselves forward and say, 'I will do it'. To all those students at Oxley Christian College and Coldstream primary who have done just that, I take my hat off to you.

### **Telecommunication services**

**Ms THOMAS** (Macedon) — On Friday the Premier, along with the Minister for Environment, Climate Change and Water, visited Lancefield to catch up directly with community members affected by the Lancefield and Benloch fire of October last year and to report on progress of the recommendations made by the independent review into the fire.

In conversation with the Premier, residents kept coming back to their frustration with telecommunications services, specifically mobile phone connectivity in Benloch and more generally across some of Victoria's most fire-prone communities. As the Premier explained, when it comes to the federal government's mobile black spot program, Victoria stands ready to make its contribution. What we need is for the Prime Minister to lift his gaze beyond the division and disunity that is the federal Liberal-National party government and focus on an issue of real concern to Australians, particularly here in Victoria.

Thankfully, our local federal MP, Rob Mitchell, is campaigning vigorously on this issue, while the Liberal Party at state and federal level is silent. In my electorate we need Telstra and other telecommunications service providers to rise to the challenge and deliver these much-needed mobile phone services. Delivering in these communities should be considered by all telecommunication service providers as part of their corporate social responsibility programs. It would be an enormous boost to all of their reputations in regional Victoria.

### **Loraine Kraus**

**Ms THOMAS** — In Lancefield the Premier also took the opportunity to congratulate Loraine Kraus on being named Macedon Ranges Shire Council Australia Day Citizen of the Year. Over many years Loraine has worked tirelessly, supporting the community and sporting clubs in Lancefield.

### **V/Line services**

**Mr NORTHE** (Morwell) — I rise today to highlight ongoing concerns and issues being experienced by local commuters given the current V/Line crisis confronting our community. Things are bad enough at the moment, but the lack of accurate information being provided by the Andrews government to commuters is simply not good enough. For example, last Monday I caught a bus from Morwell station as part of the 7.20 a.m. Traralgon service. The V/Line website, under the heading 'Coach replacement services to Melbourne' states that there is a 7.20 a.m. service from Traralgon to Southern Cross. Under this section there is no indication of where the bus stops or at what times.

Yet if you drill down further, you see there is a Traralgon train replacement timetable that refers to the 7.20 a.m. service stopping at a number of stations through to Pakenham and arriving at Southern Cross at 9.37 a.m. Of course this is subject to road and traffic conditions, and commuters are asked to allow up to 60 minutes extra travel time.

Then under a third section of the website we have 'Coach replacements during service changes', where it outlines two different 7.20 a.m. Traralgon bus services, with one reflecting the Traralgon train replacement timetable and the second indicating a service running directly to Southern Cross via Pakenham, but again with no detail on estimated time of arrivals.

The feedback I had from commuters is that this information is horribly confusing, with three different sections of the website conveying different information.

Commuters with special needs have also advised me that information pertaining to what travel arrangements might be available for their circumstances is also very confusing and inconsistent.

The Andrews government must fix this whole V/Line mess and in the interim make sure commuters are provided with clear and concise information.

### **Beamaris secondary college**

**Mr RICHARDSON** (Mordialloc) — It has been a significant journey for the Beamaris community, particularly the Beamaris secondary college community, over the past 18 months, which is culminating now in a working planning group that has been established to reopen a Beamaris secondary college in 2018. As many would know, this is a school community made up of parents, teachers and students who persuaded the then Labor opposition, now government, to invest in this school community — as opposed to the previous government, which turned its back on the secondary college and the school community and refused to invest in their future.

Fast forward now to a council meeting tonight at Bayside City Council, where a once-in-a-generation opportunity to seize this development, which has involvement from the school community and the Melbourne Cricket Club, and to seize the land and invest in this project could not be any more critical. This has happened in my local municipality, the City of Kingston, where Parkdale Secondary College combined with the City of Kingston and both political persuasions of state government and invested on site \$16 million.

Bayside City Council needs to seize this opportunity. Its councillors need to see that this is a 25-year investment in this site, an area that will be a wonderful opportunity for students and for the wider community. I ask Bayside City Council to consider how it will support this project and invest going forward, and I look forward to it seizing the opportunity.

### **Infrastructure projects**

**Mr WELLS** (Rowville) — This statement condemns the Andrews Labor government for its complete hypocrisy on the issue of transparency, consultation and accountability when it comes to proposed infrastructure projects. In opposition, and now in government, state Labor has deceitfully criticised the coalition for not releasing the full details of the business case for projects such as the east–west link and has espoused a holier-than-thou position in relation to

consultation and the public release of information regarding projects.

On 4 May last year Treasurer Pallas stated on the Neil Mitchell program about the business case:

We can't keep it hidden, like the previous government did.

In Parliament on 21 August 2013, Premier Andrews, then opposition leader, criticised the east–west link, stating:

As I have said, there is no business case ... There is no business case other than a short form business case ...

Yet now we have the Andrews government bullying local communities along the Dandenong railway line into accepting its seriously flawed sky rail proposal — a project for which a business case has not been presented to the public, a project that has clearly failed in relation to proper public consultation and a project that is being rammed through in a process that totally lacks any decency, transparency or accountability. Sky rail fails on every count against Labor's own criteria for project assessment, yet it is not just sky rail that has no business case. The Melbourne Metro rail project, all level crossing removals, Mernda rail, the port of Melbourne lease — —

**The ACTING SPEAKER** (Ms Halfpenny) — Order! The member's time has expired.

### **Hospital funding**

**Mr PERERA** (Cranbourne) — The Turnbull government's hospital funding cuts are a direct attack on local patients and their families. What the federal government is doing as early as next month will see a further \$73 million ripped away from Victorian public hospital patients on top of Malcolm Turnbull's planned savage \$17.7 billion cut to our hospitals over the next 10 years. This is leaving hospitals across Victoria, such as Casey Hospital, the Monash Children's and Dandenong Hospital, facing cuts of millions of dollars to fill this black hole. For example, Monash Health will lose over \$9.9 million in much-needed funding. This is funding that could have been used to attend to 1593 elective surgeries and 24 717 emergencies presentations. This is a huge attack especially on low to middle-income residents of the south-eastern suburbs, who depend on our public hospital system.

### **Discounted fuel prices**

**Mr PERERA** — I welcome the action that the Andrews Labor government is taking on banning supermarket giants from displaying discounted fuel price boards outside petrol stations. Victorian petrol

stations will only be able to advertise the full price of fuel to motorists under this new legislation. This will stop the confusion. Currently some service stations display discounted fuel prices which are only available to motorists if they have specific shopper docketts.

### **St James Primary School**

**Mr ANGUS** (Forest Hill) — I recently had the great pleasure of attending St James Primary School in the electorate of Forest Hill to present the school captain, house captain, school representative council and other leadership badges to the students. I congratulate all the school leaders on their appointments and wish them, their fellow students, the school principal, Mr Andrew Mullaly, the school staff and the entire school community well for the 2016 year.

### **Chinese New Year**

**Mr ANGUS** — I congratulate the Monash Chinese Events Organising Committee on organising another terrific Chinese New Year celebration at Glen Waverley last Sunday. The annual Glen Waverley Chinese New Year and Lantern Festival is always a very spectacular event, and again there were large crowds in attendance to watch the great entertainment. I congratulate the committee members, led by the president, Vincent Chow, and all the other volunteers involved in putting on this great celebration.

### **Highvale U3A**

**Mr ANGUS** — I recently had the great pleasure of attending the 20th anniversary celebrations for the Highvale U3A. It was a wonderful gathering of members and a great opportunity to reflect on the growth of the group over the years, both in numbers and in activities offered. I congratulate the president, John Borchers, and all the other volunteers who have contributed to this branch over the last 20 years. I also congratulate Highvale Retirement Village on facilitating the great partnership with U3A.

### **Port facilities**

**Mr ANGUS** — The chaos and dysfunction of the current Labor state government is becoming more apparent day by day. The hypocrisy of the government on a range of issues is breathtaking, but none more so than on the needs of the state in relation to its future port facilities. One just has to look at what the now Treasurer has said in relation to the ports over recent years. In August 2009, when he was Minister for Roads and Ports, he stated:

The port of Hastings is well positioned to serve as Melbourne's second container port.

...

No other port location offers the same overall advantages as Hastings, and it holds major economic potential for the state of Victoria.

In August 2010 he stated that the ports of Melbourne and Hastings should be developed in a complementary, coordinated and sustainable manner. On 15 June 2011 he stated in this place:

... we all support the development of the port of Hastings.

### **Asylum seekers**

**Ms BLANDTHORN** (Pascoe Vale) — Last Tuesday I was pleased to represent the Premier at a liturgy and action at St Patrick's Cathedral in solidarity with the 267 people who face the possible return to danger on Nauru as well as those who face being sent to Manus Island and Papua New Guinea. The liturgy was led by Bishop Vincent Long, himself a boat person before being recognised as a refugee and being resettled here. He is also the Australian Catholic Bishops Conference delegate for migrants and refugees and is chair of the Australian Catholic Social Justice Council.

The liturgy was organised and supported by the Office for Justice and Peace in the Catholic Archdiocese of Melbourne; the Brigidine Asylum Seekers Project, in particular Sr Bridget, who certainly leads by example and is relentless in her pursuit of justice and compassion for those who are seeking refuge; the Melbourne Catholic Migrant and Refugee Office; and the Catholic Alliance for People Seeking Asylum.

Catholic schools and parishes were invited to attend, and they did in droves. Some schools sent busloads, others delegated their students leaders and some groups travelled very long distances to be there. Hundreds of children attended this important event, and they very proudly carried their school banners and stood in solidarity with those who need our mercy and our justice. Their actions are evidence of a true Catholic education. I was particularly pleased to see the new student leaders from St Paul's Primary School in Coburg there with their principal, Paul Sheedy. This is a fabulous school that is committed to social justice, and those students led by example. Let them stay.

### **Maitreya Festival**

**Ms STALEY** (Ripon) — Today I rise to speak in support of the overwhelming community efforts to get the Maitreya music festival approved to proceed over the long weekend in March at Wooroonook Lakes. In a

small town over 2000 signatures have been collected in support of the festival. I received more individual emails supporting this festival than on any other issue in Ripon.

Last year was the first time the event was held at Wooroonook Lakes. It was a great success. Many local community groups provided services to the festival. It has been reported that these volunteer groups received over \$160 000. Local businesses also benefited enormously and were set to reap even greater dividends this year through pre-ordering stock. Should the Maitreya music festival not proceed, these businesses will suffer great financial harm. The total economic benefit this year is estimated to be \$2 million.

This festival is in the Charlton community. Charlton is drought declared. Charlton is still recovering from catastrophic flooding five years ago. Charlton needs a break. There are a number of state government permits which I understand are outstanding. These relate to an appropriate cultural heritage management plan and approval from Parks Victoria. I call on the government to immediately act to ensure these permits are dealt with and to make sure it is not the state government holding up this festival that the community so desperately wants and needs to proceed.

### Level crossings

**Mr STAIKOS** (Bentleigh) — The Andrews Labor government's level crossing removal project is well underway in my electorate of Bentleigh. Recently roads and rail were shut down to complete major construction works. This included constructing foundations at all three sites and the new bridge deck at North Road. Such significant works cannot be undertaken without some disruption — some 50 000 vehicles were redirected, and 30 000 commuters were moved to replacement buses. I thank everyone, including residents and traders, for their understanding during this time. As many have said to me, it is short-term pain for long-term gain.

The works recently undertaken mean that roads will not have to close during the main occupation of the site in June and July. Motorists will be able to use the roads as normal while the trench is being dug out from underneath. During this time around 1000 people will be working on the project. Many of these workers are apprentices who are being given a great start in the workforce.

This is why the Liberal Party needs to stop trying to hold up this project. Members of the opposition have been running around spreading fear and misinformation at every location where a level crossing is being

removed by the government. They have opposed grade separation at every turn. As one Bentleigh resident said on social media recently:

All Matthew Guy and his mates do is sook about what the current state government does ... My immediate thought is, 'And what did you and your mates do two years ago?'. That's right, nothing.

They should simply get out of the way.

### Ministers office accommodation

**Mr T. SMITH** (Kew) — Last week at a Public Accounts and Estimates Committee hearing it was revealed that the taxpayer had funded \$373 000 for a new lair for 'the Beard', Gavin Jennings, that is — \$373 000 for his new office. That is disgraceful. On behalf of the taxpayers of Kew I condemn the government and I condemn the Beard for this outrageous expense.

### Kew electorate planning

**Mr T. SMITH** — Onto local matters, the government intends to sell two properties in my electorate, on Kilby Road and Studley Park Road. Residents are very concerned about the property being sold on Studley Park Road as it abuts a neighbourhood residential 1 zone, and we do not wish to see any more high-rise development in Kew Junction. It is very important that the livability of Kew is protected.

On that note, I want to convey my great concern to the Heritage Victoria inquiry into the application by Walker Corporation for five storeys at the Kew Cottages site. I am on the record — and have made a submission to this inquiry — as being completely opposed to this application. I note the Minister for Planning is here. I am very concerned that Walker Corporation has applied to have the panel overturned, citing that it does not have the requisite planning knowledge. I think this is a very murky tactic by a corporation that ought to know better, and my community condemns it wholeheartedly.

### WorkSafe relocation

**Ms COUZENS** (Geelong) — Last week Geelong was alive with positive activities. We saw another election commitment honoured with the announcement of the successful bidder to construct the new WorkSafe building in Geelong, with the Minister for Finance. Quintessential Equity will construct a 14-floor glass-fronted office building accommodating close to 1000 workers, 700 for WorkSafe. The location is perfect, and the project will generate hundreds of construction jobs.

### Victoria in Bloom competition

**Ms COUZENS** — It was a real privilege to meet with public housing tenants who entered the Victoria in Bloom garden awards. All of the entries clearly showed a great deal of hard work and love for their homes and gardens. It was a great event, and I enjoyed presenting the awards to the winners, runners-up and participants on behalf of the Minister for Housing, Disability and Ageing. I congratulate the Department of Health and Human Services staff on their support to the tenants

### Geelong technical school

**Ms COUZENS** — I also gave the opening address at the Geelong tech school curriculum forum held at Deakin University. The presentations from the education experts and industry representatives allowed us to imagine what it could be and the opportunities we have to develop a tech school that focuses on the jobs of the future and addresses the needs of students. Congratulations to the steering committee and the project officer, Graeme Robertson.

### Pako Festa

**Ms COUZENS** — I was honoured to attend and launch the Pako Festa media launch on behalf of the Andrews government. Pako Festa is the largest regional multicultural festival in Victoria. The festival will be held this Saturday and will see thousands of people enjoy great food and dance from our many communities across Geelong. I am very proud of the Andrews Labor government's \$100 000 commitment to Pako Festa.

### Sue and Scott West

**Mr PEARSON** (Essendon) — I would like to acknowledge the great work Sue West and her husband, Scott, have done in advocating on behalf of children with autism spectrum disorder (ASD) and their families. Sue and Scott's son Charlie was diagnosed with autism at the age of three. From the age of three until six Charlie received thousands of hours of early intervention by way of a home-based therapy program, the bulk of which was paid for by Scott and Sue themselves. Charlie is now eight and can read, write and do maths. He loves playing Minecraft and Auskick and riding his bike.

I have known Sue for many years, and she has played an important role in my community, advocating on behalf of kids with ASD and their families. Sue wrote to me recently and said that:

... for kids with ASD it's a lifelong diagnosis and as a society we need to ensure that we are autism aware and put supports and programs in place for the many with ASD right across the life span. For parents, guardians and carers, it's a lifelong road to travel too when someone they love has ASD ... many go on to work and advocate in the autism space way beyond their own child's needs. I see that as my role as Charlie's parent. Many parents and carers support, inform and mentor others starting along the same road. Many advocate and play a critical role in empowering those with ASD to engage in self-determination and advocate for themselves.

To Sue and Scott, Charlie is a magnificent tribute to you both, but thank you so much for what you have done to support so many children and families. Our community is a much better place as a result of your tireless advocacy.

### *It's a Long Way to the Top (If You Wanna Rock 'n' Roll)*

**Mr PEARSON** — I would also like to say that it is 40 years today since *It's a Long Way to the Top* was filmed on Swanston Street. I would love to be able to have bagpipes now playing this last bit out as a nice way to end a members statement.

### Pink Stumps Day

**Mr KATOS** (South Barwon) — Last Saturday it was my pleasure to attend the Torquay Cricket Club Pink Stumps Day, which helped raise funds for breast cancer awareness and research. The event was MC'd by Nicky Buckley, who looked splendid in pink, as did all the ladies there. I was very much in the minority — there were not too many men at the event — but it was nonetheless very good. I would like to compliment the secretary of the club, Neil Barnard. The club raised almost \$3000 for the McGrath Foundation.

## JUDICIAL COMMISSION OF VICTORIA BILL 2015

### *Second reading*

### Debate resumed from 10 December 2015; motion of Mr PAKULA (Attorney-General).

**Mr PESUTTO** (Hawthorn) — I am pleased to be able to speak this afternoon on the Judicial Commission of Victoria Bill 2015. This is a very important bill which picks up on a bill that the previous coalition government introduced in 2014. That 2014 bill did not pass this Parliament, but this bill is something we are prepared to support. It is faithful to the changes that we were proposing in that 2014 bill, and it is a very important matter. While it is not controversial or contentious — as I am happy to say, the coalition will

be supporting it — it does something very important. We all know that public confidence in the parliamentary wing of our polity is very important, just as public confidence in the executive arm of government is very important. This bill will do much to foster greater public confidence in the judicial arm of our polity.

A lot of people in our community do not quite understand how our courts work, and that may or may not be a good thing. People who do not have to see the inside of a court are spared the distress that many litigants and witnesses, whether involved in civil or criminal matters, often have to endure. So if you do not know much about our courts because of never having needed to attend a court, it is probably not a bad thing. But all the same, it is not easy for very busy people in our community to always understand how our courts work, and it is very common for people who come into our court system to feel aggrieved at what they do not understand. They do not understand it for a number of reasons. It might be because they are completely unfamiliar with it, or they may feel that justice was not dispensed fairly or impartially.

So a regime which will give members of the public, our legal profession and other interested parties the ability to, on legitimate grounds, question the capacity or conduct of members of our courts and non-judicial members of the Victorian Civil and Administrative Tribunal (VCAT) is a salutary reform. It has great benefits. I should point out that this reform should not be seen as a substitute for the normal appeals processes. I make this warning clear on behalf of the coalition, but I would anticipate that all members of Parliament would share this view: that parties appearing in our courts should not see this important reform as an instrument by which they can potentially frustrate or thwart the administration of justice.

Complaints about capacity or conduct of our judges and non-judicial members of VCAT are a very serious step to take. Whilst this system encourages people to lodge complaints where they feel aggrieved at the capacity or conduct of a judicial member, it should not be seen or used by people entering into our legal system as a cheap and nasty way to exert pressure or seek retribution on members of our courts and tribunals because they do a very difficult job. One thing that we can be very proud of as members of this Parliament is that we can speak very confidently about the reputation and standing of our judicial system. I think there are few jurisdictions in the world that can say they have a profession and a bench that is held in such high regard.

Thinking historically about Victoria, I think we are all pretty hard pressed to identify examples where members of our courts, or even members of our profession, have, by a dereliction or some kind of moral delinquency, brought the profession or our judicial system into disrepute. So it is something of which we can be very proud, and no-one following this debate and in the future considering this debate should see that the implementation of this new regime is anything other than a means by which we can foster greater public confidence in our system and offer a means of redress where people feel aggrieved at the capacity or conduct of members of our judiciary or tribunals. It should not be seen as some kind of concern about the quality or merit of the members who serve on our courts and tribunals — —

**Mr Wynne** — In contrast to other jurisdictions.

**Mr PESUTTO** — In contrast to other jurisdictions, as my learned friend across the table makes the point. We can be very proud of that. This is a means by which we are coming together as a Parliament, I think with unanimous support, where we are building on something that is already strong. We are not remedying something that is suffering under the weight of misgivings or doubts about the integrity of the system.

On the strength of those comments I just wanted to highlight a few things. There are some differences between this bill and the 2014 bill. They are not matters which give us any reason to consider our position — as I said, we support the entire bill — but I will just touch briefly on those matters, and in doing so it should be understood that of all of the things that this bill does, nothing in the bill compromises the safeguards that are in place for members of our courts and tribunals who are free to decide the cases before them in a manner they think is fit and proper, having regard to long-established legal principles. They still have the protections that they are independent and, that where misconduct or incompetence of a gross variety is found to have been substantiated, the process for removal, if it were ever to culminate in that, is subject to Governor in Council and then special majorities of future parliaments before anybody could be removed from their position.

It is also important to note, just before I touch on the differences, that we should understand that our judges and tribunal members already face pretty stringent levels of scrutiny as it is. The cases they hear and preside over are public; they are almost always required to issue written reasons. As we all know, it is easy to articulate an opinion or a view verbally with some ease and some confidence, but when you have to commit

those views to writing — and we have all experienced this — it is much more difficult. You have to ensure that if you want to proof a decision against appeal or public criticism, you have to give considered reasons. So there are already fairly stringent pressures on members of our judiciary and members of our tribunals to meet the highest public expectations. Again, the system which this bill is introducing builds on those strong foundations.

Turning briefly to the bill, I have already made the point about this regime not being seen as a substitute for appeals processes. As we know, at the moment it is possible to complain about the conduct or capacity of a judge, for example, but that is not done according to a formalised structure and institution, which this bill will introduce. Of course this bill also introduces a judicial commission, which is similar to the judicial commission proposed in the 2014 bill. Where it differs from the 2014 bill in this respect is that added to the 2014 Judicial Commission Bill was the idea of a conduct division, which was a standing division. What this bill proposes is investigating panels, which I think can usefully be described as more ad hoc investigating bodies, and we think that is worthy of support. We can understand why the government has chosen that path, and we are of course supportive of that.

In terms of how complaints are made about judges and tribunal members, they can be made by individuals, by heads of jurisdiction, by the Attorney-General and also by the professional bodies. The bill also allows for anonymous complaints to be made, and that is a fair enough component of any integrity system. My own personal view about anonymous complaints is that we do have to allow for them because sometimes the circumstances are not agreeable to an open referral or complaint, and we can all understand the reasons for that.

What I would note just for the debate is that where people do make anonymous complaints, as with anybody making a complaint, you are putting the subject of that complaint in the process of a review, which is a serious matter. I would caution anybody who might be upset with the conduct or capacity of a judge or tribunal member to think seriously about when they are making complaints, particularly if they feel it necessary to make an anonymous complaint. I do not wish to admonish anybody who chooses that path, merely to point out that anonymous complaints, I think, carry with them a special responsibility when they are being made. But it is a positive part of the scheme that anonymous complaints will be permitted.

I do worry that in part 3 — and I just want to note this for the debate — there is a process which deals with investigations by the Judicial Commission of Victoria. I do not wish to dwell on the detail because it can become quite complex. I suggest to the government, working with all relevant stakeholders, just to watch how this part of the bill operates in practice. I think what is proposed in the bill is potentially convoluted and could give rise to disputes procedurally, particularly in the early stages of an investigation. Particularly where the judicial commission must take initial steps to consider matters, it can become quite confusing, and I can see the possibility of disputes arising over how those provisions are to be applied.

I do not want my comments to be seen as anything other than supportive of the scheme. I am only suggesting to the government that it might want to see how this operates in practice, bearing in mind that when you have a complaint about the capacity or conduct particularly of a senior officer of a court or tribunal, you can expect that most aspects of that process are going to be highly contested, so you have to be able to anticipate how these provisions will work in practice. As I said, I am not going to dwell on them, other than just to suggest to the government that it should keep an eye on how that operates in practice.

Turning then to the issue of public hearings, this was a part of the 2014 bill, so there is no difference in positions between the 2014 and 2015 bills. Just on public hearings, I do think generally across integrity bodies that it is very important to strike the right balance with public hearings. With matters like this we are not dealing with a normal judicial process where you have either a prosecution in the criminal sphere or a civil matter in the civil courts. The process is open for the public to see. Usually an accused or a defendant has the opportunity to cross-examine witnesses, to play a full and unrestricted part in that process.

Where integrity bodies are concerned I certainly support the proposition that there should be an allowance for the conduct of public hearings. But again I would lightly caution those who will consider these matters in the future to be particularly careful about when they are going to admit public hearings in matters and when they are going to seek to suppress aspects of that, because again you want a system which builds public confidence. If you have a regime which allows for the selective use of public hearings and private hearings and confidential and secret procedures, even if it is for good reason, you can compromise public confidence in that system if the public does not understand why there are differences and disparities in the treatment of certain matters. So again I just think

this is something that we all should keep an eye on so that those provisions which deal with public hearings are applied fairly and in ways for which investigating panels in the judicial commission can readily account to the satisfaction of the public.

On a couple of other things, I just wanted to note that the bill does, unlike the 2014 bill, introduce remuneration for non-serving members of investigating panels. That was not in the 2014 bill, but we are prepared to support that. We can understand that people serving on these panels may be asked to undertake considerable work in the performance of their duties and the discharge of their functions. So we think that is appropriate, and that is why we are prepared to support it.

The only other thing I wish to advert to, and it is one I could not overlook, is the provisions dealing, so the government contends, with random drug and alcohol testing. Now we remember fondly the now Premier's promise shortly before the last election — and I doubt that he would have conferred with his soon to be Attorney-General — announcing a policy to randomly drug and alcohol test judges. I am not sure how considered that policy was, but to the extent that this bill touches upon that matter, let me say just a couple of things.

There is no difference whatsoever between this current bill before us and the 2014 bill insofar as they formalise existing powers of heads of jurisdiction to manage their courts. So there is no difference. If the government is saying that the provisions of this bill, and in particular I am talking about clauses 187, 189, 191, 198 and 209, are in some way giving effect to the now Premier's promise shortly before the last election to introduce a policy of random drug and alcohol testing of judges, I would say these provisions do no such thing. They just formalise existing powers of heads of jurisdiction, and I doubt very much whether the chief justice or the chief judge or some other senior head of jurisdiction is going to wander the halls of chambers, calling upon his or her brother or sister judges and asking them to, 'Blow into this device so we can take a reading of your blood alcohol levels'. I do not think that is going to happen. I am glad to see that the government does not appear to be maintaining the pretence any longer that its policy does that, but to the extent that it might be suggested that this bill gives effect to that policy, I think we all know that that is not the case.

But let me not take away from the fact that is an important reform. As I said, all parts of government are now subject to accountability and integrity regimes, and that is a perfectly desirable thing. I am happy to support

this bill, and I wish those who are to occupy positions in the judicial commission and investigating panels all the best as they undertake their work.

**Mr CARROLL** (Niddrie) — It is my pleasure to rise and speak on the Judicial Commission of Victoria Bill 2015. I want to first and foremost take up a comment of the member for Hawthorn. He said:

Today we are building on something that is already strong.

And we are today building on something strong. We are building on the legacy of the former Brumby-Hulls government. Let us make no mistake: in 2014 the former government introduced a judicial commission bill, but it did not pass the Parliament. But you have to go back to 2010, when my predecessor, the former member for Niddrie — and once upon a time the minister at the table, the member for Richmond, was his parliamentary secretary, I might add — introduced the Judicial Commission of Victoria Bill. That bill was passed by the Legislative Assembly and introduced to the Legislative Council but lapsed upon the expiration of the Parliament in November 2010.

Then we had the previous coalition government introduce the Judicial Commission Bill 2014, which was briefly debated in the Legislative Assembly — which I can recall — but also lapsed upon the expiration of the Parliament in November 2014. So here we are today building on the work of the Attorney-General and Deputy Premier of the time, Rob Hulls. This legacy project to him will finally get passed by the Andrews Labor government and on which the current Attorney-General has worked so hard to get us where we are today.

It would be remiss of me if I did not congratulate the Department of Justice and Regulation for the work it has done on the series of bills over the period from 2010 to 2014. There were some concerns in 2010 and 2014, but the balance has been struck and the balance is right. There has been enormous stakeholder consultation. The Law Institute of Victoria — and I will declare my interest there as a member — the Victorian Bar, the Independent Broad-based Anti-corruption Commission, the Victorian Inspectorate, Victoria Police and Court Services Victoria have all been consulted and have all worked very hard to get us here today.

Why do we need a judicial commission? Why is it necessary? The establishment of the Judicial Commission of Victoria is not a response to any systemic problems within the courts or the Victorian Civil and Administrative Tribunal (VCAT). Rather why we are here today is to acknowledge that a modern justice system must include a transparent and accessible

process for handling complaints against judicial officers and members of the VCAT. Currently serious complaints can be dealt with under the Constitution Act 1975, but the existing system has been criticised on several grounds. The Attorney-General, for example, has significant involvement in the removal process, which potentially undermines the independence of courts. There is no formal mechanism for dealing with serious complaints, which are usually handled internally by heads of jurisdiction on an ad hoc basis.

This bill — and this deserves an asterix — for the very first time creates an independent body to investigate the conduct of Victorian judicial officers and members of VCAT. We know in Victoria — and indeed in Australia — we are very fortunate to have a high-calibre judiciary. It is incredibly important to have public confidence in the judiciary, and any concerns about the conduct of any individual judicial officers must be addressed in the appropriate way. I had the pleasure of representing the Attorney-General last year at the Biennial Conference of District and County Court Judges, Australia and New Zealand, which brought together the district judges of all of the courts. It was a fantastic session. The Attorney-General addressed it. I also had the honour of addressing it later that evening with the chief justice and all the heads of jurisdictions from across the Tasman. We all remarked that day on what a privilege it is to work in our justice system — to be at the forefront of change and to make sure our justice system meets the requirements of the 21st century — and this bill does that today.

Even in our own electorates as MPs we are often the last line for someone coming to see us who has a complaint or has just been through the criminal justice system and has been in some way marred by it. I have in my electorate met with families that have been in some fairly high-profile cases, and they have even written books on how they found the judicial system and how they found the court process and sometimes the experience they had with judicial officers. They really had nowhere to go in many respects, apart from to the head of the jurisdiction. But today with this bill we are creating an avenue for them to go where there will be a transparent process for the handling of complaints against the judiciary and VCAT. Indeed I know my constituents would welcome this legislation by which any member of the public, or any member of the legal profession for that matter, will be able to complain to the commission about the conduct of a judicial officer or a member of VCAT.

The commission may also receive and investigate referrals from the Attorney-General, the law institute and the bar and relevant heads of jurisdictions. The

commission will be able to conduct a limited inquiry into a complaint, which can include obtaining materials, interviewing the officer concerned as well as seeking further information on the matter at hand. There will then be three options concerning the complaint or the referral that the commission must act upon.

One will be to dismiss certain complaints — for example, those that are trivial, vexatious, relate to a person who is no longer a judicial officer or relate solely to the merit of the judicial decision. The second will be to refer complaints which have not been dismissed and which could, if true, warrant removal from office on the grounds of misbehaviour or incapacity to an investigating panel for a full investigation. The third will be to refer less serious complaints which have not been dismissed to the judicial officer's head of jurisdiction with recommendations for them to be followed up. They are the less serious complaints.

But a robust process for handling the most serious complaints is also being established. For serious complaints, the commission will refer the complaint to an independent investigating panel. The investigating panel will comprise three members appointed by the commission. One will be a community member of high standing and the other two will be current or former judicial officers from Victoria or other Australian jurisdictions. On that note I want to highlight the work that was done in New South Wales. In many respects our legislation mirrors what was established there. I know that in New South Wales the government has been very generous with the amount of consultation it has provided to our Department of Justice and Regulation.

The office and rank held by the officer the subject of the complaint will determine the membership selection for a particular investigating panel. A panel could not include a serving judicial officer from the same, or a lower, court than the officer being investigated. An investigating panel will determine its own procedure when conducting hearings and will not be bound by formal rules of evidence, although the panel must provide procedural fairness to the officer being investigated. A panel will have coercive powers, such as the ability to compel the production of documents and the attendance of witnesses.

This legislation is very important, not just amongst our judiciary but also in the Victorian Civil and Administrative Tribunal. In preparing for today, I got out one of my old Law Institute journals — the *Law Institute Journal* of May 2013 — with the headline 'Still not a court'. There are no props in this.

**Mr Wynne** interjected.

**Mr CARROLL** — What was that?

**Mr Wynne** — It is well thumbed.

**Mr CARROLL** — It is a well-funded administrative tribunal. Let us be very clear, VCAT, as the Minister for Planning would know, is an incredibly important vehicle for the administration of justice. You can go right back — even before the current Attorney-General — to Attorney-General Wade, who, to give credit where it is due, did have a role in establishing VCAT. I even have a quote from that Attorney-General, who said in a speech to the Parliament:

This new tribunal [VCAT] will ... amalgamate a number of existing tribunals within the Department of Justice —

and, as to those tribunals —

Compared to the courts they are intended to be relatively informal, inexpensive and efficient.

That is true. They are cheap, and they have been made cheaper by the Andrews Labor government and the Attorney-General. We see VCAT as an important component of the dispute handling process. But it is also important for people who are involved in a dispute handling process that should things go wrong, should they have a complaint, there are appropriate channels for them to address those complaints. That is why, through the Judicial Commission of Victoria Bill, there will be those new avenues to make a complaint.

I conclude by highlighting what the Attorney-General says in his second-reading speech:

The Judicial Commission of Victoria Bill 2015 establishes a new, independent body to investigate complaints and concerns about judicial officers and members of the Victorian Civil and Administrative Tribunal.

On that note, I again congratulate the Attorney-General. This bill has been through several former governments. We are now on our third try essentially — third time lucky — and with the member for Hawthorn's comments on behalf of the opposition it is clear it is supporting the bill. It will pass through the lower house and I am sure it will also pass through the upper house. It will be a great new vehicle to strengthen the transparency of our judicial process, but also to make sure that anyone who at any time feels aggrieved or has an experience that they feel needs to be heard and a complaint needs to be made will have that avenue. I congratulate the Attorney-General and I wish this bill a speedy passage through both chambers.

**Mr D. O'BRIEN** (Gippsland South) — I stand to speak on the Judicial Commission of Victoria Bill 2015. Immediately after the rancour of question time it is nice to have a bipartisan approach to some legislation and, as the member for Hawthorn has pointed out, this is one that the coalition supports. Indeed as has already been mentioned in debate, this is effectively the bill that we brought in in 2014. I agree with the member for Hawthorn, when he talked about the principles of this legislation, that fortunately or unfortunately there is generally a misunderstanding of the legal system. As the member for Hawthorn said, if you have done nothing wrong and have lived your life and had no particular issues legally, then you do not have a great deal of understanding of the legal system. I am certainly in that boat, thankfully, although I confess I recently — —

**Mr Pearson** interjected.

**Mr D. O'BRIEN** — As far as I am aware, I say to the member for Essendon, there are no charges pending. I have, and I am sure the member for Essendon will be interested to know, just recently completed a unit of study in my degree. I took an elective on an introduction to law. Having been completely unqualified before, I am only barely qualified now to speak on it. But I did pass, members will be interested to know. It was an interesting exercise. In fact I deliberately took this particular unit as an elective because I thought it would be helpful in this position, and it certainly is. It highlighted for me the principles and the foundations of our legal system and our role as legislators in that legal system — and a very important role it is too.

The member for Niddrie also highlighted that we are often, as MPs, the last line in the frustration of our constituents who feel they have been wronged or have had a negative experience with the court system. The doctrine of the separation of powers of course means that when someone comes to us at their wits end because of a perceived poor treatment in the court system, there is very little that we can do. That is as it should be; I do not suggest it should be otherwise at all. But this legislation, with the establishment of the new judicial commission, will at least give people somewhere to go, and it will give us somewhere to refer those people to as well.

As the member for Hawthorn said, it is important that people do not see this as an opportunity to take up the cudgels against the legal system because they did not get the outcome they were seeking. It is important that it is really only used for those matters where there is an issue of poor practice or lack of qualification, as has

been outlined by previous speakers, not just because you are upset that you got caught or you do not like the decision that was made in a particular civil or criminal case. But it is important to have confidence in the legal system, as in all our democratic institutions. Transparency and accountability are critical to ensure that we do have that confidence.

I turn now to a little bit of the detail. The bill will allow both individuals and professional bodies, such as the law institute, to refer complaints about conduct or capacity of judicial officers to the commission. That is outlined in part 2 of the bill. Part 3 deals with investigations by the judicial commission and the outcomes that may ensue. Part 4, which is the area where there is a difference between the bill introduced by the coalition in 2014 and this one, sets a framework for the establishment of complaint-specific investigation panels. The coalition's bill did seek to establish a standing conduct division. The government has seen fit to change that to complaint-specific investigation panels to investigate serious complaints against judicial officers. We have no particular issue with that; likewise the fact that members of these panels, who may be called from other parts of the legal system, will be remunerated for their time on those panels. Again, that is not something that was in the bill that we had in 2014, but there is no particular issue with that.

The member for Hawthorn outlined for the benefit of those reading *Hansard*, and to great smiles and smirks from those opposite, the powers of the heads of jurisdictions — part 11 — that the government is claiming deal with the election commitment to introduce drug and alcohol testing of judges. That is specious; there is no doubt about that. It is exactly the same clause and section that the previous government had introduced. I think the member for Hawthorn has probably pointed out the silliness of that election eve commitment by the then opposition leader and now Premier. We are all waiting with bated breath, particularly the member for Gippsland East, for the introduction of the breath testing of parliamentarians as well.

**Mr Pearson** interjected.

**Mr D. O'BRIEN** — That was a very bad choice of words, I acknowledge in retrospect — 'bated breath'. I apologise for that. Of course no-one these days overindulges before they come in here to debate, but it was again a silly commitment to be breath testing MPs. I am interested to see how the Premier will explain that one not being delivered.

But this legislation does outline a framework that will be positive for our system. It is positive that there is bipartisan support, as I said at the outset, for this and for judicial independence. We can take our democratic institutions for granted from time to time, and the separation of powers is one of the most important — that is, that there is a delineation between the executive, the legislature and the courts. It is pleasing that the bill has bipartisan support — or tripartisan, or quadpartisan; however many parties there are in Parliament. There are few people in this country who would argue against those democratic institutions, particularly when you see what happens in plenty of other countries around the world where those institutions do not protect democracy and the rights of people. So it is important that we continue to uphold those institutions, including the Parliament and the courts.

This legislation is another element of the overall framework in Victoria. It complements the Independent Broad-based Anti-corruption Commission, established by the previous government, and the Victorian Inspectorate as well, which oversees IBAC and some of the other groups, and again it complements the existing accountability framework that has been offered for a long time by the Ombudsman and to a lesser degree by the Auditor-General.

Again it is pleasing that there is bipartisan support for this legislation and these principles. I hope that this new commission will give further confidence in the court system and will allow those who have a genuine concern to have their grievances heard. I look forward to this legislation passing.

**Mr DIMOPOULOS** (Oakleigh) — It gives me pleasure to speak on the Judicial Commission of Victoria Bill 2015. As others have said, this bill has been a long time in the making. It is obviously a very important bill, because we are talking about a key element of a civil society — the judiciary.

Just by way of background, as others have noted, the bill will establish a Judicial Commission of Victoria, which will investigate complaints and concerns regarding judicial officers, including judicial registrars and Victorian Civil and Administrative Tribunal (VCAT) members. It will basically focus on the conduct and capacity of judicial officers and VCAT members, including things such as excessive delays in giving judgements, courtroom demeanour, health issues and other things that may affect the performance of their official functions. The commission will not be a substitute for the appeals process and will not be able to change a decision. That is still left up to the ordinary

workings of our judicial system through appeals processes.

The commission will be governed by a board comprising the six jurisdiction heads and four community members of high standing. I think that is very appropriate, because it does in a big way protect the independence of the judiciary, rather than having politicians or others involved. The bill expressly forbids members of Parliament being involved as board members.

The commission will be able to conduct limited inquiries. It will be able to receive referrals essentially from anyone, and it will be able to conduct limited inquiries into complaints, which can include obtaining materials, interviewing the officer concerned and seeking further information. Having undertaken a limited inquiry, I suppose the more important step is that the commission must then do one of three things, as I think the member for Niddrie outlined — that is, either dismiss the complaint, for example a trivial or vexatious complaint; refer a less serious complaint, which has not been dismissed, to the judicial officer's head of jurisdiction with recommendations for follow-up actions; or, for a more serious complaint, basically refer the complaint to an investigating panel. These complaints are those of the order that, if they were to be true, would warrant removal from office on the grounds of misbehaviour or incapacity, which are the current grounds in the Victorian constitution.

For those serious complaints, investigating panels, as we have heard, will replace the existing investigating committees. They will comprise three members appointed by the commission; one will be a community member of high standing and the other two will be current or former serving judicial officers. The make-up of those panels will reflect the seniority, in a sense, of the office of the judicial officer in question or under investigation. An investigating panel will determine its own procedure when conducting hearings, and I think that is very appropriate. In my view, you cannot codify a line of inquiry for someone who has a pretty important place in our society — a judicial officer. You also cannot codify it in a sense because there are so many different variables and so many different examples of what could happen. The one thing we absolutely will be seeing through this bill is that the way an investigation is conducted must provide procedural fairness to the officer involved.

The panel will have coercive powers — for example, to compel the production of documents and the attendance of witnesses, which again is appropriate given the level of potential incapacity issues or misbehaviour issues we

are talking about. Finally, in relation to the conclusion of those investigations, the panel may find that there are facts that could justify the removal of a judicial officer due to proved misbehaviour or incapacity. In such cases it must report to the Governor and to the Attorney-General, who must then table the report in Parliament. Then Parliament will consider the report and will vote on it. The other thing that is important in this equation is the fact that a vote would only succeed if it met the special majority threshold of 60 per cent, which I think again is appropriate and reflective of the existing arrangements.

There are a number of other elements to the bill, as have been described, but I will not go into those. I just want to focus on a couple of things, and one is that I endorse the comments made by my colleagues in this place in relation to the place not being broken and therefore not needing to be fixed. However, this bill is important because it actually gets ahead of the game in the sense of setting a standard of best practice when it comes to judicial complaints, and I think that is important. Laws are important not only for fixing problems but also for setting standards and community expectations and to an extent, for future generations of judges and judicial officers, by being really clear about the expectations the Victorian community has of them, and I think this bill, with its comprehensive framework, does the job.

I think it is in many regards better than the existing system for a couple of reasons. Apart from the lack of transparency on where the minor complaints rest — that is, with the heads of jurisdiction, each of them handling them in different ways — the other concern with the existing system is that it puts the Attorney-General really at the beginning of the process, and therefore there could be a perception of political interference in the independent role of the judiciary, whereas the Attorney-General under this bill comes at the end of the process, and that is I think where his or her role belongs.

My brief experience in the courts is that judicial officers are held in extraordinarily high regard by the community. They are of extraordinary talent and ability, and they work very hard. They wrestle with really complex and also very weighty matters and lineball judgements. Every day judges and judicial officers make lineball judgements, and that is why issues end up in the courts, because they are often lineball, and I think it is very important to support their role. I think this bill supports their role. I think there are other things that support their role, and they include the education function of the Judicial College of Victoria. I think this in a sense goes hand in hand with that. One is

a bit more about compliance and to some extent, subject to investigation, a kind of punitive approach, but the judicial college is more about promoting best performance by our judiciary, and I wish them continuing success in their role.

Other things that I am aware of like Law Week and a whole range of other initiatives that the courts do to bring a bit more transparency to the public about their role also help, because it is not a one-way street. People in the Victorian community need to understand better how the courts operate, and therefore they may be less inclined to be critical of what they perceive to be a whole range of failings, whether they be insufficient sentencing decisions or a whole range of other things that we hear about in the daily media.

This bill is obviously very worthwhile and very important. I think it maintains the independence of the judiciary, even to the extent that it talks about the Court Services Victoria CEO appointing staff but not interfering with the deliberations of the commission's work. I commend this Attorney-General and the Attorney-General under the Brumby government for their activism in this area and for bringing this to fruition. I commend the Department of Justice and Regulation. I commend my former work colleagues as well, Yasmin Neenan and Stephen Lodge, who have worked very hard on this. I think they have worked on this for about 27 years or something like that; it is at least 5 or 6. It is a labour of love, and I look forward to seeing it essentially continuing to protect the incredible, robust system and judiciary we have and the confidence the public have in our system and in our judiciary. I wish it a speedy passage.

**Ms KILKENNY (Carrum)** — I rise to speak on the Judicial Commission of Victoria Bill 2015, and I do so today not because there have been any particular complaints about our judiciary. On the contrary, in Victoria and indeed in Australia we are very fortunate to have a judiciary of the very highest calibre. This bill is recognition of the very high standards by which our judiciary operates in Victoria and by which our public and the people in communities in Victoria are actually able to access justice in Victoria. Obviously we want to maintain those very high standards, and we want to maintain the very positive public confidence in Victoria's courts.

Former High Court Chief Justice Gleeson said back in October 1999:

The most important measure of the performance of the court system is the extent to which the public have confidence in its independence, integrity and impartiality.

Justice must not only be done; justice must be seen to be done — and this bill is designed with that goal in mind, promoting judicial independence, impartiality and transparency. If I may read from the explanatory memorandum to this bill:

Only a court system which commands the public's trust in its authority to adjudicate impartially and with integrity can be regarded as both effective and independent of external influence.

This bill will achieve this by establishing for the first time in Victoria a new and independent body, the Judicial Commission of Victoria. There is a default commencement date of 1 July 2017. This new independent body will investigate complaints and concerns about judicial officers and members of the Victorian Civil and Administrative Tribunal (VCAT). In this regard it will be a formal, structured and transparent system for investigating complaints.

Part of the background to this is the acknowledgement that there are some criticisms and concerns with the current system. Firstly, as we have heard, minor complaints against judicial officers are currently handled by the heads of jurisdiction — that is, the chief justice or chief judge of the courts, the chief magistrate or the President of VCAT. A system in which complaints are dealt with by a colleague of the person against whom the complaint is made might very well be just, but often this kind of in-house, ad hoc complaints procedure may put at risk public confidence in the independence, integrity and impartiality of the judiciary.

This point was well made by Justice McClellan in his commentary at a colloquium back in 2005. He said:

It is important to recognise the significance of maintaining public confidence in any complaint process ... Any complaint body will be criticised and its outcomes less acceptable unless it is able to be informed about and reflect appropriate community expectations in its decisions. If the process of investigation and the resolution of complaints are not generally accepted public confidence in the judiciary will be diminished. If that happens the currently accepted conventions which provide for an independent judiciary will come under challenge.

We know that in fact substantive complaints against our judiciary are rare, thankfully, but of course this is never a reason to say that a formal, transparent process for investigating those complaints is unnecessary. Indeed the Australian Law Reform Commission in its report back in January 2000 on managing justice said:

Although bona fide serious complaints against ... judicial officers are very rare, and complaints often confuse disappointment over the outcome with impropriety on the part of the court, the existence of proper complaint procedures is

important both for reasons of providing a further measure of democratic accountability and providing the information needed to make continuous improvements to systems.

I think it is also equally relevant to add that where we are talking about a modern, progressive judicial system, we should have in place — —

**Mr T. Bull** — Acting Speaker, I would just like to bring your attention to the state of the house.

#### **Quorum formed.**

**Ms KILKENNY** — It is great to be able to come back to this actually very important bill on establishing the Judicial Commission of Victoria. As we have heard today, this is going to be the first time this has been set up in Victoria.

As I was saying, it is also equally relevant to make sure that where we are talking about maintaining a modern, progressive judicial system, we should already have in place procedures already for dealing with complaints about judicial officers, including complaints that might end up in the removal of a judicial officer in circumstances of serious misconduct or incapacity, should the situation ever arise. Obviously we hope that it never does, but there is no doubt that it is infinitely better to have that system in place — a good, robust and accepted system for resolving complaints.

The second criticism levelled at the current system is the element of executive involvement in the process. As we heard in the member for Niddrie's contribution, under the Constitution Act 1975 currently the Attorney-General can order the appointment of an investigating committee to conduct an investigation if the Attorney-General is satisfied that there are reasonable grounds for carrying out an investigation into misbehaviour or incapacity by a judicial officer that may warrant removal from office. The rule of law is quite clear on this. We need an independent judiciary. Judicial officers must therefore be independent of the other two arms of government. But under the current process the Attorney-General is significantly involved in the process to remove a judicial officer. Obviously this has the potential to undermine public confidence which we are trying to maintain.

I now turn briefly to the constitution of this new commission. It will be governed by a board of 10 members. Six of these will be judicial officers, and they will be the jurisdiction heads. The remaining four will be community members of high standing who have a non-legal and non-judicial background. I note that this will exclude members of Parliament and public servants, and I hope that is not because we are not of

high standing but is to ensure independence. A mix of lay and professional representation on the commission is a good thing.

We know that New South Wales has had an independent judicial commission for many years; it was introduced in 1986. Insofar as it investigates complaints about judicial officers, the experience there has shown that it is working well and is endorsed and supported by many sides, including the legal profession, the judiciary and the Judicial Conference of Australia.

Any member of the public can make a complaint, but importantly the Law Institute of Victoria and the Victorian Bar can also make complaints on behalf of their members. A head of jurisdiction may refer a matter to the commission, and the Attorney-General may also refer a matter. The commission itself cannot initiate a complaint or investigation. Obviously that is to ensure the independence of the process.

The commission can do one of three things when a complaint is brought before it. It can dismiss the matter on certain grounds, refer the matter to an investigating panel or refer the matter to the head of jurisdiction who has power to counsel a judicial officer in certain circumstances. In line with the experience in New South Wales, we have seen that the bulk of complaints will be or could be dismissed, a small number of complaints referred to the relevant head of jurisdiction and a very small number of complaints referred to an investigating panel. Vexatious complaints will not be tolerated. Importantly the judicial commission will never be a substitute for the appeals process nor an avenue for disgruntled or unhappy litigants.

With the establishment of an independent judicial commission in Victoria, this bill will provide for the first time an independent and transparent complaints handling system for complaints about judicial officers and VCAT members. This is such a significant step in maintaining the integrity of our courts and also in maintaining public confidence in our judicial officers. A fair, effective and independent complaints handling system is a critical component of our judicial system. I commend the bill.

**Ms KAIROUZ** (Kororoit) — I welcome the opportunity to speak on the Judicial Commission of Victoria Bill 2015. Firstly, might I say that this bill is another example of a government that is getting on with it and not wasting a single day.

For those who suddenly feel a sense of *deja vu*, this bill is similar to others which have previously been introduced in this house. Indeed the passage of similar

bills was thwarted on two previous occasions by the intervention of the elections of November 2010 and November 2014. In September 2010 then Attorney-General Rob Hulls introduced the Judicial Commission of Victoria Bill 2010, only to see that work left unfinished after the election in that year. It took nearly four years for the next government to run with the idea again, introducing the Judicial Commission Bill 2014 in June 2014. Elections also got in the way of that bill when the people of Victoria delivered their frank and damning assessment of the coalition in November 2014 and ended their tenure.

It is extremely important to a strong democracy for citizens to have confidence in their institutions, including the judiciary. Public confidence in the judiciary as a whole is central to judicial independence. It is only when the public trusts the court system to perform its role impartially and with integrity that it can be seen to be both effective and independent of external influence.

While we are blessed in Victoria with a judiciary of the highest calibre, it is essential that citizens have access to a transparent system for handling complaints for when their interactions with the judiciary are less than what should be expected. All of us who voluntarily take on public office are accountable for how we conduct ourselves in the exercise of our official functions. Where the accepted standard is not met, there needs to be a system in place that seeks to improve performance, admonish or punish, as required.

As the Attorney-General pointed out in his second-reading speech, judges, magistrates and Victorian Civil and Administrative Tribunal (VCAT) members are already subject to various forms of accountability. Their work is performed in public, they must give the reasons for decisions, especially in the Supreme and County courts, and their decisions are usually subject to some type of appeal or review. They also take a judicial oath to act impartially and are already subject to removal by Parliament in grave circumstances.

This bill is targeted at those occasions where there is judicial conduct or incapacity that, although of concern, is not as serious as and falls short of misbehaviour or incapacity that would justify the removal of a judicial officer. Currently in Victoria there is a formal system for the investigation of only the most serious complaints; however, we do not have a formal mechanism to deal with less serious matters. The new process established by the bill will provide for valid concerns about judicial officers' conduct to be given appropriate attention, whilst protecting the judiciary

from baseless or misguided complaints. To achieve these aims, the bill will establish a new commission to investigate complaints and concerns about judicial officers. The commission will be an independent body and will have the authority to hear complaints about the conduct of judicial officers and VCAT members for the first time. It is important to note that complaints to the commission will be able to be made by any member of the public or the legal profession. In addition the commission will also be able to receive and investigate referrals from the Attorney-General. This is key to ensuring access to the complaints mechanism for all citizens.

The bill includes protections to ensure that unfounded complaints can be quickly dismissed. The judicial commission may dismiss a complaint or referral that has not been substantiated. The bill provides that the commission may request a person who has made a complaint to provide further information about the matter or to produce any document relevant to the complaint. The commission may also request that the person verify the complaint, or verify the further information provided either by statutory declaration or in another manner specified by the commission. Further, the commission could dismiss a complaint on the ground that it was misconceived, patently untrue, or where the complainant retracted the allegations after making the complaint. Clause 140 provides a process for the judicial commission to declare a person to be a vexatious complainant if the person persistently and without reasonable grounds makes complaints.

Complaints that the judicial commission may consider include excessive delays in giving judgements, courtroom demeanour and health issues affecting the ability of a judicial officer or a member of VCAT to perform their official duties. Importantly the bill will also create a process for judicial officers or VCAT members facing serious allegations to be stood down from some or all of their duties while investigation is underway. The commission will also be able to refer the most serious complaints — those that, if proven, could warrant removal of the judicial officer or VCAT member — to a specially convened investigating panel with coercive powers. The panel will be able to compel witnesses to attend and produce documents and to order judicial officers to undergo a medical examination. Investigating panels will include two current or former judicial officers from any Australian jurisdiction and one member of the community.

Importantly this bill will not change existing provisions requiring a special majority of both houses of Parliament to agree before a judicial officer can be removed from their position. The board of the

commission will be made up of the heads of jurisdiction of each Victorian court and VCAT, as well as four high-standing members of our community. It should be noted that the commission will not be a substitute for the appeals process and will not be able to change a decision of a court or tribunal.

The bill provides a rigorous system for dealing with conduct falling outside the high standards that the Victorian community expects of its judiciary. At the same time it endeavours to strike an appropriate balance between judicial accountability and judicial independence. This bill has the broad support of the Law Institute of Victoria. I am pleased to hear that the opposition is not opposing the bill, and I wish this bill a speedy passage.

**Ms HALFPENNY** (Thomastown) — I also rise to speak on the Judicial Commission of Victoria Bill 2015. It is with great pleasure that I stand here to speak in favour of this important piece of legislation. This legislation in a nutshell provides for the establishment of the Judicial Commission of Victoria. It is a strong move in the right direction for greater accountability for judicial officers and members of the Victorian Civil and Administrative Tribunal (VCAT), and it gives greater accountability of these judicial bodies to the community.

The bill will provide for a judicial commission that will have the power to investigate complaints and concerns that are made against judicial officers and VCAT members. In these days of cynicism and public suspicion, any legislation that provides for greater transparency and for an avenue or mechanism to deal with concerns is very important. It is hoped that this legislation will further instil the confidence of the public in the legal system. A transparent system for investigating complaints and concerns in respect of any type of institution is a hallmark of democracy, and in this case the establishment of the judicial commission will provide a formally structured transparent system for investigating complaints and concerns regarding judicial officers and members of VCAT.

As previous speakers have mentioned, legislation very similar to this has quite an extensive history. There have been two previous attempts to have this legislation made into law, but it has not crossed the line — not for any surreptitious or controversial reasons, purely because it has been introduced to two separate parliaments just before elections, and it has lapsed due to those elections and changes of government. However, whilst both the Labor and Liberal governments in the last two parliaments introduced this legislation, this is a Labor initiative and yet another step

along the way to very important, significant and great reforms to the legal system that have been the legacy of Labor governments both now and in the past.

I will explain some of the details of this legislation and what it does. The nuts and bolts have been explained by various speakers, and I will also go into some of the detail just to show how important it is for the public in ensuring that people can have confidence in the legal system. Of course legal systems will always have some bias in the sense that they are based on community attitudes and standards at the time. The legal system is not an institution or an organisation that can remain fixed in time. Attitudes and beliefs change, and so too does the legal system.

As an example of this I refer to the legal system's very poor treatment of women, whether that has been through actions in the criminal sphere, such as rape — and in particular the case of rape within marriage — and the treatment of children in respect of the weight of their evidence when given in cases of abuse. There has been a history within the legal system of certain biases and unfairnesses which have often been based on community attitudes at a particular time or on outdated attitudes on which the judicial system has lagged behind community standards. A lot of this reflects a continual and progressive situation where laws and attitudes must continue to change and reflect the society in which we live.

Of course having a judicial commission that allows for the investigation of complaints adds to the overall accountability and transparency of the legal system. As has been mentioned earlier, this legislation does not set up a commission that is able to have an investigation into or, in effect, conduct a retrial to look at the merits of a case, and it does not circumvent the appeals process that is already in the current system. The bill provides that where individuals or professional bodies and organisations believe that the conduct or behaviour of a particular judicial officer or member of the Victorian Civil and Administrative Tribunal has not been correct or is in some way wrong or their conduct has been poor, that a complaint is able to be made to the commission so that the matter can be investigated.

The legislation contains some protections for individual judicial officers in that there is a provision to deal with cases of vexatious complaints and a provision to ensure the privacy of the individual where it is warranted in terms of an investigation of an individual's conduct. These provisions will ensure that the process cannot be used as, if you like, a lynch mob, a public hanging or an in-the-stocks situation to humiliate people. This is about providing a process through which complaints can be

investigated not only in a way that respects the rights of the individual being investigated but also makes sure that where complaints are genuine and grievances are real that there is an avenue through which those grievances or complaints can be dealt with and action taken against an individual where their conduct has been deemed not to be correct.

At the moment there are provisions for the removal of judicial officers, but there is an extremely high test set for doing so and their removal can only occur in very serious circumstances. This legislation provides for investigations and lesser penalties in order to change behaviour or to look into behaviour and see whether there are other things that need to be done to address the concerns of a complainant or the actions of a judicial officer or member of VCAT.

Other professions, such as the medical profession, have processes for reviewing the behaviour of their members. I refer to the case of an anaesthetist who infected a number of women with hepatitis C. Clearly a number of incidents were occurring and there were concerns about the behaviour of that anaesthetist, but nothing was done about the smaller or lesser issues until the whole matter was revealed and found to be of a very serious nature. In the case of the bill before the house, government members hope that it will provide for investigations so that matters can be looked into early so that the repercussions of bad behaviour or wrongful conduct will not be as severe in terms of their impact on the lives or livelihoods of those who are at the receiving end of any action or complaint that is upheld.

People who hold judicial positions have a lot of authority. Great trust is put in those individuals to uphold the institutions they represent. In cases where people are accused of not doing the right thing it is very important that we have a way to investigate and remedy any problems that may have occurred. When people go to court the decisions of judges can have huge and enormous effects on those individuals, their families and their livelihoods, and on the way in which they live. Therefore the judicial officers who make decisions that impact people's lives ought to have the utmost scrutiny on the way that they make their decisions to ensure that their decisions are not being affected by any impairment or any other consequence of poor or wrongful conduct.

In terms of the mechanics of this legislation, we heard some discussion earlier about whether such matters should be heard by a standing committee or a panel made up to investigate each complaint. This legislation provides for the appointment of a panel to investigate

each complaint as it is made and for each panel to include two former or current members of the judiciary and a member of the community. I believe this will allow the public to have great confidence in this law.

**Ms THOMSON (Footscray)** — I rise to speak on the Judicial Commission of Victoria Bill 2015. In doing so, I acknowledge that there have already been attempts by both sides of this house to bring this legislation to the Parliament to be debated. The first attempt was made in 2010 by the then Attorney-General, Rob Hulls. The bill was debated and passed in the lower house but was not passed in time in the Legislative Council before the election, so we did not get to a position where the commission could be established. Again, in 2014 — there must be something about election years — a similar circumstance occurred, when the now opposition, then in government, brought in a very similar bill, which again was debated in the lower house but did not quite make it to the point where it was on the statute book.

These were unfortunate situations. Both sides of the Parliament had agreed that this was necessary and important legislation because community standards and expectations had changed around ensuring that there would be transparency and accountability for everyone who holds public office, whether as members of the judiciary, members of Parliament or councillors in local government — or indeed anyone in the public domain. There is now a greater expectation that there will be greater levels of transparency and that people will have the ability to make a complaint and know that their complaint will be properly dealt with, and that is what this legislation is about. It is about having a mechanism that is transparent and that will enable a complainant to make a legitimate complaint — not a vexatious one, a legitimate complaint — that can be properly investigated and dealt with by a panel of the commission.

Therefore this legislation puts in place a level of transparency not only on the most serious of incidents that may occur in the judiciary but on those of less impact, to the point of requiring someone to be taken out of their judicial post. We do know that that cannot happen unless it is passed by two-thirds of the Parliament, so the security for the judiciary is still in place. The fact that vexatious complaints can be ruled out immediately is in place in the legislation. What we are dealing with here is an opportunity for individuals, for a lawyer or for the minister to ask for an investigation to occur, and that panel will then undertake those investigations.

I think this is a great, balanced piece of legislation that takes into account the rights of those who have judicial responsibilities so that they are able to perform those responsibilities without fear or favour and without feeling like they may be compromised somewhere down the track or that someone may make a complaint. If it is a vexatious complaint, it would be ruled out straightaway. This legislation allows for that to occur. However, there needs to be in place somewhere where you can lodge a complaint, if you have one, as a member of the public; or if you are a lawyer who feels that there has been some misdeed within the court or in the way the judge may have conducted himself, there has to be somewhere where you can lodge that complaint. I think it is important to be able to do that.

The commission is an independent body, and it will have the authority to hear complaints about the conduct of judicial officers and also hear complaints around Victorian Civil and Administrative Tribunal (VCAT) members for the very first time. It is a bill that has been six years in the making — 2010 to 2016 — so there has been time for it to be refined. This bill does in fact really reflect what occurred in the 2010 legislation and what occurred in 2014. It mimics those pieces of legislation that were brought to the Parliament but never became acts of Parliament.

I have made mention of the fact that complaints may be dismissed, but also there is a capacity to refer complaints which are thought to be substantial complaints so that they can be properly addressed. I think that is an important component too, that we make the links to existing disciplinary actions that are in place for those most serious of incidents so that they can be fully investigated and properly dealt with. The panel will also be able to compel witnesses to attend and produce documents and order judicial officers to undergo medical examinations. An investigating panel will include two current or former judicial officers from any Australian jurisdiction and one member of the community, so it will really be independent. It will obviously be balanced, and with that community component in it, it cannot have the brotherhood or sisterhood — or familyhood — of judges deciding to go in the judge's favour. More important than that is that it gives confidence to the community that they will be properly investigated.

The board of the commission — and I think it is important to know this — will comprise the heads of the jurisdiction of each of the Victorian courts and VCAT as well as high-standing members of the community. Again, we are looking at the community's involvement and at the balance between the judiciary and the community to make sure that both interests are

being looked after — the community's interest and the interest of the judiciary in respect of any allegations that may be made. It is even-handed. You cannot in this bill before the house see where there could be an advantage either for the community or for the judiciary where it is not reasonable. It allows for independence, which is crucially important as we deal with complaints.

We have always felt a little bit like the courts were ivory towers and the judges were laws unto themselves, that they were a bit untouchable. This is a way of ensuring that judges are no longer just facing disciplinary action for the most serious of offences. Any offence can now be taken and complained about and dealt with in a fair way. The community can feel more confident that judges will be responsive to the cases before them. This bill of course does not interfere with judgements that are made by judges. It has nothing to do with the processes of determining a case itself, but rather the conduct of the judge. I think that goes to the strength of this piece of legislation. It leaves intact the discretion of the judiciary, which it should. It ensures that judges conduct themselves appropriately and properly at all times, which they should and obviously in the majority of cases do.

We need to have a mechanism in place which the public can have confidence in, so that if there is a complaint and it is a legitimate complaint, there is a means by which that complaint will be adequately heard. This piece of legislation does that. I am glad to see that we have brought it in during the early part of the parliamentary term so that we are not going to run the risk of the legislation getting to the Legislative Council just before an election occurs. We are going to have the opportunity for it to finally pass this house and the Legislative Council. I assume it has support right across the upper house as it does in the Legislative Assembly, so we should see this piece of legislation — third time lucky — actually pass the Parliament, be enacted into law and a proper judicial process put in place. We should see a complaint handling process put in place to ensure that the community's confidence in the judiciary is well and truly intact. I commend the bill to the house.

**Mr PEARSON** (Essendon) — I am delighted to make a contribution in relation to the Judicial Commission of Victoria Bill 2015. As previous speakers have indicated, the bill will establish a new independent body to investigate complaints and concerns about judicial officers and members of the Victorian Civil and Administrative Tribunal (VCAT). I note the earlier contribution of the member for Hawthorn, who indicated the opposition's happiness and willingness to support the legislation.

This is an important bill because it gets the balance right in terms of making sure that you have not only a robust judiciary but also one which is free from interference. I am indebted to Lord Justice Brooke from the Court of Appeal in England who authored a paper titled *Judicial Independence — Its History in England and Wales*, which I used when preparing for this contribution. An independent judiciary is quite a recent phenomenon and is born out of the Act of Settlement of 1701. However, the judiciary itself was really created in England by Henry II in 1178, when he chose five members of his personal household — two clergy and three lay — to ‘hear all the complaints of the realm and to do right’.

That started as a nice theory, but what happened over the course of time was that, particularly in this early phase of the history of the judiciary, kings would often be off waging war on the continent, and there was no ability to address issues justice coram rege — in the king’s presence — because the reality was that this could not be done if the king was abroad fighting, as Richard I was, or if they were a minor. As a consequence of that a new permanent court emerged, the Court of Kings Bench, or in its full medieval title the ‘Justices assigned for the holding of pleas before the king himself’. That led to a distinction between those proceedings where you would go before the monarch on the one hand and those proceedings before the Kings Council on the other hand — in other words, a level of separation.

But there was a significant period of time when there was not an independent judiciary. In 1387 Richard II sought the judges’ views on the legality of a parliamentary commission which had determined that the powers of the monarch should be superseded. Not surprisingly, Richard II took exception to this and impeached, convicted and sentenced to death the judges involved. One justice was hanged, and the rest were banished to various parts of Ireland, which obviously was a particularly peculiar punishment.

The judiciary was seen to be an extension of the will of the monarch and was therefore held to be in conflict with the Parliament and so this became a recurring theme. Although as time went on — particularly after Queen Elizabeth I — a judge could be removed at the king’s pleasure, Queen Mary was the only monarch who actually exercised this power. At that point in time, though, the Stuarts had a very different view. Apparently between 1674 and 1688 there were only 12 judges in England. There were four in each court, and in the case of the Stuarts, they seemed to take a particular level of interest and delight in sacking judges. Charles II sacked 11 judges and his brother James II

sacked 12 in three years, which is not a bad strike rate given the fact that there were only 12 appointed in England.

Therefore you had this sense of conflict, with the Parliament trying to assert its rights on behalf of the people through the commons or the landed gentry through the Lords, or alternatively you had the monarchy trying to assert its powers in relation to what it wanted to achieve through the judiciary. What happened was that there was that recognition that things needed to change and that with the Act of Settlement in 1701, which was respected by William III in relation to the constitutional independence of the judiciary, judges were appointed for life, they were given a good salary so they did not have to do any other work, and there was a level of separation. They were removed from the milieu and the hurly-burly of public life and politics.

Interestingly since 1701 there has only been one instance where a judge has been removed in England. Again, I think that says something. In relation to the bill before the house, there is that recognition of the shades of grey. Clearly if a member of the judiciary committed a heinous offence, they would face the full consequences of that, but the reality is that there are those other forms of misconduct, misbehaviour and concerns that people might have about the way in which a member of the judiciary has conducted themselves and therefore we are trying to create a mechanism whereby we are able to provide an outlet for those grievances to be aired, those concerns to be raised and for those issues to be properly assessed.

I am a new member in this place, as are many others, and in my very brief time as a member I have had constituents come into my office and make various claims about individuals in the judiciary — and frankly, because of the separation of powers, there is very little that I can do about that. The bill is important because it will set up the process whereby you can refer people on and they can raise those concerns and issues and can seek some level of satisfaction if they feel particularly aggrieved. It is also important, coming back to the Act of Settlement of 1701, that the bill does not impinge upon the independence of the judiciary. The bill will ensure that there is that level of appropriate protection in place to protect the judiciary from baseless or misguided complaints, and that is a very good thing.

As other members have spoken about, the bill is modelled on the Judicial Commission of New South Wales. This is a very good thing. I have spoken in this house on a number of occasions about the importance of harmonisation, and the reality is that commonwealth-state relations are like the three legs of

a stool: if you take two out of the three you can take the nation with you. Having an efficient, harmonised, regulatory regime in place that ensures that there is a more measured approach across the country rather than disparate responses to the same issue is a very good thing. That will lead to greater levels of productivity and efficiency, and certainly I think it will reduce the regulatory burden of not only lawyers but also justices.

It is appropriate that the commission is going to be supported by a small office that is made up of a director and staff from Court Services Victoria. Again, I think this is an appropriate thing to do. It is stripping that secretariat responsibility away from the Department of Justice and Regulation and investing in an independent commission, and that is a very good thing. It is also important that the bill is going to provide for the Law Institute of Victoria and the Victorian Bar to be represented, and again I think it is very important that we have that practical perspective being brought to bear so that people who participate in the law on a daily basis, or a regular basis, can have those thoughts and that knowledge and insight in terms of what is happening, and can provide a level of input. That is a very good thing. That level of regulation but with the interface with the participants and the industry itself leads to a better form of regulation, and I think, presumably as well, you will find with that that if there are problems or issues that have been identified or determined, they can be dealt with quickly and efficiently.

It is a very good bill. I recognise and acknowledge the contributions made by all members. I appreciate the contribution made by the member for Hawthorn in indicating his willingness and the willingness of the coalition to support this important piece of legislation. It is a step in the right direction. It has had a long gestation period, but it has finally arrived, and I think it will be a very good thing. Whenever we can, if we can harmonise with New South Wales, if we can try to be a more productive and efficient regulatory body that lowers the cost of doing business in this state and nation, that is a very good thing. I commend the bill to the house.

**Mr McGUIRE** (Broadmeadows) — The Judicial Commission of Victoria Bill 2015 establishes a new independent body to investigate complaints and concerns about judicial officers and members of the Victorian Civil and Administrative Tribunal (VCAT), and in doing so it bridges a gap in the system and looks to improve scrutiny and accountability. It aims to provide a robust, independent and accountable judiciary, and, as we know, this is essential for the improved function of democracy.

Judicial officers adjudicate on disputes that have critical results for the participants involved, including disputes between citizens and the government of the day. To put this in perspective, Victoria is fortunate to have a judiciary of high quality. The establishment of the commission is not a response to a serious or systemic problem within the courts or VCAT; rather, it is an acknowledgement that a modern justice system must include a transparent and accessible process for handling complaints. This is the context. So it is not in response to any crisis of confidence, but it is about how a system evolves, how we make it more transparent, how we get better results.

The mechanism is also designed to maintain public confidence in the courts. The public expects the highest possible standards of behaviour from judicial officers and members of VCAT. To guard against any erosion in public confidence, a clear and independent process should apply to complaints about the conduct of judicial officers and VCAT members, and that is agreed across the aisle in this chamber. I am happy to report that the opposition is supporting this bill.

The proposed commission will focus on the conduct and capacity of judicial officers and members of VCAT, including matters such as excessive delay in giving judgement. This is something that might be an indicator that there are some concerns or problems that need to be addressed, and this can happen only when a pattern is established of this sort of behaviour. So if there is a mechanism that can get onto this sooner, that maybe will be of benefit to the participants and perhaps the judicial officer as well.

The next key point is about courtroom demeanour, so that can be assessed and there can be better accountability in relation to that. Then there are health issues which may affect the performance of official functions. This is important as well in a modern community that looks at issues of stress, anxiety, depression and other concerns about mental health and wellbeing. This gives an opportunity to be able to work out what might be happening behind the scenes. It may be an issue where a member of the judiciary may need some counselling or some time to recover from dealing with the stresses of the position that they hold and quite often the nature of the cases they have to address. That content can be difficult for people to deal with. So I think that is an attempt to take an enlightened view on how we take better care of the health of people in these highly stressful jobs.

The commission will not be a substitute for the appeals process and will be unable to change a decision. The commission will be governed by a board comprising

the six heads of jurisdictions and four community members of high standing. I think this is a good mix. It brings together judicial leaders and community leaders, and it does not encroach on the independence of the judiciary. But I think it will help improve the system and make it more efficient while also dealing with health concerns that may be just transitory if dealt with in a way that protects privacy, addresses the issue and helps the person recover. They can then have a longer term benefit because they can get on with their career from there.

Any member of the public or the legal profession will be able to complain to the commission about the conduct of a judicial officer or a member of VCAT. The commission may also receive and investigate referrals from the Attorney-General, the Law Institute of Victoria and the bar along with heads of jurisdiction. The commission will be able to conduct a limited inquiry into a complaint, which can include obtaining materials, interviewing the officer concerned and seeking further information.

Having considered a complaint or referral, the commission must do one of the following: firstly, it can dismiss certain complaints — for example, those that are trivial, that are vexatious, that relate to a person who is no longer a judicial officer or that relate solely to the merits of a judicial decision. So I think that is worded well and covers off the no-go zone, and I think that is appropriately defined there. The commission must then refer complaints that have not been dismissed and could, if true, warrant removal from office on the grounds of misbehaviour or incapacity to an investigating panel for a full investigation. The first item gives access to dismiss the propositions. This second item gives the proposition to escalate a prima facie case where there is evidence of further examination being warranted. Thirdly, the commission must refer less serious complaints which have not been dismissed to the judicial officer's head of jurisdiction with recommendations for follow-up actions. So it is about trying to get the balance right here.

For serious complaints, the commission will refer the complaint to an independent investigating panel which will comprise three members appointed by the commission. One will be a community member of high standing, and the other two will be current or former judicial officers from Victoria or other Australian jurisdictions. The office and rank held by the officer who is the subject of the complaint will determine the membership selection for a particular investigating panel. A panel could not include a serving judicial officer of the same or a lower court than the officer being investigated. So there will be people from

superior courts analysing what has been going on and investigating that.

An investigating panel will determine its own procedure when conducting hearings and will not be bound by formal rules of evidence, although the panel must provide procedural fairness to the officer being investigated. The panel will have coercive powers, such as the ability to compel the production of documents and the attendance of witnesses.

An investigating panel may find that there are facts that could justify the removal of the judicial officer due to proven misbehaviour or incapacity. In such cases a report must be presented to the Governor and to the Attorney-General, who must table the report in Parliament. Parliament will then consider the matter. A judicial officer can only be removed if a special majority — that is, 60 per cent — of both houses of Parliament agree. So I think we have got necessary checks and balances built into this legislation. I also appreciate that the opposition supports it, and I think this is a classic case of how we, through evolution, come to introduce better mechanisms to actually deal with these issues. I commend the bill to the house.

**Mr CARBINES** (Ivanhoe) — I am pleased to make a contribution on this bill, the Judicial Commission of Victoria Bill 2015. In particular I think it picks up on the community's expectations that the judiciary should be seen to be accountable. We have heard a lot of discussions in workplaces, regardless of the profession, about providing opportunities for scrutiny, but with the best of intentions, to make sure that everyone in the workplace is getting the support they need. While there are mechanisms in place to ensure the judiciary meets the expectations of the community, I believe that the measures that have been put in place through this legislation provide further opportunities to give the community confidence in the judiciary and the way in which it operates.

In particular can I say that this bill has a more recent history that some members have touched on. The previous Labor government introduced a Judicial Commissioner of Victoria Bill in 2010, which was passed by the Assembly and introduced into the Council but lapsed in the lead-up to the 2010 election. There was a bill that the previous, one-term coalition government introduced that was briefly debated in the Assembly but that also lapsed after the proroguing of the Parliament in November 2014. So this bill, which is largely based on the 2014 bill, is also, if you look back, very similar to the bill from 2010.

There has also been a view put forward that there is significant support for this bill. The commission will be able to handle complaints against judicial officers, and that has been supported by the heads of jurisdictions. That demonstrates an ongoing commitment by the judiciary and the Victorian Civil and Administrative Tribunal (VCAT) to maintain the highest levels of integrity. Given that judicial officers are extremely well remunerated by community standards, it is important that they are not only seen to be doing the job that people in the community expect of them but also that the community has confidence that it is getting best value for the very significant rewards and remuneration that judicial officers receive. This is the expectation that the community has when judicial officers are appointed to their roles.

Can I say also that there are already many forms of accountability for the judiciary. They have got to give reasons for their decisions, especially in the Supreme and County courts where decisions are usually subject to appeal or review mechanisms. They must also swear a judicial oath to act impartially, which ensures they are subject to removal by Parliament in very grave circumstances. However, this bill establishes a formal mechanism to deal with judicial conduct where concern falls short of the misbehaviour and incapacity which would justify the removal of the judicial officer. This will lead to valid concerns about officers' conduct being given appropriate attention while at the same time protecting the judiciary from baseless or misguided complaints from people in the community.

We already have a formal system for the investigation of the most serious complaints. This proposed commission is broadly modelled on the Judicial Commission of New South Wales, which has operated successfully for some two decades. The experience of those in New South Wales suggests that many complaints about the judiciary are, perhaps not surprisingly, made by parties disappointed with the outcome of their case.

The commission will not be subject to an appeals process. It is not going to involve changing the decisions that are made in court cases. The commission will focus on the capacity and the conduct of judicial officers and members of VCAT. This will include excessive delays in giving judgement, courtroom demeanour and health issues which may affect the performance of official functions. They are the sorts of issues that the community will have an opportunity to scrutinise the judiciary about and that the commission will deal with. The commission will be governed by a board comprising six heads of jurisdiction and four community members of high standing. The

membership will ensure the protection of judicial independence, and the commission will receive input from community members who are not members or former members of the judiciary.

Another aspect is that there are a lot of reserve judges and others who are able to make a contribution and a commitment to the judiciary through reserve judge lists and other such mechanisms. It is important that this level of scrutiny is applied to those in the judiciary who seek to make a continued contribution to the community, to justice and the law, but there also needs to be a capacity to ensure that there is scrutiny of people on reserve lists who seek to play a role and that they meet the standards that the community expects of them.

There were many stakeholders consulted in the preparation of this bill, not only the heads of jurisdictions but also Court Services Victoria, the Law Institute of Victoria, the Victorian Bar, the Independent Broad-based Anti-corruption Commission, the Victorian Inspectorate and Victoria Police. It is quite a cross-section of organisations that have been given an opportunity to have their say on the legislation that has been proposed. Many have not raised any concerns in relation to the bill.

We have also been able to combine processes for dealing with serious and less serious complaints and invest them in a single complaints body, which will streamline some of those processes in a bureaucratic sense. It will also modernise the system and create a more efficient and structured approach across the court and tribunal systems.

The head of a jurisdiction will also be able to refer complaints directly to the commission, alleviating the investigatory burden that is currently carried out by heads of jurisdictions. So that is a welcome mechanism that is being applied in this instance under the legislation. Heads of jurisdictions currently take responsibility for complaints handling within their courts, which is quite time consuming and does not satisfy complainants in all cases that their complaints are being handled independently. That is a key criterion that the commission will be able to address in order to give the community confidence that these matters are being dealt with independently, at arm's length from heads of jurisdictions and the way in which they may choose to manage these issues. They will be able to refer them independently to the commission for action. Heads of jurisdictions also benefit from being able to discuss complaints about officers of their courts or tribunals with heads of other jurisdictions who will join them on the board of the commission.

Having considered a complaint or a referral, the commission will be able to do one of the following under the legislation before the house: dismiss the complaint, particularly if it is vexatious or trivial, relates to a person who is no longer a judicial officer or relates solely to the merits of a judicial decision; refer complaints that have not been dismissed and could, if true, warrant removal from office on the grounds of misbehaviour or incapacity to an investigating panel for a full investigation; and refer less serious complaints that have not been dismissed to the judicial officer's head of jurisdiction with a recommendation for follow-up action. So there are a range of mechanisms for the commission to take action.

I also think there needs to be a review mechanism to assess how this process works in practice. As the bill is not being opposed by those opposite, it should hopefully get support to pass through both houses of this Parliament. However, there should be an opportunity to review the work of the commission in time to provide an opportunity for feedback from the community and the judiciary about the way in which it has been working. Hopefully it will have been working effectively.

Given that legislation on this matter came before the house as far back as 2010, and given that the previous government, despite its four years in office, was not able to conclude those matters during its single term in office in most recent times, I think the community has waited long enough for the opportunity to have a further mechanism to have confidence in the judicial system and the way in which scrutiny is applied to judicial officers. This is a welcome piece of legislation from the Andrews government. I am pleased it is not being opposed by the Liberal and Nationals parties, and we look forward to not only its passage through this house but also to it providing the community with a greater level of confidence.

It is a bill that has the support of the judiciary, the support of the community and the support of the Andrews government, and it is a bill that will provide not only further scrutiny but, I think, a further understanding that people seek high standards from not only the lawmakers in this place but also those who enforce the law and those who have the capacity to interpret and make laws themselves as judicial officers. What is extremely important is that there is a clarity, consistency and confidence in the community about the standards we expect and the way in which they are applied in our democracy. I commend the bill to the house.

**Ms WARD** (Eltham) — Unlike, it would appear, opposition members, I am quite happy to stand up and speak on the Judicial Commission of Victoria Bill 2015, because as we have seen so many times throughout the life of this government those opposite are just not here, yet again. Yet again they are not engaging in the issues, they are not engaging in current legislation, they are not rolling up their sleeves, they are not getting down to work and they are not making things happen.

Again, as they were in their four years of government, they are completely AWOL. I find it surprising that on legislation such as this they are AWOL, because they actually contributed to this bill. This bill was with them when they were in government. They did do work on it, but unfortunately it lapsed due to their inability to present it. Here they are not saying anything, yet again. We have only had a few speakers from the opposition, and that has been it. I just find it amazing that people who pretend to represent — —

**Mr McGuire** interjected.

**Ms WARD** — I do not think they will be on strike, member for Broadmeadows. I do not know that the techniques of the workers are something that those opposite employ. If they were willing to work as a collective, we might see something like that, but unfortunately working as a collective is not one of their strong points.

I really do call out to those opposite to roll up their sleeves and get on with it — to get to work, to start working on policy and to start contributing in a meaningful way to debate and discussion in this place. They might think the main game is question time, but that is a bit of theatre. That is a bit of work and there is something that goes on there, but — do you know what? — it is actually thrashing out ideas, talking over things, working through issues. That is where the real work is. It is important that people do do this — that they do get to work, do put things out there and do throw ideas up for debate. It is incredibly disappointing that we have an opposition that has not learnt the lessons of a lost government. Those opposite have not learnt that now is the time — —

**Mr T. Bull** — On a point of order, Acting Speaker, on relevance, we are nearly 2½ minutes into this speech and we have not had any reference to the bill. The lead speaker is granted a bit of room to move in relation to their contribution, but I encourage you after 2½ minutes to get the speaker on to the bill.

**The ACTING SPEAKER (Ms Edwards)** — Order! The member for Eltham will resume her speech. I ask her to restrict her comments to the bill.

**Ms WARD** — As I was saying in speaking on the bill and in talking about the drafting of this bill, which was done in part by the previous government, those opposite were working through it. They had not actually got around to introducing it into the Parliament for debate and in fact are not here to debate, yet again. Just as they are missing in action here, on this very bill, they were missing in action for the four years they were in government. How those opposite have lost the relevance of that to this bill is beyond me, but again it comes down to paying attention and actually working and knowing what is going on and what is being said in this house.

**Mr Nardella** interjected.

**Ms WARD** — That is exactly right. Work is a four-letter word for some people.

It is the exact opposite with the Andrews government, I am very happy to say, because we have got people in this house who have been prepared to get up and talk about this legislation, who have looked through it, who have thought about it and who have done what the Andrews government has done, which is to get out and consult with people, to work with people and to talk to them and find out what they think about this, how they could make it better and what can we do here.

This includes the Law Institute of Victoria, the Victorian Bar, the Independent Broad-based Anti-corruption Commission, the Victorian Inspectorate, Victoria Police and Court Services Victoria. This does take work. It takes work to have conversations. It takes work to work with people and to make things happen.

I go back to my earlier point regarding this bill, which is that those opposite still have not developed those skills. They still have not developed the skills of consultation and communication, of working, of actually making things happen and of getting things done. They have real difficulty with that. They are all after the big headlines and they are all after the quick 2-second grabs, but it is work of substance like the consultation that was done in developing this legislation that they are incapable of doing. It is absolutely shocking that you can have people who are professionals but who are so unwilling to work, to do the grunt work, to do the hard stuff — —

**Mr Paynter** — On a point of order, Acting Speaker, this is absolute nonsense. The member is defying your

ruling. You have asked her to speak on the bill before the house. Keep the clock going, because this is a waste of time. It is nearly 6 minutes now, and she is completely wasting the chamber's time.

**The ACTING SPEAKER (Ms Edwards)** — Order! The member's point of order is taken up. The member for Eltham will resume and speak on the bill.

**Ms WARD** — I do take exception to the idea that this is a waste of time, because working in this house on this legislation is not a waste of time. What is a waste of time is members who do not come and present themselves to the Parliament to actually debate an issue, to actually talk about it and to talk about ideas such as this legislation.

**Mr Riordan** interjected.

**The ACTING SPEAKER (Ms Edwards)** — Order! The member for Polwarth!

**An honourable member** interjected.

**The ACTING SPEAKER (Ms Edwards)** — Order! The member for Eltham to resume, with a little quiet in the house.

**Ms WARD** — I hope that I do get to continue on this bill without being interrupted by those opposite, who have suddenly found an interest in this bill. Is it not amazing that when you call them out for their inability to do work, suddenly they are all bluster, suddenly they want to interrupt and suddenly they want to stop you talking on the bill? It is just astonishing.

Although we recognise that serious complaints will be rare, interstate experience has shown that the processes for investigating and removing a judicial officer must be established by legislation. It is important that this actually happens.

*Honourable members interjecting.*

**Ms WARD** — I am glad that those opposite are cheering; I am glad that they are on board. They actually might want to speak on this bill. They might want to speak on this legislation. Instead of being members of the peanut gallery up the back just yelling out random comments, they might have something useful to say. We would welcome it in this house. We would love them to have something useful to say. We would love them to contribute in a meaningful way to debate within this place. This legislation, as I have said, is yet another example of their disinterest in the parliamentary process — absolute disinterest.

What is interesting about this bill, when it comes into effect, is that — —

**Mr Paynter** — Which bill is that?

**Ms WARD** — The Judicial Commission of Victoria Bill — pay attention. Opposition backbenchers need to keep up to where the bill is and keep up with what we are talking about. I know that there is not much happening up there at the moment, but it would be really good if they would pay attention, get to work and do something useful.

What is really interesting is the ability for people to be educated around how this process works and how the judicial system works. I think that people will find this incredibly interesting and that they will be able to learn things and have a better understanding of what can be, and can be seen to be, an opaque process. It is a little bit like the opposition's thinking process, which is also often very opaque. When opposition members do not stand up to talk about their thinking process and do some work, how can we understand what that thinking process is?

**Mr Richardson** — Where are they?

**Ms WARD** — They are missing in action. They are absolutely missing in action again.

I really do look forward to the engagement that this legislation will create, the education it will create and also the conversations it will create around the Victorian Civil and Administrative Tribunal (VCAT), which I know many people in this community do not understand. They find it a real challenge to work out and understand how VCAT makes many of the decisions that it does.

People should have confidence that when they have their story heard by VCAT, there is a process to make sure that it is transparent, that they understand the reasons for the decision and that if they are concerned about it, those concerns can be heard. This is a really important part of this legislation, I think, because VCAT is something that concerns many people. They can feel disempowered by the VCAT process. They can feel that VCAT does not actually listen to them or recognise their full concerns. To have a process where their concerns can be heard — and can be heard in a timely and transparent manner — is something that I would think everyone in this house would engage in, celebrate and want to talk to, instead of heckling from the back rows because they have nothing else to talk about. I commend the bill to the house.

**Mr NARDELLA** (Melton) — I support the bill before the house, which is the Judicial Commission of Victoria Bill 2015. I have to pay my respects to all the judicial officers and all the officers within the department of justice that have worked for the last seven years to get this up, including in Labor's last term before the four-year Geoff Shaw holiday that we had. We did some work, then the holiday period came along and the previous government introduced a bill. It could not even get it through the house, it was that hopeless. It was just a hopeless government; that is why its members are now on the other side of the house. We have brought this back to the house in this term to deal with some very serious matters that are encompassed in the bill.

The honourable member for Hawthorn can get up and talk about how this was their bill, how they introduced it to the house and how they are the heroes — they wear the underwear on the outside of their pants — but in actual fact this is a legacy of the Honourable Rob Hulls. This is a legacy of one of the greatest Attorney-General reformers this state has ever had. For 11 years he thought. It is very difficult for honourable members on the other side to think; it is like work. The honourable member for Eltham went on about how lazy this opposition is. Those opposite are the Maynard G. Krebs of the Victorian Parliament. You say, 'Work'; they say, 'Work?'. It is a four-letter word for them; it is really, really difficult.

When those opposite have got to get up even to support the honourable member for Hawthorn when he says that this was 'our legacy' — that is, the Liberal Party's legacy — they cannot do it. The Maynard G. Krebs group of the Victorian Parliament cannot even get up and support the next leader, the honourable member for Hawthorn, Lieutenant Risky — not Captain Risky; Captain Risky is in at the moment. They cannot even get up and support their own legacy. Through the four-year holiday period, the long service leave of the Liberal Party — that is what it was — it could not even get this legislation through the Parliament. We are doing it.

I was with the Honourable Rob Hulls the other night at a judicial function at the Celtic Club. It was really interesting because he is still thinking about issues to make our society better. He is thinking about initiatives and policies to deal with the important democratic issues within our society. He was there with the Honourable Mark Dreyfus, QC, on the panel, and he talked about these issues. He talked about restorative justice. He talked about the things in this bill where democracy is absolutely served by making sure that there are checks and balances and that the things that

are brought to the attention of the respective body are investigated, especially those matters to do with corruption, malfeasance and the problems within the judicial and VCAT system.

It is important to have this legislation that puts all that in place. I'll tell you what, Speaker, there were, I reckon, 500 people at this Celtic Club function. Imagine trying to get some of the previous Liberal Attorneys-General in front of 500 people. They would run away; there would be people paying not to go to see the previous Liberal Attorneys-General. Those 500 people appreciated the work Rob Hulls did during his time, but more importantly the work that he is doing now through the restorative justice department at RMIT. This bill is a legacy of Rob Hulls, and it is a really important piece of legislation.

The thing about this legislation is that it strengthens our democracy. When you have a look at a number of the things that have occurred not only in Victoria but throughout Australia with some of the decisions and actions of various judicial officers, you realise you have to have an independent process that not only reports to the Parliament, which this legislation does, but also in an absolute and real sense is able to investigate allegations and complaints that are brought to it, and also if there is a need to go to that extent, to then refer it to IBAC. This legislation provides that the judicial commission can work with IBAC to deal with serious matters brought to their attention.

I remember a number of matters that have been brought to the attention of the media — the fourth estate — and others in other jurisdictions. There was the case of Justice Einfield in New South Wales, and there have been instances in Victoria as well over the past four to six years where judicial officers should have been investigated by an independent process when their actions were brought to the attention of various people. This legislation puts in place a process to achieve that. It puts in place a process so that democracy can in actual fact rule and where our society will be in a much better place so that we do not have a situation where complaints and allegations are made but we do not have an independent process to investigate that.

This legislation puts in place the requirement for the body to report back to this Parliament, and ultimately in a democratic society such as the state of Victoria the Parliament is the democratic institution that has the ability and responsibility of making sure the judiciary and the VCAT officers are clean, that the complaints that are raised are investigated properly and in an independent way, and that then those reports can either go to other bodies or come back here to the Parliament.

As you would be aware, Speaker, it is ultimately the responsibility of this Parliament to take action if there needs to be a removal of a judicial officer, and the vote needs to be at least 60 per cent. It is important to understand that this legislation directly reflects on the democracy of our society and the ability of our state to deal with malfeasance and to deal with instances where there are problems within not only the judiciary but also VCAT.

I am extremely disappointed that this is another debate where it is incumbent upon members on this side of the house to raise the issues that are being raised by the member for Eltham, the member for Broadmeadows and me among others and for us to have a debate amongst each other rather than having a debate between the members on both sides of the house. I just find it incredible that we have people who unfortunately do not care about this issue, who are not prepared to discuss it, who are not prepared to debate it and who are not prepared to get up and earn their salary by debating these important issues within this house. They remain silent — —

*Honourable members interjecting.*

**Mr NARDELLA** — They are all up there on the backbench. That is now the departure lounge.

**Debate adjourned on motion of Ms SPENCE (Yuroke).**

**Debate adjourned until later this day.**

## RACING AND OTHER ACTS AMENDMENT (GREYHOUND RACING AND WELFARE REFORM) BILL 2015

*Second reading*

**Debate resumed from 9 December 2015; motion of Mr PAKULA (Minister for Racing).**

**Mr T. BULL** (Gippsland East) — It is a pleasure to rise and make a contribution on the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015. I state up-front that the coalition will be supporting this bill. The recent exposure on the use of live animals such as possums, rabbits and piglets as lures in greyhound racing in this state and other jurisdictions was indeed appalling. It was very well publicised at the time, and they are behaviours that cannot be tolerated in any way, shape or form. That is why the improvements to the industry that are outlined in this amendment bill are things that the coalition will be supporting.

Whilst I am happy to cover off on some of these, this speech is certainly not going to be about beating up an industry where the vast majority of those who do participate in this industry do care greatly about animal welfare in a sector that contributes an enormous amount to our state economy. Those people who do the right thing in this industry and this sector should not be tarnished with the brush of what we saw on *Four Corners* on that particular evening. Having visited some greyhound racing clubs in the recent months of 2016, it is very clear that when you talk to owners and you talk to trainers who are involved in the industry there is a strong feeling of wanting to improve, wanting to get better and wanting to resolve a lot of these issues that were highlighted on that night.

The greyhound racing industry in Victoria is indeed very strong. There are over 1000 meetings across 13 venues annually — it was 12 last financial year, before Traralgon underwent some significant improvements — and the industry generates a great deal economically for this state as well as being a major employer. In fact Greyhound Racing Victoria (GRV) contributes around \$315 million annually in economic activity for this state and sustains more than 3000 full-time equivalent jobs. That is a major industry within our state of Victoria.

As I said, the *Four Corners* program did highlight some of the despicable acts taking place, and action certainly did need to be taken. While the actions that were portrayed on that show on that evening were already illegal, it was clear as a result that further steps had to be taken in relation to cleaning up the industry, and subsequently we had two reports that were completed: one by the chief veterinary officer and the other by the racing integrity commissioner. Those two reports came up with a combined total of 68 recommendations. Late last year we did have the first raft of legislation that implemented a number of those recommendations, and indeed this is the second piece of legislation that goes towards adopting a number of those. There are some other recommendations that will not need legislative change to be introduced, but there are also some areas where we would seek some further clarity from the Minister for Racing, and I will touch on those a little bit later.

This bill does create stronger powers and increase penalties for the baiting, blooding and luring of live animals, which I am sure every member of this house and the wider Victorian community would strongly support. It removes constraints on the inspection of properties, which will result in industry members becoming more accountable. Properties can now be inspected an hour before sunrise and an hour after

sunset, which opens up a whole new scope to ensure that these illegal activities and practices are not taking place. Creating those time frames certainly aligns better to the hours in which the industry undertakes its training and also other aspects of what greyhound training and racing involve.

The bill increases the focus of the GRV board in the area of animal welfare and ensures both one member of the board and also one member of the appeals and disciplinary board have animal welfare or veterinary expertise. It also extends the time frame for bringing forward a prosecution — and I think this is a very important element of the bill — from 12 months to 3 years. This will allow a greater length of time for investigations into suspicious activities or activities that we think may be occurring. It allows for the investigations to be much more thorough with the extended time frame. It will allow appropriate time for backgrounding and investigating to take place in relation to these charges. It also aligns the time limit for bringing forward a prosecution with the time limit that is currently in place for cruelty and aggravated cruelty.

Another aspect of this bill is that it provides the minister with the power to appoint an administrator for the industry should the need ever arise. I do not think anything much worse could happen to this industry than what we saw recently, and I would like to think that this clause would never have to be enacted. Nevertheless, if at some stage in the future it is deemed to be in the public industry that an administrator be put in place, this bill does cater for that.

The bill also grants the racing integrity commissioner the power to refer complaints to other agencies when those complaints relate to corrupt activities, and you would imagine in most cases that would involve Victoria Police. It is surprising that that was already not in place, and I think most members of this chamber would have thought that that would have been something that was in place, but it is not, and this bill does rectify that. It also ensures that greyhounds registered with Greyhound Racing Victoria are kept in accordance with the proposed greyhound code of practice, which will be made under the Domestic Animals Act 1994, and a new \$3.50 levy will fund this. This proposed greyhound code of practice is not in place yet. It will be interesting to know what the details of this code of practice will be, whether it will affect everybody involved in this industry and what indeed the penalties will be should this code of practice not be followed, whether that be by owners, trainers or others that are involved. That is one of the recommendations that remains to be dealt with.

Another recommendation goes to the heart of the whole integrity issue, and that involves the creation of a greyhound welfare inspectorate. This again is yet to be finalised. The minister has said that it is part of a broader examination of racing integrity structures, but this needs to be progressed sooner rather than later for the benefit of this industry, and we certainly await further action and hope that the minister will shortly have something to say about how that is progressing.

The bill, as I said, creates a provision for the establishment of a new mandatory code of practice for greyhound racing in Victoria. Whilst it has been made clear that it is going to be an offence not to comply with this code of practice, as stated we need further information. We need to know when this will be established, how it will be fully policed and what the level of punishment for non-compliance will be. As yet they are unanswered questions in relation to these two reports that were done by the chief veterinary officer and the racing integrity commissioner, and they were completed a little while ago now. It would be good to have some more information in relation to how that will be rolled out. It will certainly require, I would have thought, a reasonable level of consultation with the industry. I believe that some of that is taking place, but I certainly encourage the minister to ensure that there is comprehensive consultation on all aspects and with all players within the industry in relation to this code of practice.

One aspect of the bill I wish to make further comment on is the changes to the appointment processes of the board. It removes the requirement for members to have specific experience in a particular area, whether that be business, marketing or the greyhound racing industry itself. Instead a new provision has been made for the minister, with flexibility in relation to the appointment process, where, if an individual has the skills, experience and knowledge necessary at the time to assist the board in carrying out its functions, that appointment can be made. Whilst I understand the reasons that the minister has made this change, I wish to put on record the importance of maintaining at all times a strong industry knowledge base on that board. In the overarching body we need to have people who know about greyhound racing. If there was one criticism that I consistently received in relation to the appointment of the interim board, it was that we never had any dyed-in-the-wool, heart-and-soul greyhound racing people on it. When the full board is put in place, whilst we cover off these other skill sets, it has to be absolutely set in stone that we have very strong industry representation.

Before I finish up I want to make a few comments on the Greyhound Adoption Program, which continues to go from strength to strength. I think the program is quite important when we are looking at the overarching integrity of the industry. It is working very hard and achieving excellent results in an area where there are concerns about what happens to greyhounds after they have finished racing. Last financial year there were 847 adoptions. It is a trend that is going upwards. The Royal Melbourne Show was one function I went to where there was a fantastic display by the Greyhound Adoption Program. They had dogs there. They were selling this program to the people, and they were getting results. I certainly take my hat off to those who have been involved in that program. It would be fantastic to continue to see those numbers rise over the coming years.

I want to conclude by stating that the coalition strongly supports all three racing codes in this state — thoroughbred racing, harness racing and greyhound racing. We look forward to these industries operating very successfully into the future. There are some areas of clarity that are required from the minister in relation to the remaining recommendations and how and when they will be rolled out, but in relation to those that are covered off in this legislation, we are very pleased to support the bill.

**Mr CARROLL** (Niddrie) — It is my pleasure to rise to speak on the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015 and follow the contribution made by the member for Gippsland East. I want to begin with the *Four Corners* program, because I think it was almost a Walkley Award-winning report that aired back on 16 February 2015. It was titled ‘Making a Killing’ and was by Caro Meldrum-Hanna and Sam Clark.

Australians do love their sport. Australians also love a punt. As the previous speaker highlighted, we have got 40 000 races and more than 300 000 dogs running at tracks across the country each year. Australians are now wagering \$4 billion a year on the sport of greyhound racing. Prize money has skyrocketed, and greyhound racing is riding a wave of renewed popularity. Live baiting, or the bleeding of greyhounds, is something I was not aware of until I watched that *Four Corners* report. Everyone, including the Premier and the Minister for Racing, Minister Pakula, was shell shocked by how widespread this issue was.

Before speaking today I had a look at the report by the racing integrity commissioner, Sal Perna. I want to congratulate Sal on a very useful report. It was sobering to read his report and some of the recommendations he

made. Importantly, though, he highlighted through his report that we actually have a very good animal welfare system in place. We have self-regulation, and we have stewards who, in many respects, operate like police officers. We also have the Royal Society for the Prevention of Cruelty to Animals, an institution well-regarded by all Victorians. Essentially, however, we have to improve our enforcement.

The recommendations that came through the Perna report were incredibly important. But more than that, they highlighted where we need to make some real reforms. The racing minister was very much an early part of the Andrews government when the *Four Corners* program aired. I suspect he was very busy at the time as the Attorney-General, but it was the racing portfolio that was occupying a lot of his time. I know that for sure. The existing legal framework which Mr Perna talked about was:

... complex, overlapping and confusing.

They were his words in the report. He said the analysis of the legal framework of the greyhound racing industry showed that it needed a lot of recommendations. I just want to highlight some. He said there was no formal legal relationship between the protection of animals legislation and the rules of racing. He also said:

Registered persons found by a court to be in breach of this provision ... are not necessarily in breach of the Rules of Racing or vice-versa ...

We had in essence legislation under the command of the Minister for Agriculture in the other place and the Minister for Racing in this chamber not working in unison or hand in hand, particularly when it came to the welfare of the greyhounds. Sal Perna also said:

There does not appear to be any requirement in GRV's —

Greyhound Racing Victoria's —

local rules that makes it a legal requirement for GRV to notify law enforcement agencies of a suspected breach of the laws those agencies enforce, such as the POCTA act ...

I move now to the key findings of the report. It states:

The weight of information received to date from industry participants indicates live baiting continued to occur (at a minimum, up to the time of the *Four Corners* program) as a clandestine method used by some greyhound trainers and 'breakers' as a means of educating, breaking in, training and/or improving the performance of greyhounds for racing.

One thing the Perna report also highlighted, which is something I have also noticed, is that when it comes to greyhounds, and we have all seen documentaries on the

greyhound industry, it is pretty much a family-style business passed down from generation to generation. Sadly the practice of bleeding greyhounds has also been passed down from generation to generation. The government does need to go on an important education campaign. I know that is something the racing minister is very committed to.

Also it is important that we highlight that this industry has been self-regulated for many years. At the national level you have the Greyhounds Australasia rules, which do not specifically have a rule against bleeding greyhounds, although several rules appear to ban the practice. For example, it is an offence to bring a live animal, other than a greyhound, onto a racecourse, track or surrounding area; to use an animal in connection with greyhound racing in a way that is improper, although the definition of this at the moment has not been clearly provided; and to do anything which, in the opinion of the stewards or the controlling body, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct.

Very importantly, though, in the Victorian rules we explicitly prohibit the use of a live animal as a lure for the excitement of a greyhound, and we also designate that it is an offence, and there is also a serious offence in the Greyhound Racing Victoria code. The racing and disciplinary board can, among other potential penalties, order the refund of prize money. That was something that came through on the *Four Corners* program — how the prize money was very lucrative and that there were certain trainers who appeared to be winning on a more regular basis than anyone else.

It is very important that this legislation does get a speedy passage. When you go through the Perna report, and you get to where it talks about Mr Perna's analysis of consultation, it states that the information he had received from a number of GRV officials, both current and former, and from stakeholders and a variety of bodies resulted in the following consensus on beliefs that are held by others:

... whilst it is possible that the GRV board or senior management had no evidence of live baiting occurring at any particular property, they either knew, or should have known, that live baiting was occurring.

The report also states that the greyhound racing industry is insular, with a lack of trust by participants in the GRV and a culture that does not accept whistleblowing. The reforms that the minister has put forward — the reforms to the board of GRV and getting the skill set right — I am sure will go some way to addressing this situation.

I think the exposure of live animals, such as possums, rabbits, piglets, as lures in greyhound training in this state did bring about swift action by the minister. I know the Premier and the Minister for Agriculture in the other place were very committed to addressing this issue as soon as possible. Whilst in many respects the use of animals in this way was already illegal, the Perna report and the other report have shown that we do need to make amendments to the Prevention of Cruelty to Animals Act, and we do need to provide stronger powers and increased penalties regarding baiting, blooding and luring.

I am very hopeful this legislation and the amendments to the Prevention of Cruelty to Animals Act that were passed in November last year, and the bill we are seeking to pass now, will see that the GRV does have the appropriate powers — that it does have the inspection powers needed to ensure that the industry is transparent, thorough, and that no animals are ever subject to the cruelty that we saw on that *Four Corners* program. I think too what is important is that this bill as a whole puts a focus on animal welfare in this industry by ensuring that the functions of the board of the GRV are very clear and that members realise that holding office on such a board is an honour but with that honour also comes several statutory responsibilities to not only promote and improve animal welfare, particularly for greyhounds, but also in the wider industry to make sure that we have a modern governance system, governed by ethics. We have an Office of Racing Integrity, and the racing integrity commissioner will conduct audits of the animal welfare compliance of racing controlling bodies to ensure integrity in racing and where appropriate — should any matter have to be followed up or dealt with — ensure that that is done.

What came through in the *Four Corners* program, if members saw the footage, was that it was really a covert operation. Our GRV board, our inspectorate, should not need to be operating covertly; it does need to be very much the case that they have the powers needed to ensure that animals are not subject to any cruelty. This is an industry that contributes more than \$350 million annually in economic activity. It sustains more than 3000 full-time equivalent jobs. GRV is a statutory body appointed under the Racing Act, and I think it is important that this legislation gets a speedy passage.

**Ms BRITNELL** (South-West Coast) — I am pleased to speak to the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015. I place on the record that I will not be opposing the bill. This bill has been introduced to provide for changes to the constitution of Greyhound

Racing Victoria (GRV) and to the GRV Racing Appeals and Disciplinary Board; to provide further functions to the racing integrity commissioner in relation to animal welfare; to further provide for offences relating to greyhound races that involve the use of animals as lures; and to extend the time limit for commencing proceedings for offences relating to baiting, luring and encouraging animals to fight.

Greyhound racing is important to country Victoria. There are 13 tracks, and 11 of these are in country and regional areas. This bill is about the few bad apples that are giving the industry a bad name — and they do need to be caught and dealt with harshly. But this is not the norm. The people who work with animals, including greyhounds and racehorses, do it because they care about the industry, they care about their animals and for them to treat animals badly is not the norm.

This bill allows for an increase in the hours available for the inspection of premises where greyhounds are kept and greater powers for inspectors to make copies and take extracts from documents. Live baiting has not been part of greyhound track racing for 80 years in Warrnambool in my electorate of South-West Coast. Introduction of the tin hare occurred on 5 March 1936. Our greyhound breeders, rearers and trainers love their animals and hate the rogues who place their industry at risk. The passion they have for their dogs, which they love to race, means they want the book thrown at those who are risking their industry. However, they also want to be reassured that there are not unintended consequences of this legislation.

The Warrnambool club turns over \$1.2 million, without the prize money that it gives out annually. It has 18 employees. The Seaside Carnival has nine meetings in 15 days over the summer period. It brings interstate guests, and the campers from down at the Warrnambool foreshore also attend. It has a real family atmosphere, with waterslides for the children and fun activities that complement the dog racing. Another big event in our calendar in Warrnambool is the very, very famous jumps racing carnival, which is very complementary of the greyhound racing carnival. Sometimes we have up to 750 dogs entered, and every Thursday night we have a meet in our area in Warrnambool.

This industry contributes \$350 million annually to Victoria's economy, and people from the country know how to look after and care for their animals, including their dogs or, in my case, dairy cows. I can speak very personally from my experience as an active and practising dairy farmer. We work with animals because we care about them, and we can be quite affronted by any claims that we do not care for them well. I reiterate

that greyhound trainers, breeders and animal carers in my area — and right across this country — take great pride in how we look after our animals.

One local greyhound breeder that I spoke to spends up to \$2000 per month on vet bills — that is, on proactive health management, vaccinations, health checks and welfare treatments like worming and flea treatments. Sue and Philip Lenehan race and breed greyhounds, and they say they do so because they love their dogs. They have a passion for the sport and the industry, and they care about their dogs' welfare. It is their no. 1 priority; their dogs come first. Their dogs' happiness is important to the Lenehans, and that is indicated by the way they jump all over them and get excited when they are being loaded into the trailer to go off to a race, their tails wagging excitedly. Their dogs are obviously excited when they get to the track. Sue and Philip Lenehan are quiet achievers and experts in managing their dogs. Whilst they may derive income if all goes well, it is not the driver of their work. Sue and Philip want to see their dogs happy because they have reached their potential. That is what they like to see.

The flow-on effects go on to the rural merchandise stores and the vet clinics associated with this industry, and we are all concerned about the poor image that has occurred from the recent publicity and do not want it to be seen as the norm, because it is not. As animal owners we are more than happy to be audited, and Sue and Philip reiterated to me that they are also more than happy to be audited. I spoke with many other breeders who made this statement as well. Being audited is an expected part of the standards that are the norm today. People expect to be audited and embrace it.

South-west breeders have been some of the best in this country, including Barry Smith from Mepunga, a fellow dairy farmer. Kevin Magavin and the Magavin family have had great success over the years. Norm McCullagh from Warrnambool won the Sandown Cup, a distance race, four times, which had never been done before. So highly is Bold Trease regarded by the club that it named the group 1 staying race on Melbourne Cup night in his honour.

Like my colleague the member for Gippsland East, I would like to see the legislation contain codes of practice, which are not part of it at present. If they do become part of the legislation, the codes of practice would need to be voluntary and formed in consultation with experts who are on the ground and understand the behaviours and needs of the animals better than anyone else. We need to have codes of practice, but they need to be embraced by the industry.

Transparency is not something to be frightened of, and no animal industry today is frightened of it. We are more than comfortable to make sure what we do is understood, and we embrace that opportunity for people to come and understand us. Dog owners, farmers and people who own and care for animals do it because that is what they like to do. Teachers become teachers because they like to see children learn, nurses become nurses because they like to get people well again, and farmers become farmers because they care about animals — it is a commitment. Frankly, animal owners get a bit tired of the bad eggs who cause it to look like this is the norm when I assure members it is not.

Jumps racing is another industry in my area that is often portrayed in a poor light, whereas we have a very important industry there. The owners of the horses have incredible codes of conduct that they adhere to, and they should be celebrated. The three-day carnival for which Warrnambool is very famous is very important to my region.

I conclude by saying the coalition strongly supports all three racing codes in this state — thoroughbred, harness and greyhound. I wish the bill a speedy passage.

**Mr RICHARDSON (Mordialloc)** — It gives me great pleasure to rise and speak on the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015. To begin with, I will touch on a point raised by the member for South-West Coast and acknowledge the contributions of members of her community, particularly those in the racing industry. One point I would differ slightly on is that in a gambling and profit-based business in society the quest to be the best and get the most out of outcomes can lead to some unscrupulous operators taking advantage. This was all driven by profit and no consideration for animal welfare by a few people. The loopholes in reforms have opened up some of those gaps. The member for South-West Coast indicated that the coalition would not oppose the bill and wished it a speedy passage, which is welcome.

The issue of animal welfare in the greyhound racing industry was raised in a *Four Corners* program in February last year. I was a bit queasy about potentially watching the program, but I felt that I had to watch it. Like the member for Niddrie, I did not know much about the practice of live baiting or blooding, which is a quite despicable practice. I was not aware of it, but I felt that I needed to know about all the issues and be across the details because I anticipated that some of my constituents would be raising the matter in force the next day.

Watching that program had an impact on me. It was quite upsetting, disturbing, abhorrent and illegal, and the Andrews Labor government moved swiftly in the following weeks to put together a review and process to deal with the matter. As a newly elected member of Parliament, I found the issue to be significant. A lot of constituents who contacted me had most likely never had contact with a member of Parliament before but felt compelled to reach out and raise their concerns and thoughts with me. Having spoken to some of those constituents, it was clear to me that they were greatly concerned about the welfare of the animals that were seen as commodities and disposable rather than the pain and suffering that they went through being considered.

The legislation will implement 10 of the wider tranche of 68 recommendations made by the racing integrity commissioner and Victoria's chief veterinary officer in their reports on live baiting in the greyhound industry. These reforms will strengthen integrity in the industry, which is welcome. I will give an overview of the bill. It makes a number of amendments to the Racing Act 1958, the Prevention of Cruelty to Animals Act 1986 and the Domestic Animals Act 1994 and builds on the recommendations of the racing integrity commissioner's and chief veterinary officer's investigations into live baiting and animal welfare in the greyhound racing industry.

It was unfortunate that the issue came to light through covert operations, but some actions were taken immediately. The Attorney-General and the Minister for Racing — and I should also acknowledge the Minister for Agriculture, the Honourable Jaala Pulford — announced that a broad investigation would be conducted by Dr Charles Milne, the chief veterinary officer. Swift action was taken, which was supported across the board to make sure that we acted quickly to address this issue.

One reform in the bill that stands out to me is the amendment of the Prevention of Cruelty to Animals Act to extend the time limit within which a charge can be made to three years under that act. Some of the work that was done during the investigation that led up to the *Four Corners* exclusive took many months to put together. In an investigation-type arrangement it might take many months to put together a case to then prosecute on, so I think that is a logical amendment to put forward.

There is also the extension of powers to enhance the processes and systems of racing controls and bodies that relate to integrity in the industry. I think that is very welcome, as is the ability to refer complaints about animal welfare to the appropriate body.

I picked up on another key issue in clause 5 of the bill, about strengthening governance. What stood out to me was the amendment to the Racing Act that will ensure that at least one person on the board of Greyhound Racing Victoria will have experience or expertise in animal welfare and ethics. The constituents who contacted me on this issue will welcome that addition and inclusion. That gives them confidence that someone at all times on the board, as well as all board members, will hopefully and always put forward the best interests of animals in that regard. Someone will always be there as a check on the operations of the industry to make sure that it is applying and upholding those responsibilities.

I think it is also important to note the government oversight, particularly under clause 6, provides the minister with the power to appoint an administrator of Greyhound Racing Victoria. That is really important. If the board were to be found not to have implemented its responsibilities, there is still ministerial and government oversight so we can make a decision whether the board is to resign en masse. If the board were to be seen as not upholding some of these reforms and values, we ensure that there is the ability for the Minister for Racing to intervene and take swift action. I also note, following on from the uncovering of some of those cruelties in the industry, that just recently, in December last year, there were greyhound trainers who were brought to justice. Some are now serving time in jail on various sentences. I think it is a signal to the industry that this will not be tolerated at all. The mandatory reporting requirements are also welcome. If there is any suggestion in the industry that there might be this activity going on, there is that requirement to report. That is all very welcome as well.

I think this is a good progression on the recommendations of the Perna report that was put forward. I think it builds on some of that work, and I welcome the work of the minister in that regard. Particularly for my constituents, I hope that some of this work that has been done strengthens their confidence that when these issues come forth the government will take action. This action has had widespread support, and I note that the opposition is not opposing this bill. When these situations arise and we discover them, we will take the appropriate action, indeed the fast action, and then put together the right review so we can make sure that we avoid this happening in the future. I commend the bill to the house and wish it a speedy passage.

**Mr HIBBINS** (Pahran) — I rise to speak on the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015. The Greens

will be supporting this bill because the reforms it will make will support the welfare of greyhounds in the greyhound racing industry. However, the Greens position on the greyhound racing industry is that it is time it was shut down. It has become clear, not just because of the live baiting scandal, that even with the best efforts of regulation and the best intentions, the greyhound racing industry will result in the needless deaths of thousands of dogs. To put an end to the cruelty and the deaths of greyhounds, we must also put an end to the greyhound racing industry.

Dogs that are too slow to have a racing career or that have finished their racing careers because they are not successful or that are too old or are injured during racing are put down even though they are otherwise healthy. According to RSPCA figures, 18 000 dogs are put down in Australia each year. Overbreeding as well as the inability to find homes for retired dogs means greyhound racing is an inherently deadly industry for greyhounds, with an estimated 10 000 adult greyhounds put down every year and 8000 pups killed every year. This is unacceptable.

Greyhounds have a life span of 13 years, while a racing career will only last 1 to 4 years, and they are likely to be put down afterwards. Only 1000 greyhounds are rehomed each year; it is simply not possible for all greyhounds to be rehomed. Greyhound racing is also inherently dangerous, with common injuries to dogs on the track and around five deaths on the track per week. Due to the number of deaths of dogs that do not even race, have been injured during racing or have finished their racing careers, despite whatever regulations will be put in place, the sport of greyhound racing will inherently result in the ongoing needless deaths of thousands of dogs, and for that reason alone it must be shut down.

I accept that yes, this is an industry that many people rely on for their jobs, for their income and for other economic benefits that have been outlined by previous speakers, but that is why a plan must be put in place with a clear end date in mind for the closing down of this industry. That is what the Greens are pushing for in Victoria, in other state parliaments and federally in Australia. While the changes in this bill are an improvement to previous legislation, this is an industry that we must be pushing to see the end of.

The live baiting scandal shocked Victorians and many other members in this house. Live animals were killed and tortured in the training of greyhounds. It is because of this scandal that the Greens have focused federally on their greyhound policy. We have strengthened our greyhound policy. It is coming to light that even with

all the regulation that we can have, the greyhound industry will inherently result in the deaths of thousands of dogs. The state government's initial response to the live baiting scandal was clearly inadequate. It gave Greyhound Racing Victoria \$3 million to self-regulate and investigate its own ineptness when clearly the failure had been for Greyhound Racing Victoria to self-regulate its own industry. It exposed a culture of cruelty within the industry, and the fact that this live baiting was uncovered across multiple tracks at multiple sites in multiple states shows that this is more than just isolated instances by a few bad eggs.

Also troubling were the reports of mass graves and mass burial sites of greyhounds, and at the time the Greens did call for Greyhound Racing Victoria to be sacked and stripped of its regulatory powers. We certainly welcome the fact that now all members of that greyhound racing board have moved on.

We have also called for the creation of an independent body of animal welfare, and we certainly urge the government to take up that initiative. We note that the establishment of an independent integrity body is not included in this bill. The investigation by Mr Perna resulted in the recommendation to establish an independent integrity body, and that is being supported in principle by the government. The government has commissioned Mr Paul Bittar to make recommendations on a new model for integrity in the Victorian racing industry, and that report is due back by March 2016.

Going to the detail of the bill, it amends the Racing Act 1958 by addressing the functions and rules of Greyhound Racing Victoria. It makes changes to its constitution, changes to its appeals and disciplinary board, sets out additional functions for the racing integrity commissioner regarding animal welfare, creates offences relating to the use of animals as lures in greyhound races, makes a number of changes to animal welfare arrangements in the greyhound racing sector and amends the functions of the board of Greyhound Racing Victoria to make it clear that it has a statutory responsibility for animal welfare.

Last year Sue Pennicuik, a Greens member in the upper house and our animal welfare spokesperson, moved amendments to the Racing Amendment Bill 2015 to ensure that a person with animal welfare expertise is added to the advisory body. This was not supported at the time, so we now certainly welcome the changes to ensure that one member of the board has expertise in animal welfare ethics and that one member of Greyhound Racing Victoria's Racing Appeals and Disciplinary Board has animal welfare or veterinary

experience. This bill also makes changes to the rules in relation to the welfare of greyhounds. We welcome these changes. We do have some concerns that the single organisation of Greyhound Racing Victoria has responsibility for commercial integrity and law enforcement powers, which does give rise to the possibility of a conflict of interest when it might be more appropriate for those powers to be separated.

The Greens would like to see a number of further animal welfare initiatives implemented in this term of government. There are a number of industries and practices that have no place in Victoria, and certainly do not have the support of the vast majority of Victorians. Jumps racing results in the deaths of numerous horses each year, and we have been pushing for it to be outlawed in Victoria. We are seeing one death for every 115 horses that start a race. We need to put an end to the annual massacre of native ducks and protected species. The shooting season went ahead this year despite a significant drop in duck numbers, and we also uncovered that the Game Management Authority is conflicted by having both promotional and regulatory oversight into the game industry and is actively seeking to expand game hunting into other areas.

We also need to end the cruel practices in the breeding, sale and confinement of pets and to abolish puppy farms in Victoria and only allow animals that are from animal shelters and rehoming services to be sold in pet shops. We need to further protect our native wildlife in Victoria, particularly the Leadbeater's possum with the creation of the Great Forest National Park, and introduce more humane farming practices, particularly in the banning of sow stalls and the sale of caged eggs. So the Greens will be supporting the bill as it is a step towards improving animal welfare in the greyhound racing industry. But it is clear that despite the best intentions and the best efforts of regulation, the greyhound racing industry will result in the needless and unnecessary deaths of thousands of dogs due to injury, overbreeding, retired dogs and the lack of rehoming opportunities. We need to put a plan in place for the end of this industry.

**Mr J. BULL** (Sunbury) — I rise to contribute to debate on the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015. As we have heard from a number of members, the bill implements the recommendations to government arising from racing integrity commissioner and chief veterinary officer reports into live baiting in February 2016. I just want to pick up on the comments of the member for Mordialloc, who spoke about the greed and essentially the lack of morals shown by a number of people in the industry who were certainly found to be

very much doing the wrong thing and went above and beyond breaking what all members would agree was a deep moral code, something that no member of this house would support and no Victorian would support.

It is hard to forget those images from the *Four Corners* report last year. It was certainly one of the first major incidents or scandals that came to light in the term of the Andrews government. The images stayed in the hearts and minds of Victorians for all the wrong reasons. They were images that quite frankly made us all stand back and question the actions of those who would be prepared to commit such cruel acts in order to gain advantage over the competition, to make money and to commit these extremely cruel acts on possums and piglets. Certainly they are images that stay in our minds. It is not a bad thing that they do stay in our minds, as confronting as they are, because we should all take them into consideration when reviewing the current legal framework and legislation that exists around the industry.

It is up to Parliament, to all members and to all Victorians to always stand up for those who are defenceless. In my view that certainly includes animals, who in this case are victims, as I have mentioned, of such cruel and cowardly behaviour. I did have a visit from a family friend who lived in Sunbury and raced greyhounds for many years on their property. They also had horses, and my brother's horses actually lived on their property for many years. This lady was very concerned about what she had seen on *Four Corners*, like many of us were. I know that both she and her husband and sons, and also other family friends who live in Bendigo and race greyhounds, are very decent, good people. They follow the rules within the industry, and they would not condone such acts to gain advantage. That is worth noting and thinking about when we consider the response to the report.

There are many in the greyhound industry who I personally know, these people included, who want to see the industry go from strength to strength. Does that mean that there are those who not only bend the rules but also break the rules and actually do some of the most despicable things to animals, things that resonate with me and people I know? On both sides of the house I think it is something we should all be extremely strong in opposing.

I note that the Minister for Racing is in the house. On 11 June 2015 the Minister for Racing announced that the government was taking swift action to crack down on live baiting in the greyhound industry and would implement a suite of integrity and welfare measures. In total, as we have heard, 68 recommendations were

made to the government and Greyhound Racing Victoria (GRV).

Last year members will recall that we dealt with the Prevention of Cruelty to Animals Amendment Act 2015, and this bill certainly follows on from that piece of legislation. The bill will broaden the functions of Greyhound Racing Victoria and the board to include responsibility for promoting animal welfare, including greyhound welfare across the industry. It will modernise governance arrangements for GRV and require that a member of the board and GRV Racing Appeals and Disciplinary Board has the expertise in animal welfare and/or ethics. It will also extend the powers of the racing integrity commissioner to enable him or her to audit the animal welfare processes and systems of a racing controlling body to the extent that they relate to the integrity in racing and refer complaints about animal welfare to the appropriate body.

It will also align the hours during which the board of GRV or authorised persons may conduct inspections, with common hours of the operation of the industry. Importantly it will provide the Minister for Racing with the power to recommend the appointment of an administrator in place of the board as well as, as we have already seen, amending the Prevention of Cruelty to Animals Act 1986 to extend the time limit for commencing proceedings for baiting and luring offences from 12 months to 3 years. That is obviously a very fancy set of words, but this bill is about ensuring that the protections within the industry are there for greyhounds and also —

**Mr Northe** — Or bulls.

**Mr J. BULL** — Or bulls. Certainly bulls as well. I thank the member for Morwell for that interjection. Very rarely do I get through a speech without a reference to a bull, so I appreciate that. I notice the other Bull is not in the house. Look, it is certainly my view, and I know the view of all members — I hope it is certainly the view of all members — that for too long some, and I say some, in the greyhound industry have acted inhumanely and have believed that a win, some cash and some glory come above the rights, health, welfare and treatment of animals. This is wrong. I hope that the changes made last year and this year will stamp out this behaviour.

I want to take this opportunity in the remaining time I have left to thank all of those agencies that work hard each and every day to ensure that animals are treated fairly and humanely — organisations such as the RSPCA, veterinarians, animal hospitals, and all of their

staff that work each and every day in supporting our furry and our not so furry friends. This is important work; this is work that I think is valued by the community as a whole. It is also a good opportunity to put on record my support of the Labor Animal Welfare Network, a group that is committed to supporting like-minded activists to treat animals humanely. It is work that I know has already attracted 1000 supporters on Facebook, and I can only see that growing. I commend and certainly thank all of those that are involved in this.

The remaining recommendations that I have not discussed in my contribution will be addressed by the report into racing integrity structures by Mr Paul Bittar due in March 2016, and through an interdepartmental panel that will be charged with looking at the administrative changes to clarify how greyhound businesses are regulated under the planning scheme and regulated by councils.

In my view this bill balances the rights of people to privacy while specifying the hours in which a person may inspect a property. Importantly this bill also reserves the right of relevant persons to enter if there is a suspicion of an offence being committed. If we take the industry in its entirety, we are looking at, as we have already heard, 3000 jobs and \$350 million annually for the economy. I think that certainly most people that I know who are involved in the greyhound racing industry very much enjoy the industry and very much support the industry. They do the right thing, and I think — I know in fact — that they welcome these changes. Certainly in the conversations that I had on the day or the week after the story broke, they were also calling for a number of these measures.

We know that the RSPCA has come out in support of these changes. I think it is very important in all of these decisions to consult with peak bodies and confirm that we are continually making sure that we are going in the right direction when it comes to the protection of animals. I think that a modern, decent humane society is something that all Victorians should strive for. Many members have pets, and I think that the love and the joy that they bring to those who look after them is important. I commend the bill to the house.

**Mr NORTHE** (Morwell) — I am pleased to rise this afternoon to speak on the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015. The bill essentially amends three acts: the Racing Act 1958, the Domestic Animals Act 1994 and the Prevention of Cruelty to Animals Act 1986. The main objective of the bill is to increase compliance, integrity and investigatory powers in relation to the

greyhound racing industry. As other members have spoken about this afternoon, the real key to this legislation is to implement further recommendations of inquiries from both the racing integrity commissioner and the chief veterinary officer relating to the live baiting scandal that unfortunately we all had to witness over previous months.

I take the opportunity to join with other members of this chamber to condemn the actions of a few people — if you can call them that, in their actions — who undertook severe acts of cruelty against animals. As a dog lover but more generally as an animal lover, you could only be sickened by the actions of those particular persons, who I would describe as cowards. Subsequent to that, their actions tarnished this industry, which is so critical not only to the Victorian economy but also in particular regional economies. Those persons should be condemned for their actions.

Any measures that we can take as legislators to improve the standards and the regulations of the industry are something that we in this chamber should all support. We certainly do not want to see the likes of those incidents occurring ever again. I think those few imbeciles should be well and truly weeded out of the industry. I am sure that the vast majority of people in the industry are good people who do the right thing and would likewise like to see those few and their friends removed from the industry forever and a day, and would like to ensure that penalties that apply for their obscene actions bring them to justice into the future.

As I said, the racing integrity commissioner and the chief veterinary officer have made a number of recommendations subsequent to that live baiting scandal, and, as I understand it, there are about 68 recommendations that were provided in relation to those two inquiries. I understand what we are doing today is implementing a further 10 recommendations from those reports.

It is important that these recommendations are implemented as soon as possible to ensure that the community and those within the industry understand that we want to protect the integrity of the industry and make sure that it can flourish into the future. Unfortunately some of the comments from the Greens member, the member for Prahran, who was wanting to shut down the industry in its totality, defy logic in any sense. As my good friend the member for Hastings said, 'They want to shut down the industry. Where the hell would all the dogs go?'. I appreciate that we have the Greyhound Adoption Program, but it would be inundated if that was the case.

**An honourable member** interjected.

**Mr NORTHE** — Exactly. Not to mention the economic vandalism that would occur in many parts of Victoria where the greyhound industry is very strong. They were interesting comments from the member for Prahran.

From a local perspective, I am one of a few members in Parliament who has a greyhound track in their community. The Traralgon Greyhound Club has been going since 1973. I well remember growing up just around the corner from the Traralgon racecourse. On a Friday evening we used to venture up and sneak into the greyhounds. I have paid my dues back now. As kids we used to sneak in and have a look and have a bit of fun. It was great fun watching the dogs go round.

It would be fair to say that, like most clubs, the Traralgon Greyhound Club has had its fair share of trials and tribulations over the years. There have been peaks and troughs. As an adult, I well remember getting into a greyhound syndicate with some of my co-workers, one of whom was a trainer from Sale named Donny Clavarino. The member for Gippsland South is not here. Donny Clavarino was a bit infamous in local circles for training dogs. He did not tell us that one of his dogs was very slow, and we kept throwing money at it. It did not win any money until eventually after about 28 starts and no wins we decided this was not a very good investment.

In my previous life managing a business in Morwell one of my employees was Arie Gringhuis, who trains a few dogs. Arie was famous for taking a dog to a track at pretty good odds and telling you after the fact that his dog was a good thing. It was always a case of too late she cried when his dogs were winning at \$20-odd. We thanked Arie very much for that. People like Arie are salt of the earth people who have animals at heart. The member for South West Coast made a very good point when she said that whether you are a dog owner, a dog breeder, a dog trainer or a farmer, paramount in your mind is the welfare of your animals. That can be said for the vast majority of people who are either farming or are in the greyhound industry. There is no doubt about that.

I was thrilled that over a period of time when the Traralgon Greyhound Club was struggling a little bit, it injected some new blood into the committee and into the board. It has done a terrific job over the past few years. I want to give recognition to Hec Caruana. Hec has done a great job as manager of the greyhound club over these past years. I also want to give recognition to a number of other people. The track manager at the

moment is Andrew Inger. Pam Tabone has been part of the Traralgon greyhound family for a long time. They are fantastic people. Donny Haley, the president of the club, is a wonderful contributor, as is Noel Zammit. There are also the committee members: Bill Majoor, Mark Busuttill, Martin Nicoll, Mick Fearnley, Peter McCartney, Olivia Alcock. and Terri Morris. Well done to them for all of their advocacy work over a period of time.

I was pleased that in 2014 the coalition government was able to make a significant investment into the Traralgon Greyhound Club. There was a \$6.2 million upgrade — a very substantial upgrade by anybody's reckoning. The coalition government provided \$1.2 million towards that project, which was fantastic for the club. I must say that the club was very grateful to the former Premier, Denis Naphthine, for his involvement in the racing industry. Denis is absolutely held in the highest regard in the racing industry, and I know the Traralgon Greyhound Club will be forever grateful for his support in making sure that that investment came to fruition. It is a fantastic complex. There is now seating for about 160 to 180 people indoors. The track is absolutely stunning. There is an outdoor deck at the eastern end of the pavilion. It is a wonderful occasion if you drop in there and have a beer or refreshment whilst watching the greyhounds. It is fantastic. It has got a new judges and stewards tower. It is just a wonderful facility, and not just for the greyhound industry. It is being let out for community use — for events and functions — and it is just sensational.

We had the Traralgon Cup there on 19 September. It was a fantastic night. That was the grand opening of the track. I am not up with all the greyhounds, but the apparently famous Fernando Bale won the Traralgon Cup. It has won a few other cups as well. It was a wonderful night. The venue was packed out, and everybody was so complimentary of the facilities and the track itself. As I understand it, the guys are going great guns at the moment. Prior to that development there was also a significant investment in the kennel area. It really is state-of-the-art, and again it is paramount to making sure that we have the best care for those animals. The area where the kennels are is sensational. It is in stark contrast to the way it was in my younger days. It is a credit to all concerned.

In closing, I am certainly supportive of the provisions in the bill. Any way that we can improve animal welfare and make sure that we have better regulation to ensure we have a viable greyhound industry in the future should be supported.

**Mr LIM (Clarinda)** — I rise today to speak on the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015. Many Victorians have become aware of the horrific use of live animals such as piglets, rabbits and possums as bait for greyhounds, for training or competitive racing.

The public has been rightfully angered at and outraged by the reported treatment of the baited animals, and this government has responded quickly to the matter. Investigations by the racing integrity commissioner (RIC) and the chief veterinary officer (CVO) commenced as a response, and numerous recommendations have arisen out of the saga.

The use of an animal as a lure or a kill for the purpose of initiating a greyhound is already an offence. Amendments to further strengthen the existing legislation and increase penalties for related offences were passed last year. This bill will implement a further 10 recommendations arising out of the investigative reports conducted into the greyhound racing industry.

The greyhound racing industry is an important part of Victoria's economy. It contributes well over \$300 million each year in economic activity. It provides the equivalent of over 3000 full-time jobs, and the statutory body overseeing the industry reported revenue last year of almost \$90 million. This bill is an important step in ensuring that this integral part of the Victorian economy maintains its integrity and improves its standards of ethics.

This bill amends the Racing Act 1958, the Prevention of Cruelty to Animals Act 1986 and the Domestic Animals Act 1994 in several ways. The bill makes it a statutory requirement for Greyhound Racing Victoria (GRV) to promote and improve animal welfare. This extends to greyhound welfare, not just the welfare of possums, rabbits or similar animals often used as bait. To further strengthen the focus on animal welfare within the industry, at least one member of the board will be required to have animal welfare or ethics experience. In addition, one member of the GRV Racing Appeals and Disciplinary Board will be required to have animal welfare or veterinary experience. Audits of animal welfare compliance will be able to be conducted by the racing integrity commissioner.

The bill enables the appointment of an administrator to intervene in the management of the greyhound racing industry in circumstances where the board has failed to adequately manage the industry or where it is in the public interest to do so. A new greyhound code of practice will apply to all GRV greyhounds in Victoria,

and failure to comply with the mandatory code will become an offence. The bill will amend the Racing Act to enable certain persons to enter premises outside normal hours if the board has reasonable grounds to suspect that a breach of the act or the rules is taking place.

The CVO and RIC reports recommended amendments to the act to ensure consistency across legislation with regard to the penalties for the cruel treatment of animals. The implemented recommendations will send a further strong message to the racing industry that the use of a live animal as a lure is unacceptable and will not be tolerated. The bill clarifies the strict liability offence in new section 55 of the Racing Act to state that some persons, such as a promoter of a race, the occupier of a racing ground in use or any steward, starter, lure driver or judge of a race, will be guilty of an offence and liable for penalty if a race uses an animal as a lure for pursuing greyhounds.

This bill amends the Prevention of Cruelty to Animals Act 1986 to extend the time limit for bringing a prosecution forward from 12 months to 3 years. It can often take more than 12 months to fully gather all the materials required to complete an investigation and present it to a court. This amendment will enable and encourage a more complete and exhaustive process for persons or entities bringing a prosecution forward.

This government made a commitment to act on community expectations and take steps to improve the greyhound racing industry. The recommendations put forward by the CVO and RIC reports are being adopted and are an integral step in improving animal welfare within the industry in this state. I commend the bill to the house.

**Mr D. O'BRIEN** (Gippsland South) — It is a pleasure to make a contribution to the debate on the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015. I think this bill has strong support across the entire Parliament in light of the horrific images that we saw on a *Four Corners* program last year. That exposure of the use of live animals such as possums, rabbits and piglets as lures in greyhound training I am sure appalled all of us here; it certainly did me. I am sure other members also received a number of letters and emails from constituents expressing their outrage and calling for something to be done. Well, something has been done, and I guess this bill is a result.

It is important that we strengthen the penalties and send a very clear message to the industry and indeed to all industries using animals that activities of this nature

will not be tolerated. However, while I support this legislation and other similar legislation, it is not something that should be considered a blight on all those involved in greyhound racing. Like most industries, the vast majority do the right thing and the vast majority look after their animals, indeed love their animals. Whilst we support this bill, I have received a number of emails — clearly a campaign — over the last 12 months or so suggesting that the industry be shut down entirely. That is not something I would support.

I know that in my own electorate, particularly in Sale, the Sale Greyhound Club is a major part of the local community. It is a fantastic club and organisation. Its Sunday night events are not only big social events but also big fundraising events for local community groups. The club has a special deal that allows a certain group each week to come along to sell raffle tickets and undertake other fundraising events, which puts a lot of money back into our community. In addition to this social aspect, there is a significant industry around the breeding and training of greyhounds. I am supportive of that industry continuing.

The analogy that I have heard used before is that when someone irresponsibly drives a car or drink drives, we do not look to ban cars. Equally we should not seek to ban an industry because of the irresponsible actions of a small minority. So I do strongly support the industry. I think the industry has accepted that it needed to reform and that the recommendations that have been adopted in this bill are important. I think the industry has had a wake-up call, as many animal industries have over the last couple of years, that the community demands stronger welfare measures. As a result it is clear that the industry is prepared to accept the amendments in this legislation to ensure that it does have a social licence to operate.

I will leave my contribution there. I just reinforce my strong support for the industry and for the Sale Greyhound Club. I commend the bill to the house.

**Mr PEARSON** (Essendon) — I am delighted to make a contribution in relation to this bill. Like the member for Gippsland South, I too, at the time the *Four Corners* program aired, received a lot of emails from concerned people. You try to work out whether they are local residents or not, and a high proportion of the people who reached out and contacted me live locally, so clearly this was a program that really had a profound impact upon all of us who saw it. As you would expect from a government like ours, it has responded, and this is a part of that response in action.

I do want to make a couple of comments about the industry more broadly. It is a great industry. It has \$350 million a year in economic impact and generates 3000 full-time jobs for people who work in that industry. Those of us who like going to the pub and having a drink know that once you start betting on the dogs, usually the day has been an outlier. It has either been a very successful, profitable day, which is why you find yourself betting on the Dapto Dogs at 8 o'clock at night at the Paris end of the Burvale Hotel, or alternatively it has been a woeful, woeful day and you are desperately trying to chase your losses — not that I have ever done that!

I do want to pick up on the member for Prahran's contribution. The member for Prahran, in his illustrious contribution, indicated that, 'Well, we're gonna vote for the bill, but we want to shut the industry down. Even though we recognise that it's probably not everyone who does the wrong thing in the industry, we're going to tar you all with the same brush and we'll shut you down'. The interesting thing to note about the member for Prahran is that whenever — I could be wrong, but usually — the member for Prahran or the member for Melbourne make their contributions, they come in by themselves. This was the first time I think I have seen them sitting in the chamber at the same time supporting each other. They do not have the decency and the respect to listen to other members' contributions. They do not care. They swan in here like the dilettantes they are, they make their little contributions and as soon as their contributions are over, they go.

They did not have the respect to listen to the contribution of the member for Gippsland South, for example, when he talked about what the industry means for him, or for that matter that of the member for South-West Coast. The member for South-West Coast made a measured and decent contribution. She talked about the importance of this industry in her electorate. That is what this place is about. Instead we have these dilettantes. The member for Prahran should really be the member for Wowseran. That is what he wants. He is against drinking, he is against punting and he is probably against a whole lot of other things that many of us enjoy. He just wants to shut it down.

**Mr D. O'Brien** interjected.

**Mr PEARSON** — That is right. Indeed last week they were opposed to legislation to try to clamp down on drug dealers. They opposed that. They cannot even get their act together to get both members here. How hard is it? The member for Yuroke has to coordinate 47 members; the member for South Barwon has to coordinate, I think, about 29 members. Both these

members make an outstanding contribution for their respective parties. These dilettantes cannot even get their other person to rock up on time for a vote. How pathetic is that? How hopeless is that? That is what you expect from these dilettantes. They have no place here in this chamber. They should just go up to the Lazy Lounge over the other side of the place and spend their time up there just pontificating in the Red Morgue. That is where they belong. They do not belong in the people's house. They have got no commitment to doing the hard yards, doing the serious work, making a serious contribution. That is the reality.

Government is not easy. Those opposite know that. It is about trying to balance up the conflicting interests that you confront on a daily basis. You try to go through it, and you measure it up. You try to work out: what is the right thing to do? After the *Four Corners* program the right thing to do was to say, 'Look, you know what? We have to work out what's gone on here', and that is what we did with the Perna review. Then you have to look at the measure and the quality of the report. You have to appoint someone senior and responsible to conduct that review. Then you have to say, 'Okay, what are we going to do about this?'. For example, you turn around and say, 'Right, we're now going to start putting a levy on all greyhounds to create a fund for better animal welfare'. That is not something you just think up — it is not some thought bubble you have while you are drinking your green tea at some cafe on Brunswick Street. That comes from actually sitting down and working through an issue carefully, methodically and closely — thinking about it and weighing it all up. That is what we have done.

Instead what we get from the member for Prahran and the member for Melbourne is, 'Shut it down', 'Shut it down', 'Shut it down'. I have not heard these people come into this chamber once and say, 'You know what? We should do something about growing this particular industry. We should be reducing the regulatory burden on this incumbent industry to make it grow and employ people'. They do not care. They do not care about growing the economy. They do not care about creating wealth and affluence.

It is fine to talk about wealth distribution — I am up for a conversation about wealth distribution — but unless you have wealth creation, it is a flawed argument, a flawed discussion. These people are not taking this matter seriously. Again they do not respect other members' comments on the bill. They swan in, swan out and say, 'Right, we've fixed the world's problems, it's off to the yoga mat and then to drink green tea, and we are all one with the world'. It is just hopeless.

This bill is an important piece of legislation. It is about recognising the fact that we are trying to get rid of the rogue operators in this industry and about trying to make sure that we can do the right thing by protecting the overwhelming majority of very, very good, responsible participants in this industry. Again, it is about jobs, it is about wealth creation and it is about making sure that we have got a legal industry that is operating at its best. That is what you would expect. That is what we have come here for.

The member for Prahran talked about animal welfare. I went to a vigil at the Lost Dogs Home, which was actually in the seat of Melbourne, and the member for Melbourne was not there. We were talking about concerns about animal welfare. Again, they just swan in and swan out; they do not take it seriously. This bill is about making it mandatory that someone with experience in animal welfare sit on the board of Greyhound Racing Victoria. That is a very good, sensible thing. Responsible corporate governance is that you look at the skill sets required for an organisation and you recruit appropriately qualified people to sit on a board to provide guidance and advice, to set the strategic direction of that organisation and to work with management. I do not think the member for Prahran and the member for Melbourne would have served on anything in a board capacity. They do not get it; they do not understand what you have to do.

The reality is what we are trying to do here is say: okay, we are saying animal welfare is important. How do you make sure it is important? How do you make sure it is relevant? You have someone sitting on the board who is an expert in that field providing advice to the management of the organisation so it discharges its duties appropriately and makes sure that animal welfare is put at the heart of the solution. How do you make sure that is meaningful? You make sure you put a levy on every single greyhound in the state to create a fund that can be directed towards animal welfare. What more could you want? Again, what is their response? It is, 'Shut it down'. As the member for Morwell rightly asked: if you shut down the industry, where are the dogs going to go? These people are at the high point of laziness. They are just so policy lazy. They do not work. It is all just flim-flam, two-dimensional, wishy-washy words with no substance. They are the quintessential lightweights of this Parliament. They are absolute lightweights.

This is a serious piece of legislation, and we are looking at making sure that the integrity of the sport is guaranteed by expanding the functions of the racing integrity commissioner. Again, this is about having a level of oversight, regulation and contestability in the

policy space and about making sure that people behave appropriately and that there are audits in place so that people know they have got to behave and conduct themselves appropriately, fairly and well.

One of the earlier contributors talked about the appointment of an administrator to manage the greyhound industry where the board has failed. That is great. That is about having competitive tension. That is about basically saying, 'Look, if you don't do the right thing, if you're asleep at the wheel, if we have another iteration of *Four Corners*, version 2.0, you're out'. That is a good thing. That is how it should be. You want to have that level of competitive tension. You want to make sure that people have got a degree of motivation to do the right thing — that if they are asleep at the wheel, then there will be consequences.

This is a good piece of legislation. I am pleased that the opposition is going to support this bill, and I hope it has a speedy passage. This is what government is about. This is about getting on with it. It is about doing the tough things. It is about doing the hard yards and doing the work consulting to make sure you end up with a good-quality piece of legislation to address what was a fundamentally disturbing problem. I commend the bill to the house.

**Mr STAIKOS** (Bentleigh) — It is a pleasure to rise to speak on the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015. What we saw on *Four Corners* last year was barbaric, and it was abhorrent. There is really no other way to describe the act of live baiting. We saw live piglets, possums and rabbits being fixed to mechanical lures and catapulted around tracks while being chased and eventually killed by dogs. The image that will forever be etched in my memory is that which showed a possum being flung around the track 26 times at high speed, and then, when the lure stopped 56 minutes later, the possum had been snapped in half and was only attached to the lure by its spinal cord. I think Lyn White, the Animals Australia chief investigator, hit the nail on the head when she said the following:

What we have documented is sickening, shocking and profoundly disturbing, not only because of the horrific cruelty but because of the human behaviour that is revealed.

The saying comes to mind: man can be the cruellest animal.

I, like the member for Essendon, also took issue with the contribution by the member for Prahran. I am not going to put it in the theatrical way that my friend the member for Essendon put it — I tell you what, I could not do as good a job as that — but I think that the

position of the Greens always is, 'Let's just shut down the industry'. As the member for Essendon pointed out, it is an industry that has an economic impact of more than \$300 million and 3000 full-time jobs. The answer is not shutting down the industry, which is the usual Greens response. The answer is proper regulation. I think the way to respond to a crisis should be both strong and of course measured.

I also took issue when the member for Prahran said that the government's response was inadequate. In fact the night that this issue aired on the ABC the Minister for Racing and the Minister for Agriculture took swift action. That night the Minister for Racing and the Minister for Agriculture immediately allocated up to \$3 million from the Victorian Racing Industry Fund towards bolstering the animal welfare and integrity measures of Greyhound Racing Victoria (GRV). This included four extra greyhound welfare compliance and education officers, increased resources for Greyhound Racing Victoria's investigations unit, including an additional full-time investigator, a dedicated trial track steward to inspect and monitor the 15 private trial tracks registered with GRV and the introduction of the latest surveillance technology to assist with detection and prosecution. On the same night there was an announcement of two independent inquiries: one by Dr Charles Milne, the chief veterinary officer for Victoria; and another by Sal Perna, the racing integrity commissioner. If you ask me, that was both a strong and a measured response to a crisis, and it was done the same day that these allegations aired on the ABC.

The two inquiries that I just mentioned collectively produced 68 recommendations. Twenty-eight of these recommendations require action by government, and the government is committed to implementing each one. We started this process last year when we were in this house debating the Prevention of Cruelty to Animals Amendment Bill 2015. That legislation implemented a number of the recommendations. It included powers to better respond to large-scale animal welfare emergencies, boosted the capacity of courts to ban offenders from being in charge of animals and increased the power of authorities to deal with offences. This legislation that we are debating today continues the implementation of the recommendations of the two inquiries. The bill amends the Racing Act 1958, the Prevention of Cruelty to Animals Act 1986 and the Domestic Animals Act 1994 to implement a total of 10 recommendations.

One of the things the bill will do is modernise governance arrangements for Greyhound Racing Victoria and require that a member of the board and a member of the GRV Racing Appeals and Disciplinary

Board have expertise in animal welfare and/or ethics. On the same day that we were debating the legislation in November last year the racing minister announced the appointment of Mr Robert Greenall to the board of Greyhound Racing Victoria. Mr Greenall of course has more than 25 years of veterinary experience, during which time he has overseen a number of projects to improve animal health and animal welfare. That was a massive step forward — and it was done last year — and that process is being formalised by this bill.

This bill also amends the Domestic Animals Act to ensure that all Greyhound Racing Victoria greyhounds and their offspring are kept in accordance with a code of practice and requires GRV to collect a registration fee to support the administration of the Domestic Animals Act. That fee is a \$3.50 fee, paid upon the registration of each greyhound, to go straight back into animal welfare. That is a strong response. That is a measured response. It is no surprise that the Greens simply do not agree with a response that is strong and measured and exactly what the government should be doing when responding to what was a significant crisis.

It is also important, as we have heard from many members today, not to tar everyone with the same brush. There are good people in this industry. Not everyone does the wrong thing; indeed most people do the right thing. The amendments in this bill will strengthen the industry, strengthen animal welfare and also make sure that the industry is sustainable going into the future. They are part of a range of measures that this government is undertaking in animal welfare, not least of which is its action to crack down on puppy farms, something that I know has the support of both sides of the house. With those few words, I commend the bill to the house and wish it a speedy passage.

**Mr EDBROOKE** (Frankston) — I rise to contribute to the debate on the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015. On 16 February 2015 the Australian television current affairs program *Four Corners* revealed the use of live piglets, possums, rabbits et cetera to train racing greyhounds in three states of Australia. This revelation led to suspensions, inquiries and widespread condemnation of the practice throughout the nation, but I believe we certainly took swift action and did the right thing immediately in Victoria.

Greyhound baiting involves a number of dogs chasing a live bait on a mechanism called a lure that goes over a set distance. What we saw that night on *Four Corners* was, as the member for Bentleigh said, abhorrent. I think it stuck in people's memories. It was something that shone a very bright light in a very dark corner

where a lot of people knew this was going on for a long time. It was accepted practice. Once the general population of Victoria and the other states of Australia saw that this was going on, we certainly took swift action and made our voices heard.

The bill implements the recommendations to the government arising from the racing integrity commissioner and chief veterinary officer's reports into live baiting. We have been able to keep in mind those images from *Four Corners*, and I would challenge anybody to keep them out of their mind on this debate. I thank members of the opposition for their contributions, and I also acknowledge the contributions from this side of the house. The fact that this legislation has bipartisan support is a great thing.

Those images made us stand back and have a look at ourselves and think not only about who would do that to animals but also about what kind of people would turn the other way and let such things happen. That is why we had to do something. That is why today we are debating this legislation in the Parliament. It is up to this Parliament to make decisions and legislation in accordance with the reflections of the community and to make sure we are doing what our community is demanding. The debate on live baiting reflects the number of emails, the amount of interest on social media and the number of people popping into my office that I experienced earlier in the year. It is one of the largest issues in our first term in government, I think. The outrage displayed by people was just phenomenal. I would have to say I have had about 1000 emails written by people — and not pro forma emails — displaying their disgust at what was going on.

This bill is designed to toughen up the industry — we should be doing that — and to send a message to those who want to commit these acts that they are barbaric and that we as a government and a community will not stand for it now or ever. On 11 June 2015 the Minister for Racing announced that the government was taking swift action to crack down on live baiting in the greyhound industry and would implement a suite of integrity and welfare measures, which were welcomed across the board. This bill follows on from last year's Prevention of Cruelty to Animals Amendment Bill 2015 which strengthened penalties for live baiting. A total of 68 recommendations have been made to the government and Greyhound Racing Victoria (GRV) at this stage. The bill makes changes to the Racing Act 1958, the Prevention of Cruelty to Animals Act 1986 and the Domestic Animals Act 1994. The reports made 28 recommendations which will require action by the government, and the bill implements 10 of those recommendations in part or full.

Many people in this house know that I am a dog person. My best mate is a dog.

**An honourable member** interjected.

**Mr EDBROOKE** — He literally is a dog; he is a canine. I am not having a crack at my best mate. He was featured on Facebook a couple of days ago. He was helping me make a letterbox at my house. I would say in a lot of ways dogs save us more than we save them, but in this case we have got to do our job as well. I am surrounded by dog people as well. It just so happens that only a week ago I had another dog on my social media page. Denzel, a rescued Shar Pei, belongs to one of my staff members, and he came in to visit for the day. Of course my staff put him in my seat, took pictures of him and said, 'Ha, ha, look at the new MP'. I expect that. I think of myself as someone who can put up with a fair bit of stress. As a former emergency services worker, I have seen a little bit of trauma. But I tell you what — you look at that stuff on *Four Corners*, and you go to water. It hits somewhere inside you, a spot that you did not know you had.

I am glad that this bill will broaden the function of the Greyhound Racing Victoria board to include responsibility for promoting animal welfare across the industry, including greyhound welfare. This is just common sense. It will modernise governance arrangements for GRV and require that a member of the board and the GRV Racing Appeals and Disciplinary Board have expertise in animal welfare and/or ethics. Again this is common sense. If we are going to have a board, why would we not have on it an expert who knows about animal welfare and ethics? That is what we are talking about.

This bill will extend the powers of the racing integrity commissioner to enable him to audit the animal welfare process and systems of a racing controlling body to the extent that they relate to integrity in racing, refer complaints about animal welfare to the appropriate body, clarify the penalties for offences relating to live baiting in the Racing Act, align the hours during which the board of GRV or authorised persons may conduct inspections within the common hours of the operation of the industry and provide the Minister for Racing with the power to recommend the appointment of an administrator in place of the board. It will also require permission from the owner or a warrant to enter a person's residence. This is consistent with other entry powers under the Racing Act and many other acts.

In addition to the changes to address live baiting directly, the bill also makes changes to how GRV treats animal welfare as an issue. I am proud to say the

minister will now be required to appoint a person to the GRV board and the racing appeals and disciplinary board who has expertise in animal welfare and ethics. In anticipation of this, Mr Rob Greenall was appointed to the board in October 2015. Mr Greenall has more than 25 years of veterinary experience, during which time he has overseen a number of projects to improve animal health and welfare. I think we can all agree this is a great choice for this board. Someone with 25 years experience and someone who has experience in the field, knows the sector and is a respected professional is going to do wonders for that board. The functions of the board will also be broadened to include responsibility for promoting animal welfare across the industry. This will allow GRV to take animal welfare into account when making key decisions about how the industry functions. These changes will put animal welfare at the heart of the industry and help to make sure the abhorrent, terrible behaviour witnessed in February 2015 is not repeated.

We talk about February 2015 as if those things just happened that month, but the stark reality is that where we shone this light they had been happening for many, many years, and I think that everyone would agree that it is time this was cleared up. The excuses at the time ranged from, 'It is not cruel, they're not animals', which is just plain stupidity, to, 'We have been doing this for many, many years, and we should continue it, because that is just what we do'. To me that is not an excuse. Some people do not like change, but the people who make those excuses actually belong in jail, I believe. This is an abhorrent crime.

With that, Acting Speaker, I will begin to wrap up my contribution. These are important changes. I am glad that I am part of a government that is actually committed to this. Again, I am part of a government that is committed to a hell of a lot and is seeing it through. It is something to behold — to see level crossings removals, to see medicinal cannabis, to see all of the things moving on the promises we made leading to the election and on the commitments we made to people. We are actually getting on with them. Some of these things take time, and they take persistence, and we are actually doing them. We are getting on with them. Yes, there is a bit of jealousy after four years of wasted time from those who are now on the opposition benches, but we can deal with that.

For too long some people in the greyhound industry have accepted that acting inhumanely is the price for a win and that some cash and glory should come up above the rights, health and welfare of animals. This is wrong. We are changing it, and I commend this bill to the house.

**Ms WARD** (Eltham) — In rising to speak on the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015 I think it is important to note — and I am glad that many of us in this place are on the same page — that animals are not a commodity. While in this industry animals may be used for the purposes of making profit and for the purposes of entertainment, it is really, really important to note that animals are not a commodity. Animals are not inanimate — they are living, breathing creatures. They deserve to be treated with respect, and they deserve to be treated properly. I am very glad, as is the member for Frankston, that this government is getting on with creating legislation that does address these concerns that we have over how animals are treated, especially in a commercial setting such as greyhound racing.

The *Four Corners* report has been incredibly powerful. It is interesting to see the real force that the media can have when it goes into investigative journalism — when it does take the time to really understand the story and get across what is happening out there in the wider world. This *Four Corners* report has resonated with so many people. It has touched people so deeply and meant something to them to the point where we have come up with legislation like this. I think this is to the credit of *Four Corners*, but it is also to the credit of journalists who really do care about getting to the truth of the matter and who really do care about their craft of finding real news and spending the time and effort on reporting it.

The behaviour that we did see in the *Four Corners* report was absolutely appalling — it was shocking, and it was horrific. The fact that people can be so desensitised in their relationships with animals as to treat them in such a way is mind-boggling. It is mind-boggling that you could care so little about how your actions affect a real, living creature, and it calls into question the kind of person that you are if you can do that to an animal.

What we have here with this legislation is something that has been thought out; it has been considered. Much like the investigative journalism that went on with the *Four Corners* report, this government has systematically and thoughtfully worked out how it can create legislation that can address those concerns, how it can have a response that actually responds to what has happened and how animals have been damaged. The government in fact commissioned two reports, from the chief veterinary officer and the racing integrity commissioner, which made 68 recommendations. It is an indication of how responsive this government is and how much this government cares that it has accepted all

of those 68 recommendations. This is not a government that wants to continue to be a mirror government, as we have seen in the past, where governments just want to look into things but not actually do anything. We do want to know the answers; we do want to know how we can make things better. We want to listen to people who have got the ideas that really matter, and we want to implement those ideas.

Four of those recommendations were implemented last year, and these strengthened the penalties for live baiting. To be frank, I do not think there is a penalty that can be hard enough or strong enough to prevent this kind of behaviour. It is just unconscionable that people could treat animals in this way. It is just crazy, and it shows a real level of lack of emotional development that you could treat animals in this way. This bill implements another 10 recommendations, and I look forward to seeing how the review with Paul Bittar goes, what we learn about what he has found, where further we can go across our three racing codes and what kinds of changes or responses that we can put in place to help prevent any cruelty to animals.

I am also happy to see that this government, as it has done with so much of its legislation, really wants to engage with stakeholders. We do not want to have this turn-off-the-lights approach that the member for Essendon has already identified that the Greens party wants to go with, which is to say, 'We want to turn off the power', 'We want to turn off the coal stations', 'We want to turn off the greyhound industry'. Being in government is not as simple as just turning things off. Being in government is about having an ongoing conversation about how we can make things better and how we can improve things. It is not a conversation involving simply saying no.

Simply saying no does not always change things, and it certainly does not always change things for the better or bring about real change. It just shuts things down.

I am also happy to see that the responsibilities of Greyhound Racing Victoria will be broadened and will include promoting animal welfare across the industry. I think this is an incredibly important road to take. Engaging Greyhound Racing Victoria in the promotion of animal welfare is a measure that I highly commend; it is important for the industry that GRV has active engagement with its own community to help promote animal welfare. Dog welfare should be at the heart of the industry; it really should. Greyhound racing is about the dogs, and the dogs should be the first and foremost concern of the industry — not the punters, the racetracks or the owners. They are all things to

consider, but the first consideration should be the welfare of the animals.

I am glad that we are modernising governance arrangements for GRV, and that a member of its board and a member of the GRV Racing Appeals and Disciplinary Board will be required to have expertise in animal welfare and/or ethics. Ethics are incredibly important, and we need them in a variety of industries. We need to have an understanding of ethics, about not only how to break them down but also how to communicate ethical behaviour and communicate the underlying principles behind ethical behaviour.

This bill will also extend the powers of the racing integrity commissioner, which will enable that person to audit animal welfare processes and systems of the racing control body and refer complaints to the appropriate body. It surprises me that this provision does not already exist. I would have thought that it would be a quite straightforward mechanism that would ensure the overall welfare of greyhounds; I really would. This reform has come about through a recommendation of the chief veterinary officer, and I am very pleased that we are acting on it.

I am also happy that the penalties for offences relating to live baiting will be clarified so that people will understand exactly what they will be liable for when they breach the guidelines and the rules around how they should treat their animals. I do not think this could be made clear enough to people. We need to take a no-nonsense and straightforward approach; that is exactly what we need to undertake in order to have people understand that that sort of behaviour is absolutely not acceptable, and that there are clear ramifications and consequences for engaging in it. The penalties need to be absolutely clear, and a zero tolerance approach needs to be adopted, because once you start to let standards be chipped away and to slide, you end up with the kinds of things that we saw on the *Four Corners* report.

I am also really happy that this legislation provides that inspections can occur outside the hours of 9.00 a.m. to 5.00 p.m. The mistreatment of animals is not exclusive to the 8-hour day; it happens beyond that. It happens in people's backyards at night-time and on weekends. It is very important to be able to inspect outside working hours, and permission will be required if the premises is a domestic residence. Again, I would have thought that this was a common-sense provision that would have been implemented some time ago.

This legislation continues the narrative that this government has clearly established around the need to

protect animals within our community. We in this government have done a lot already to protect the welfare of animals. I think the Andrews government should be commended for working consistently on promoting the welfare of animals and on changing legislation for the benefit of animals. Obviously animal welfare is a matter that government members take very seriously, and I am pleased that we do so.

**Mr Pearson** interjected.

**Ms WARD** — Dogs are indeed man's best friend — and woman's best friend too. My dog Jack is indeed my best friend — gorgeous animal that he is. I commend this bill to the house.

**Ms GRALEY** (Narre Warren South) — It is a pleasure to rise and speak on the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015. I am very pleased to see that the ministers for racing and agriculture have swiftly brought this bill to the house for our consideration.

I must say that a night out at the dogs was always regarded by my family and friends as a good night out. To all of us watching the dogs go around and having a bet it seemed like good clean fun. I do not think it occurred to any one of us that animals would be maltreated to provide this sort of entertainment for us humans, and we never thought that having an evening out would be compromised by the awful practices that we saw on the *Four Corners* report about live baiting.

I might also say that I always thought that having a bet at the dogs was a pretty easy way to lose your money. I had a grandmother who was a starting price bookie. She used to have her betting sheets hidden in a drawer. All these strange characters used to come into my nanna's house, and as children we used to wonder what was going on. She would always say to us, 'Stick to the horses, not the dogs. It's too easy to lose your money on the dogs'. Whilst I have had attended dogs meetings and had the treat of winning and losing, I must say that I prefer to have a bet on my favourite animal, the horse — but I digress.

To have this bill come before us is very timely and very important. As I said, we were all sickened and horrified by what we saw on the *Four Corners* report. I think it was the member for Frankston who said it brought tears to his eyes.

**Mr Edbrooke** — Absolutely. It did.

**Ms GRALEY** — It really did make you well up very easily. I think that Animals Australia's chief

investigator, Lyn White, summed it up for us all when she said:

What we have documented is sickening, shocking and profoundly disturbing, not only because of the horrific cruelty —

and it was horrific —

but because of the human behaviour that is revealed.

As the member for Eltham has just said, dogs are the best friends of man and woman, and it is awful for us animal lovers, particularly dog lovers, to see this sort of live baiting. Other animals being used to excite dogs to perform, to salivate and do all sorts of things to get them racing as fast as they possibly could was very disappointing and degrading. As Lyn White said, to think that humans are capable of this sort of behaviour for pleasure — the pleasure of winning, the pleasure of owning a dog — is sickening and horrifying.

I am pleased to see that those opposite are supporting this bill, albeit with a very small number of speakers. I do not know why they are not speaking up in support of animal welfare; it is a bit surprising. Obviously they are busy and have other things to do.

**Mr Southwick** interjected.

**Ms GRALEY** — Goodness knows what they are up to over there, but nevertheless they are supporting the bill, as their few speakers have said when they have indicated their support for the bill.

However, I did hear — and I think it was the member for Essendon who alerted us to this — that the Greens party, represented by the member for Prahran, is opposing this bill. Like many members, I have received emails asking me to oppose this bill. I can understand that people were very upset when they saw the footage on TV, and there are some people who take the attitude that animals racing — whether it be horses jumping over hurdles or dogs racing around a track — is not an activity that human beings should participate in and that we should protect animals. We on this side of the house are well aware that, as legislators, we have a responsibility to find a way of regulating the racing industry, a very important industry for Victoria.

Indeed in my own patch is the Cranbourne Racecourse, where you can have a really fantastic night out with tricodes racing, all the forms of racing — harness, gallops and the dogs — on the one night. It was Rob Hulls, the previous member for Niddrie, who invented tricodes racing; he came up with this bright idea. He asked, 'How do we get people back to the races? What sort of novel idea could we have?'. He came up with

the idea of tricodes, and the Cranbourne Turf Club has taken to it. It is a very, very popular night out and showcases just what the industry can be.

People go along to the tricodes and enjoy it. They take their families. If I recall correctly, the races start at twilight, and it is a good night out. People who go to this race meeting need to know that animal welfare is being looked after. That is why it is important to have this legislation before the house to provide what we would consider a balanced and measured approach to regulating the industry. We do not want a few mavericks, a few bad people, a few sadistic people spoiling it for those who not only work in the industry but also enjoy the spectacle of racing.

As I said, the racing industry is overwhelmingly a very big and proud and very well run industry. I see that \$315 million is its economic impact, so lots of people benefit from having the racing industry well regulated and well run — and they have the benefit of enjoying it. It also supports 3000 full-time jobs. Lots of people are employed in this industry, so we want to make sure its integrity is highly regarded by not only those in the industry but everybody outside of the industry, including the punters and the spectators as well. This piece of legislation does just that.

The bill will broaden the functions of the Greyhound Racing Victoria (GRV) board and include the responsibility for promoting animal welfare, including greyhound welfare, across the industry. It will also modernise the governance arrangements for GRV and require that a member of the board and the GRV Racing Appeals and Disciplinary Board has expertise in animal welfare. That is why in anticipation of this Mr Rob Greenall was appointed to the GRV board in October 2015. Mr Greenall has more than 25 years of veterinary experience, during which he has overseen a number of projects to improve animal health and welfare. He is exactly the sort of person we want to have in that position. To those people who have emailed me, and to the Greens, if they were in the chamber to listen to this, we would be saying that we are putting people on this board whose paramount reason for being there is to make sure that the animals' welfare is at the forefront of thinking and decision-making on these new boards.

The bill will also extend the powers of the racing integrity commission to enable it to audit the animal welfare processes and systems of a racing control body to the extent that they relate to integrity in racing and to refer complaints about animal welfare to the appropriate body. Very importantly, because I know that the people who have emailed me would want to

know this, it actually clarifies the penalties for offences relating to live baiting in the Racing Act 1958. We want to know that people who participate in the industry are well aware that if they go down this path of using live baiting ever again, they are going to feel the full force of the law. The penalties will reflect the fact that the general public has no stomach for and no patience with animals being abused for the entertainment of others or for the industry's economic value.

On that basis, with that contribution, I commend the bill to the house and finish off by applauding the two ministers — the Minister for Agriculture and the Minister for Racing — for bringing this bill to the house in such a timely and measured manner.

**Mr NARDELLA** (Melton) — I stand to support the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015. As my honourable friends would know, my two companions are Dolly and Georgie. Dolly and Georgie are my two schnauzers.

**Ms Graley** — They are pampered schnauzers.

**Mr NARDELLA** — They are pampered, yes. That is right.

**Mr Carroll** — Miniature schnauzers.

**Mr NARDELLA** — Yes, they are miniature. They are just lovely, and I love them. That is really the thing about this bill — —

**Mr Edbrooke** interjected.

**Mr NARDELLA** — I thank the honourable member for Frankston, who loves me too. That is the thing about this bill: we do love animals, and — —

**Ms Graley** — We love you too.

**Mr NARDELLA** — Thank you. We want to make sure that we protect them, that we do what we must to make sure that their welfare is looked after and, certainly in the greyhound industry, that they are not abused and that other animals are not abused to set them up for racing — the things that the *Four Corners* report and other reports have highlighted. After that report, we put in place a very serious process of investigating those events through both the chief veterinary officer and the racing integrity commissioner. There were 10 recommendations, and this legislation before the house is part of that process.

Honourable members from both sides — and I have heard the contributions from my honourable friends

from the opposition — have really put together a well-thought-out position. The honourable member for South-West Coast highlighted the issues in her electorate, the honourable member for Morwell did the same and I think so did the member for Gippsland South, from memory. They were all very good contributions because those members understand what this industry is about. They understand the people who are within the industry, and they understand that the majority want to look after their animals and want to look after the industry because they love the industry.

The greyhound industry, if you understand it, if you go on the track — if one takes the time to actually talk to trainers and owners to understand those people and their passion for the industry but more importantly their passion for their animals, like my colleagues on this side of the house and I have outlined, you understand that this legislation is really important.

I took over at ALP head office from my colleague Jan Wilson on 3 August 1985. Jan Wilson was the chair of Greyhound Racing Victoria (GRV). We appointed her earlier in the century, and she and the board at that time did a fantastic job. They pulled greyhound racing out of the doldrums it was in. In terms of the TAB take, I had a talk to Ken Latta about this the other day when I was at the trots at Tabcorp Park in Melton, and the greyhounds are actually doing a bit better than harness racing is. So all that work was done over time, and now we have appointed a new board. The new board understands the importance of what we are trying to do here. It comprises Ken Lay, Bernie Carolan, Judith Bornstein, Peita Elkhorne and Robert Greenall, and they are all about overhauling the integrity and governance of the GRV.

These people have bolstered the integrity of animal welfare, particularly by the inclusion of Charlie Bezzina, formerly of Victoria Police, who fought major crime in this state. He is now the senior integrity advisor. That is the type of integrity we are talking about here. The GRV board has reviewed the greyhound breeding scheme and cut the numbers so that greyhounds are at a sustainable level. It is a voluntary reduction of greyhounds. We need to understand all of that and what we are trying to do in implementing the recommendations of the report and looking after the animals and the industry. A number of my friends have actually adopted a greyhound, and they absolutely love them. So the industry itself is trying to do the right thing.

But then we come to the Greens political party. It was sort of like *deja vu* from the beginning of the parliamentary sitting today, except that they flitted in. It

was not immediately after prayers — because they only come in after prayers. They flitted in, the honourable member for Prahran gave his speech and then they both left immediately. They have no commitment to this chamber or to the greyhound racing industry. They do not understand it. They do not talk to the families and the kids who attend the greyhound racing meets virtually every weekend. They do not talk to the people who look after greyhounds or to the board. They would not even be able to name one member of the board of Greyhound Racing Victoria because that is too much work.

To be a Greens political party member you have to take the extreme position, whether it is the extreme left or the extreme right. In their case it is always the extreme position of, 'Close down the industry. I do not have to think about what I need to do to work through this industry and make it better. I do not have to think about how I look after the animals and the dogs'.

As my friend the honourable member for Morwell — from the other side of the house — said, 'What do you do with all the greyhounds if tomorrow you do the extreme thing and you shut down the industry? What do you think will happen to all those animals?'. You cannot arrange for the adoption of all those animals overnight. It is just an impossibility but to be a Greens political party member all you need to do is take the extreme position because it means that you do not have to think. You do not have to make any policy, and you do not need to talk to anybody other than your own little Kumbaya group. They sit around the campfire with the guitar, singing 'Kumbaya, let's shut down the greyhound industry, Kumbaya'. That is all you need to do as a Greens political party member. You just get your little branch members — all five of them in the Melbourne branch — around the campfire and you just talk rubbish.

**Ms Richardson** interjected.

**Mr NARDELLA** — Yes, the honourable member for Northcote is right. Every now and then you also take a bit of a puff, because this is really heady stuff. You are singing *Kumbaya*, you get rid of the greyhound industry and then you take another drag of the joint. That is all you need to do as a Greens political party member, because that is the amount of work that they have put into this legislation.

As my friend the member for Essendon said, these two members should be in the upper house, because down here they are not prepared to do the work. They are not prepared to talk to the industry or to GRV. They are not prepared to talk to the trainers or the families or the kids

that love their greyhounds. The kids go out with dad or mum and walk their greyhounds every day of the week because they love them. But it is too hard for the Greens, because that would mean they would have to think. That is the thing about the Greens political party; they will never have to make a decision, so they can take the extreme view. They can take a position that only the people around the campfire smoking their joint and singing *Kumbaya* will ever have to agree with.

**Mr BROOKS** (Bundoora) — It is a pleasure to join the debate on the Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015. It is a great privilege to join the debate following the contribution from the member for Melton, because he encapsulated many of the points I wish to make in this debate this evening. I begin by placing on the record a personal conflict — not a technical conflict but a personal one — in that I grew up in a home with greyhounds. My father was a greyhound trainer, and our backyard always had a greyhound in it that he was training. We spent weekends travelling to trial tracks and to racetracks around regional areas and sometimes in the city. I spent many times in the catching pen. The great highlights of my younger days were the times I spent with my brother at trial tracks in the catching pen trying to round up our dog. If we were able to get the greyhound back on the lead successfully, without any help, we would get a Chomp — which is a chocolate bar.

It was a great way to spend a childhood, and I saw firsthand the friendships that were forged between my family and other people. I saw the great camaraderie that exists between people in the greyhound racing sport, whether they be trainers, owners or people who work at different tracks, people who are enthusiasts who just turn up to race meetings or people who have become family friends over a long period of time. It is a great activity for people, and it is focused on the welfare of the animals, as my colleagues on this side of the house and other members have said. The welfare of greyhounds in this particular sport has to be paramount. We must make sure that the dogs are well looked after and that people in the industry have the best interests of their animals at heart. I believe that the vast majority of people in the greyhound racing sport are exactly those sorts of people.

Unfortunately, as we saw in that shocking footage on the *Four Corners* program, there are rogues in the industry, and the only positive thing to come out of that *Four Corners* exposé is the fact that it is going to hopefully flush those people out of greyhound racing. The greyhound racing industry itself and the people who participate in it — the trainers, the owners and the

people who care for the animals — know that they need to rid the sport of those sorts of practices and those sorts of people if the sport is going to survive. In the debate today we saw the Greens calling for an end to the industry. That threat is a real one.

If the greyhound racing sector does not clean up its act, there are those people who will try their best to shut it down. So it is not just something that should be done for moral purposes — the prevention of cruelty to animals and ensuring that greyhounds are properly looked after because that is what should happen; it is also because if it does not happen, it is very clear that people in our community will see that the sport is shut down. So there is an imperative there for the industry to make sure that everybody is focused on the welfare of those animals.

In the Greens contribution, as many members have already made clear, there was a failure to acknowledge the number of benefits of greyhound racing, and I have talked a bit about the social benefits and the benefits particularly for people in regional Victoria, with many thousands of jobs in this sector. It is estimated that in Victoria some 3000 people are employed through this sector. That is 3000 jobs, many of which are centred around training facilities and tracks in country Victoria. So it is important that we remember as the Greens talk about wiping out this sport that there would be many thousands of people who would lose their jobs.

Just over \$300 million a year is generated by greyhound racing in Victoria, and that is a massive part of our economy. So if you consider that in parallel with the fact that there is a tranche of changes to make sure that we get these rogues out of the sport, to make sure that the welfare of animals is paramount, combined with the importance in terms of social benefits, community benefits and economic benefits to all of our state, it is absolutely vital that greyhound racing continues to grow and continues to grow in a way that puts animal welfare at the very forefront of what it does.

I am very pleased with the way in which the government has responded to address those horrible incidents that were reported on *Four Corners*, the two reports that were undertaken and the 68 recommendations that were made to government, which were all agreed to in principle. We have had one bill which passed this place at the end of last year, which was the first tranche of reforms that flowed from those 68 recommendations, and then of course we are seeing a further 10 recommendations which are picked up in the bill that we are debating here tonight.

These are important reforms that go even further in terms of protecting animals in the greyhound racing sector. In particular, the racing integrity commissioner will get extended powers so that the integrity commissioner is able to audit animal welfare processes of a racing controlling body — so Greyhound Racing Victoria — to the extent that they relate to integrity in racing and refer complaints about animal welfare to other bodies. This is an important mechanism so that the appropriate authorities are able to investigate issues of concern that are raised.

The bill aligns the hours during which the board of Greyhound Racing Victoria or authorised persons can conduct inspections with the common hours of operation of the industry, which from memory is from 1 hour before sunset to 1 hour after sunset, which aligns with the practice of the industry in terms of the hours that it operates: from morning until just after dusk. This is an important thing. We need to be cognisant of the fact that many of these facilities are effectively people's homes or properties where people's homes are, so there is a balance that needs to be struck between authorised officers being able to access properties for the proper carrying out of their duties under the act but also at the same time respecting the fact that we are talking about people's homes and respecting elements of their privacy.

The bill also provides for the Minister for Racing to have the power to recommend the appointment of an administrator in place of the board. This goes to the point I raised before about the industry needing to understand — and I am sure that it does understand — the importance of cleaning up its act, because this function will give the minister the power to appoint an administrator effectively in place of the board of Greyhound Racing Victoria. So this is a fairly drastic option that is available to the minister, but it ensures that if the need arose, the minister could use that power to remove the board of Greyhound Racing Victoria and appoint an administrator. Again that is a fairly extreme option but one that I think in the context of the concerns about animal welfare is well-founded.

There is a whole range of other aspects to the bill that I am not going to have the time this evening to go through in any detail, but, as I say, I think it is important that we remember that the Greens approach to this is one that is really cheap politics, appealing to a group of people who are genuinely concerned about animal welfare. But the Greens have taken no time to consider the impact on those people who genuinely love the sport and care for their animals and also the many thousands of jobs — the 3000-odd jobs in

Victoria — that rely on the greyhound racing sport for their continuation.

Deputy Speaker, when you were speaking before on this bill, you were talking about the extreme nature of the Green's position on this one. I would wholeheartedly agree with your position. To wipe out this industry, given the obvious point that if you closed down the industry overnight, you would have thousands of greyhounds with no future, is an unworkable option put forward by the Greens, obviously without any thought put into it. It is an extreme position that should be rejected.

This is a sport that many people who work hard for a living and many families in regional Victoria and in the outer suburbs of Melbourne participate in. They have built great social and community connections through it. The sport provides many jobs and many economic benefits, as I said before, particularly to regional Victoria. I was astounded to hear those options being put forward by the Greens earlier that this simply should shut the industry down. They cited figures about greyhound destruction which cannot be justified, and I think they should hang their heads in shame for wanting to kill so many jobs in Victoria.

**Mr HOWARD** (Buninyong) — In the brief time I have left this evening I would like to add my words of support for this Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015, which, as we have heard from previous speakers on the bill, is put forward by this government to support the greyhound racing industry. At the same time the government recognises that it does need to do more to ensure that the welfare of animals is protected through the industry; that there have been disastrous effects of some people acting inappropriately in this state, as well as other states, using live lures to train greyhounds and that that totally inappropriate behaviour needs to be stamped out.

Clearly greyhound racing is a valuable industry in terms of providing over \$300 million a year in turnover and employing 3000 people in full-time equivalent jobs over the state, so it is an industry that needs to be supported. In Ballarat we have a great greyhound racing club that I have been pleased to attend on a number of occasions.

**Business interrupted under sessional orders.**

## ADJOURNMENT

**The DEPUTY SPEAKER** — Order! The question is:

That the house now adjourns.

### Portland aluminium smelter

**Mr SOUTHWICK** (Caulfield) — My adjournment matter tonight is addressed to the Minister for Energy and Resources, who is also the Minister for Industry. The action I seek is that the minister give a commitment to keep Portland's Alcoa aluminium smelter open to ensure that the 2000 jobs which it supports around the region are kept alive.

The Portland aluminium smelter is a significant employer. Since 1987 it has injected some \$100 million in wages into the local economy, spending \$100 million per annum in maintenance and contractors and contributing \$7 million per year in rates to the shire. It is also one of Victoria's largest exporters, with total exports of approximately \$649 million per year. Analysts suggest that the smelter's particular issues at the moment are in relation to power costs and also the world prices.

The reason why I raise this matter particularly with the Minister for Energy and Resources, who is also Minister for Industry, is that the smelter fits within her remit under both of these portfolios. This is particularly so when it comes to power prices, because we have had reports that the smelter would face escalating power price increases of up to \$50 million. That was reported in the *Age* this week. It was also reported that a number of other government subsidies would be removed.

I had the opportunity to visit the Portland aluminium smelter with the member for South-West Coast, who is a great active member and a great advocate for jobs in her area. We had the opportunity to meet with employees of the company and hear firsthand about some of the issues there. There is no better example of where we need this government to step in and save jobs. Labor came to government with a jobs plan, and we are not seeing any evidence of this. If there was ever a need for the government to step up and save these local jobs, now is the time.

This is an issue on which the minister needs to roll up her sleeves and ensure that the government takes a lead. It is a complex matter. She needs to be working with the power retailers, AGL and SP AusNet, which provide the fixed powerlines. It is my understanding that there will be a huge increase in fixed power costs over the next period. If the power deals are not made, this will not allow the company to get to first base. I

would hope that the minister gives it her utmost attention to ensure that the Portland aluminium smelter remains open and those jobs are saved.

### Family violence

**Mr CARROLL** (Niddrie) — The adjournment matter I wish to raise tonight is addressed to the Minister for the Prevention of Family Violence, who is at the table. On 25 March last year I joined 200 members of my local community at Penleigh and Essendon Grammar School in Keilor East for the 'Say No to Family Violence' forum, which was organised by the Keilor East Airport West Uniting Church. At that forum I was very proud to hear the Minister for the Prevention of Family Violence, Minister Richardson, explain the Daniel Andrews Labor government's commitment to tackling the pervasive issue of family violence, starting first and foremost with the Royal Commission into Family Violence, which was established within the first 100 days of the Andrews Labor government coming to office.

As I said in this place on 15 April 2015, the forum was addressed by Fiona McCormack, CEO of Domestic Violence Victoria; Tim Cartwright, Acting Chief Commissioner of Victoria Police at the time; and Nathan DeGuara, the manager of the local men's referral service. The *Moonee Valley Leader* covered this event on 18 March 2015, encouraging the 200 or so attendees who were there to donate, which subsequently raised over \$1000 in support of the Luke Batty Foundation. The organiser of the forum, Barbara Dorward, has been recognised with an Order of Australia. I have previously spoken in this place about Barbara's great contribution to my local community.

The action I seek from the Minister for the Prevention of Family Violence is that she come and attend a morning tea with the Keilor East Airport West Uniting Church and invited members of the local community to discuss the second instalment of the work being done by the royal commission and provide an update on the government's plans for this very important social issue in the community.

### King River

**Mr McCURDY** (Ovens Valley) — I rise to contribute to the adjournment debate with a matter addressed to the Minister for Environment, Climate Change and Water, who is in the house at the moment. The action I seek is that the minister visit the north-east and meet with community members regarding the King River, and more particularly the mid King River group. I invite the minister to meet with stakeholders in an

effort to understand this issue. Within the magnificent King Valley lies the township of Moyhu, and it is here that I ask the minister to visit and look at the state of the King River. Anyone who looks at this river will clearly see the neglect. Keeping the river healthy and free of debris is the ultimate goal of all concerned. This is an outstanding stretch of river, but it is endangered.

Cleaning up the King River can be done without any harmful effects on the environment, and this would reap huge rewards for the adjacent landholders. The mid King River group understands that rivers change course — usually over decades or longer — but in this instance the river changes course over severe rainfall events. Fallen timber from undesirable tree species are creating a blockage, and the river cannot drain the water from the region when required. This causes avulsion, which clearly should not be happening as regularly as it is. Hence the river changes direction after regular rainfall events, which is in complete contrast to a regular river course and good river management.

I urge the minister to look at this river herself with me. I have had the catchment management authority there a couple of times. It clearly understands the issue, but its hands are tied at the moment. That is why I am requesting that the minister come to Moyhu and meet with the mid King River group. It is extremely conscientious and aware of the negative environmental effects. It wants the best for the environment as well as the landholders. It is also cognisant of the need for a clean river for its own health.

We need to work with Mother Nature and not against her, and therefore collaboration is what is needed. It is important that we solve this issue prior to the Wangaratta flood study so that the best results for landholders and the environment are recognised in the new plan going forward. I invite the minister to join me and the mid King River group for an inspection and further discussion.

### **Frankston Medicentre**

**Mr EDBROOKE** (Frankston) — My adjournment matter is for the hardworking, charismatic and energetic Minister for Health, and the action I seek is for the minister to provide details on the progress of the after-hours GP clinic at Frankston Hospital. Last year, due to the very harsh federal funding cuts, the Frankston Medicentre was due to close its doors. Thankfully the state Labor government and the Minister for Health listened to us on the plight of our community and the almost 5000 other signatories and stepped in to put up the money to ensure the service

could keep running. As I understand it, the service is now being run by locum doctors in an interim capacity.

The service location in Frankston Hospital allows our community to utilise a number of facilities such as radiology and pathology, which would otherwise be inaccessible after hours. I thank the minister for saving this vital service. I ask for her guidance on how this service can be supported whilst it is in this transition phase and seek an update on how many people have utilised this service as a result of the doctors being available at Frankston Hospital — people who would otherwise have been left out in the cold.

### **PenBus service**

**Mr DIXON** (Nepean) — I wish to raise a matter with the Minister for Public Transport regarding the PenBus service, and the action I seek is for her to revise her recent announcement on the future of the service. PenBus was a three-year trial which was funded by the federal government along with the Mornington Peninsula Shire Council. Its aim was to link Mornington Peninsula youth, who come from an area that has high unemployment for young people and very low participation by young people in further education, with training options, further education opportunities and even job opportunities right up the Mornington Peninsula to Frankston. The bus went not only to the Monash University campus in Frankston but also on to the Monash University campus in Clayton.

There are about 1000 students a week using the service, so it has been very, very popular and has obviously fulfilled a need. As I said, a lot of work has been involved. I know the member for Frankston has been involved in this, as have I and the council of Monash University. It was understood that when the trial proved that the service was viable, needed and working, it would then be funded on a continuing basis as part of Public Transport Victoria, hence the minister's involvement. The minister announced that the service had been saved, and I welcome the funding. But when you look at the fine print of the announcement, it is not an ongoing funding arrangement; it is actually another trial. We have had a three-year trial that worked, and with 1000 young people a week using this service it obviously works so it does not need another trial.

The minister has announced a further 12-month trial. Although the service will meet some of the needs, it will not meet the need for a bus to get people to early lectures at Monash University in Clayton that start at 8 o'clock and to evening lectures that finish at 6 o'clock. The trial service will not cover those lectures, and a lot of students do actually attend the university

that early or that late. The further trial is a partial response. I urge the minister to look at what I think, and everyone agrees, is a very, very important service for the young people of the Mornington Peninsula and make it ongoing and restore the hours that it was operating under the trial. We do not need another trial because the service actually works. I would appreciate the minister revisiting the commitment that she has made.

### Health funding

**Ms KILKENNY** (Carrum) — My adjournment matter is for the Minister for Health. The action I seek is for the minister to conduct an investigation into the \$650 million-funding cuts in the Victorian health system for diagnostic imaging and pathology services. As honourable members would be aware, the federal government has decided to cut \$650 million from the Medicare rebate for diagnostic imaging and pathology services. This will have a direct impact on the state's health services and budget and hurt Victorians, particularly women, forcing them and others with critical health conditions to either pay more or skip vital scans and tests.

Women in my electorate are very concerned about these massive federal cuts. Many women have contacted me directly and others have referred me to online petitions calling for a halt to these cuts. Under these cuts, due to kick in on 1 July 2016, women will have to pay for Pap smears. Members know that Pap smears are a very important health measure in the prevention of cervical cancer and without them more women will die from the disease. I look forward to telling my constituents that the Victorian health minister will fight to stop these reckless, careless and negligent cuts to health services by the federal Minister for Health and Minister for Aged Care.

### Police electronic devices

**Ms SHEED** (Shepparton) — My adjournment matter is for the attention of the Acting Minister for Police. Family violence is in the spotlight and we currently have a royal commission in Victoria looking into the matter. The police play a very important role in the area of family violence and often police officers are the first called upon to assist victims and deal with the perpetrators at the scene. There are 32 family violence units located in Victoria at various police stations across the state. The workers in these units do not go out to the family violence incidents, but rather the police officers on the beat are the ones who do that. It is the police on the beat who have to interview the victims and perpetrators, often at their homes. They have to

prepare the paperwork, and the paperwork is long and difficult and there have to be multiple copies made. This leads to an incredible waste of productivity and resources associated with the process. Unfortunately it is the case across a range of emergency service areas. We have heard about ambulance officers standing in emergency departments at hospitals for hours after delivering patients still filling out forms. It would be more practical for all these emergency service people to be back at their jobs, assisting people in the community. In the case of our police force, this is really laborious work and it is time wasting.

In this day and age it is important that technology be used to promote efficiency across all our organisations, and this should include the police force. It is entirely counterproductive that members of our police force are spending hours filling out the same sorts of forms over and over when they could be doing it on an iPad or tablet device where multiple forms are populated at the same time and those documents can then be sent off to courts and to other police stations and services that victims of family violence might be using.

Constituents in my electorate have talked to me about the lack of police resources in a number of our small regional towns. Indeed the two-up requirement — namely, that two police officers must attend call-outs together — has led to a 50 per cent reduction in police availability, and this has a significant impact in country areas. The action I seek of the minister is that he immediately take all steps necessary to equip police officers with electronic devices to enable them to complete the required paperwork in a prompt and efficient manner.

### Moorabbin High School site

**Mr STAIKOS** (Bentleigh) — My adjournment matter is for the attention of the Minister for Education, and it concerns the former Moorabbin High School site on Genoa Street, Moorabbin. The action I seek from the minister is that he ensure that community consultation takes place on the future of that site. Moorabbin High School shut down in the early 1980s. Since that time the site has been multi-use. It is the home of Bayside Special Developmental School, which occupies two buildings at the rear of the site. The school provides care and education for some of the children of this state with the most significant needs. The school has nearly 100 students and does a fantastic job.

The other buildings on the site are used by the Department of Education and Training for various offices and for the Jan Lake Centre, which is a conference centre. The remaining building on the site is

at the front of the site and has been occupied by the Gould League for most of the time since the early 1980s. That building is in a state of disrepair. It is no longer fit for purpose for the Gould League, so the Gould League is currently moving on from that building and has arranged to move into Le Page Primary School in Cheltenham. That means that there will be a piece of land at the front of the site that can be used for other uses. A number of suggestions have been made. One is for a park and a playground for children with disabilities, which is one I have personal support for. I ask the minister to ensure that the community is consulted on the future of the site.

### Portland aluminium smelter

**Ms BRITNELL** (South-West Coast) — My adjournment matter is for the Premier. The action I seek is for the Premier to commit to keeping Portland's Alcoa aluminium smelter open, thereby keeping the promise he made in December 2014 that in the state of Victoria every job is worth fighting for. In the regional city of Portland there are more than 700 jobs at Portland Aluminium that are worth fighting for. Portland Aluminium puts food on the table for 2000 families, and I say to the Premier that these jobs are worth fighting for.

There are 10 000 people in the regional city of Portland, where Portland Aluminium provides the economic backbone, and their jobs are worth fighting for. Speaking to Portland residents last week, they fear that if the smelter were to close, the population of the city would be halved. This would have a catastrophic impact across south-western Victoria.

Portland Aluminium has been Portland's most significant employer since Alcoa opened nearly three decades ago in 1987. The smelter injects \$100 million in wages each year into the city's economy. In addition it spends \$45 million on maintenance and contractors and an additional \$7 million in rates to the Glenelg Shire Council. The Portland aluminium smelter is one of Victoria's largest exporters. Total exports equate to approximately \$649 million per annum. Alcoa is an outstanding supporter of the Portland community, last year distributing \$200 000 in community grants. In 2015 groups and organisations such as primary schools, sports clubs and disability services received grants and many volunteer hours from Alcoa employees. The Portland smelter and the community are intertwined.

The Portland smelter is a credit to plant manager Peter Chellis and his team. It is an efficient plant, and it is not considered an old plant. It is 30 years younger than the Bell Bay aluminium smelter in Tasmania, which

reached a commercial agreement with Hydro Tasmania just this month to keep its doors open.

Portland, south-western Victoria and the state of Victoria cannot afford to lose Portland Aluminium. I call on the Premier to do whatever is possible to ensure that the Portland aluminium smelter continues to operate, hence ensuring the future of Portland itself.

**The DEPUTY SPEAKER** — Order! Before I call on the member for Mordialloc, I am going to rule that particular adjournment matter out of order for two reasons. Firstly, it is not to the minister responsible, the Minister for Energy and Resources; and secondly, it is the same issue that was raised by the member for Caulfield, and it seeks the same action — that is, a commitment to keep the smelter open. I allowed the member to finish her adjournment matter, which I think is appropriate in the circumstances, so it is on the *Hansard* record, but it is not an issue that the Premier will need to respond to. I imagine that the minister will respond to the member for Caulfield, and that response by the responsible minister may give comfort on that particular basis.

### CSIRO Aspendale facility

**Mr RICHARDSON** (Mordialloc) — I raise a matter for the Minister for Industry. The action I seek is for the minister to visit the CSIRO facility in my electorate, in Aspendale, to see firsthand the effects proposed changes would have on the site in Aspendale. Members of Parliament might know some of the huge achievements that CSIRO has spearheaded, one key stand-out being wi-fi, with its benefits for industry. The CSIRO in Aspendale focuses on, among other key elements, marine atmospheric research.

The proposed changes and cuts by the federal government to the CSIRO across the board are an absolute about-face from what Prime Minister Malcolm Turnbull put forward as his agenda in investing in science, industry and research. They will have a huge impact. The notion that has been put forward by the federal government that the diversion of funds or diversion of strategy by the CSIRO is about focusing on industry is an absolute falsehood. If you are cutting science and research in this particular area, you are going to have an effect on the CSIRO across the board.

One of our key growth areas is investment in energy efficiency. We know those on the other side are completely against that with their previous policies on wind farms that were completely absurd and only sent the industry interstate or overseas. They absolutely destroyed the sector during their time in office. Instead

of cutting, the federal government should be looking to invest. That is what we are doing.

I ask the Minister for Industry to come out to the CSIRO facility to understand those impacts. The cuts to jobs at the CSIRO site could see the jobs of up to 70 scientists from the 110 staff on site — people in my community — lost to Victoria. I ask the minister to come out, visit the CSIRO and hear firsthand about some of these impacts.

### Responses

**Ms RICHARDSON** (Minister for the Prevention of Family Violence) — I thank the member for Niddrie for inviting me again to his electorate to talk about the importance of tackling the harm of family violence. This of course will be the second forum that the member for Niddrie has held in his electorate. I want to acknowledge his work and his advocacy in this very important area of concern for the government and for the wider community. I would also like to thank Barbara Dorward for organising the event that we held a year ago and congratulate her on the recognition she received recently in the honour roll.

The member knows that we have done a variety of things since we had our last forum — introducing the work around the family violence index, family violence leave, respectful relationships education in our schools and also our work around creating Victoria's first gender equality strategy. All of these things will be talked about at the forum. I know that the member understands too the important educative role that these kinds of forums have for the wider community. Of course his timing is perfect; it will be immediately after the recommendations have been released from Australia's first family violence royal commission.

I thank the member for Niddrie for organising this event, and I very much look forward to being there with him, standing shoulder to shoulder with him as we try to tackle the harm of family violence.

**Ms HENNESSY** (Minister for Health) — I thank the member for Carrum for her adjournment matter. I share her dismay about the \$650 million cuts from Medicare that will impact upon the accessibility of diagnostic imaging and pathology. That of course comes on top of other significant cuts — \$17.7 billion from the Victorian health budget, \$73 million that has just been cut and another \$36.6 million from each forthcoming financial year. The point she raises is an incredibly important one. What does this do in terms of people's access to the use of preventive diagnostic imaging? I certainly will instruct my department to

investigate the impacts of those cuts and what they might mean for patients. I thank her for raising that important issue.

I also thank the member for Frankston for his adjournment matter and his loquacious, perhaps mendacious, compliments he gave me in the course of that. It is not every day that one gets that, particularly in this line of work, but I thank him for the spirit in which he opened his adjournment matter. Of course the member for Frankston has been a terrific advocate around the access to primary healthcare services in his community.

In November of last year, the Frankston Medicentre ceased to operate after the federal government withdrew funds. We have put out an expression of interest for a new service, but in the interim we have funded a temporary centre. I would be delighted to provide the member for Frankston with further details and an update on that matter. Again I thank him for his ongoing advocacy on behalf of the constituents of Frankston when it comes to healthcare.

**Ms D'AMBROSIO** (Minister for Energy and Resources) — I thank the member for Mordialloc for inviting me to come out to his electorate in the suburb of Aspendale to visit the terrific workforce at the CSIRO. I certainly look forward to that opportunity. I will ensure that I am able to get out there very quickly. I do want to note how strong a local member the member for Mordialloc is in terms of supporting local jobs. He cares about local jobs because they matter to the families in his electorate. It is very disturbing that, on the back of changes at the federal government level, with a change in Prime Minister and a lot of change in language and narrative, we have actually not seen that translate into action. Unfortunately there is a great risk that up to 70 highly qualified scientists are now at risk of losing their jobs in Aspendale. This is something that certainly concerns our government. We know that we need a highly skilled workforce. The CSIRO has been the backbone of many important innovative and inventive solutions to problems over the ages, and it should continue to be supported by the federal government.

I look forward to the opportunity to go out to Aspendale and join the member for Mordialloc to provide support to that workforce, and I will certainly be advocating very strongly in support of the maintenance of those jobs. In fact we should be doing more to grow those types of jobs and to show respect for the scientists that we have here amongst us. I thank the member for Mordialloc. I know that he will continue to stand up and speak for the families and

workers in his electorate, and I am very much committed to joining him in solidarity for that purpose.

I would also like to thank the member for Caulfield. He has sought my assurances regarding the workforce at Alcoa. I can assure the member for Caulfield that this government's no. 1 priority is to support jobs for Victorian families. In fact that was a hallmark of our election commitments, and we have not wasted a single day in supporting workers and growing the jobs that are so important for the livelihoods of many families right across Victoria. I can also assure the member for Caulfield that I have been engaged continuously in working with Alcoa and other parties on the challenges facing Alcoa and the Portland smelter in particular. That has been the case from day one after we were elected. I have engaged on numerous occasions with those concerned and will continue to have meaningful dialogue as Alcoa faces the challenges that are before it. My colleagues in government and I will continue to work through the issues that are facing Alcoa.

I certainly want to remind the member for Caulfield of our very strong record as a government in terms of supporting jobs right across Victoria. I do want to remind the member for Caulfield that he may be a very recent convert to the importance of jobs to governments. When he was a member of the previous government, the previous government failed to release a jobs plan at all before the last state election. Unemployment grew by 62 000 people, and the unemployment rate increased from 4.9 per cent to 6.7 per cent. Let us not forget the fact that it abandoned the thousands of workers at Ford, Holden and Toyota whilst its friends in the federal government challenged those businesses to close their doors and leave the country. The previous Liberal government was embarrassed into helping SPC Ardmona in Shepparton to survive. It was embarrassed; it was dragged to support SPC. It is absolutely true that it was embarrassed to do that.

I am happy to take up the adjournment matter raised by the member for Caulfield. I would like to think that he is a convert to the importance of jobs, but I remind the member for Caulfield also that under this government its strong commitment to growing jobs is paramount. Almost 69 000 new jobs have been created since we were elected. The unemployment rate is down to 6.3 per cent, and 15 700 new regional jobs have been created. The regional unemployment rate is down 1.1 percentage points to 5.4 per cent, and there has been strong economic growth. We have a vision for creating more jobs, and we will always continue to work to support jobs right across Victoria, including with Alcoa.

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — I want to thank the member for Ovens Valley for raising a really important issue — the health of some of our key rivers — and I want to acknowledge with him some of the great efforts that our volunteers make, including Waterwatch and River Watch communities, in doing a whole lot of work keeping our rivers very healthy in Victoria. What I will do is seek further advice from the local catchment management authority and also from the department in relation to any particular health issues that relate to the King River and to see what options do exist, and I will provide some further information to the member about what options may exist. I would also point out to the member that we are in the process of finalising the draft of the water plan, and one of the really critical components of that is how we improve some of Victoria's most important rivers in terms of their health. I am sure that through that process we will also be able to address some of the issues that he raised tonight.

A number of other members raised a number of other issues for ministers, and I will ask them to respond to those issues.

**The DEPUTY SPEAKER** — Order! The house is now adjourned.

**House adjourned 7.33 p.m.**