

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE ASSEMBLY
FIFTY-EIGHTH PARLIAMENT
FIRST SESSION**

Tuesday, 25 October 2016

(Extract from book 14)

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HANSARD 150



1866–2016

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

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

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

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

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

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

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

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 20 June 2016)

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Deputy Premier and Minister for Education, and Minister for Emergency Services (from 10 June 2016) [Minister for Consumer Affairs, Gaming and Liquor Regulation 10 June to 20 June 2016]	The Hon. J. A. Merlino, MP
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Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
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Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources.	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
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Cabinet Secretary	Ms G. A. Tierney, MLC

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The Hon. TELMO LANGUILLER

Deputy Speaker:

Mr D. A. NARDELLA

Acting Speakers:

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

Leader of the Parliamentary Labor Party and Premier:

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. A. MERLINO

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

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

Leader of The Nationals:

The Hon. P. L. WALSH

Deputy Leader of The Nationals:

Ms S. RYAN

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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McGuire, Mr Frank	Broadmeadows	ALP			

¹ Elected 31 October 2015

² Resigned 3 September 2015

³ Resigned 3 September 2015

⁴ Elected 14 March 2015

⁵ Elected 31 October 2015

⁶ Resigned 2 February 2015

PARTY ABBREVIATIONS

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

Legislative Assembly committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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Tuesday, 25 October 2016

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

ACKNOWLEDGEMENT OF COUNTRY

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

DISTINGUISHED VISITORS

The SPEAKER — Order! I would like to welcome to the gallery representatives from the Taungurung Clans Aboriginal Corporation, the Yorta Yorta Nation Aboriginal Corporation, the Gunaikurnai Land and Waters Aboriginal Corporation and the Dja Dja Wurrung Clans Aboriginal Corporation. Welcome.

DIWALI AND ANNAKUT EXHIBITION

The SPEAKER — Order! This week Indian communities across our state and around the world are celebrating Diwali and Annakut. The Victorian Parliament is pleased to be joining in those celebrations with an exhibition here in Queen's Hall, and I acknowledge in the gallery today representatives of 19 Indian community associations involved with the staging of this year's exhibition. The Victorian Parliament is leading parliaments globally by hosting a Diwali and Annakut exhibition for four days.

The festival of lights is significant for Hindu, Jain, Sikh and Buddhist communities but it is also significant for our Parliament. The Diwali and Annakut exhibition has become an annual feature of our events calendar, and it provides us with the opportunity to celebrate the culture and contribution of Indian communities in our state. That is a win for light over darkness, good over evil and knowledge over ignorance, in the true spirit of Diwali.

The President and I would like to encourage all members to visit this exhibition and participate in Diwali and Annakut celebrations in their electorates. In the words of Mahatma Gandhi: you must be the change you wish to see in the world.

DISTINGUISHED VISITORS

The SPEAKER — Order! I would also like to acknowledge in the gallery a group of students from Timor-Leste who are studying community development at Victoria University — Mica Barretto, Maria Varela,

Joaquim Viana, Jose Soares and Angelo Jong — accompanied by former MLC Jean McLean. Welcome to the Parliament of Victoria.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Serious sex offenders

Mr GUY (Leader of the Opposition) — My question is to the Premier. Masa Vukotic was tragically murdered on 17 March last year. At the time you stated that not a day would be wasted in fixing the justice system, and in November last year the government was handed the Harper review into serious sex offences. Premier, 12 months on, 2 of 35 recommendations from the Harper review have been implemented. Why is it taking the government so long to fix this broken system? Is this what the government means by not wasting a day?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. The tragic death of Masa Vukotic is one that I think touched every single Victorian. Certainly all of us here in this Parliament were touched by the fact that the system in its design, in its operation, in its resourcing and frankly in its honesty had failed her and her family, and that is what I have told Masa Vukotic's mother on the numerous occasions that I have spoken with her. What I have also indicated to her — and I will indicate to the Leader of the Opposition as well, who is not well informed on these matters — is that we are not wasting a moment in delivering each and every recommendation that has been made by David Harper and in other policy decisions that we have taken.

To suggest otherwise is completely wrong, and I will write to the Leader of the Opposition and detail for him in full those matters that he is so wrong about. Perhaps the briefing that he is in need of can be provided as well. I had hoped that this would not just be an obligation that the government felt compelled to deliver on but something that all members could work towards. I say that all of us have an obligation not to be shouting across chambers but to be getting on and delivering, and that is what this government will do. That is what this government has been doing and that is what this government will continue to do.

When I have indicated on numerous occasions and when other ministers with direct portfolio responsibility for these matters have indicated on numerous occasions that we would implement those recommendations and that we would continue to provide resources, support and a constant effort in these matters, we were serious

then, as we are serious now. The assertions made by those opposite are wrong. I will be more than happy to write to the Leader of the Opposition. If it is the facts he is actually interested in or a just cheap political point, regardless, I will write to him and detail exactly all the work that this government has done and will continue to do to honour the memory of Masa Vukotic. We will do everything we possibly can to ensure that a tragedy like that does not again occur in this state.

Supplementary question

Mr GUY (Leader of the Opposition) — Far from shouting, I think I asked quite clearly in a succinct — —

Honourable members interjecting.

The SPEAKER — Order! Government members will come to order and allow the Leader of the Opposition to ask a supplementary question.

Mr GUY — It was a serious substantive question about why 33 recommendations of those 35 remain unfulfilled. So I ask: Premier, with so many of those key decisions arising from the Harper review still yet to be made by the government, including whether to establish the public protection panel, where to locate a new facility for a violent sex offenders centre and what criteria will be used to establish a post-sentence scheme for serious violent offenders, and with a year gone since the Harper review was handed to you, by what date will you guarantee that all 35 of those recommendations of that review will be fully implemented by your government?

Mr ANDREWS (Premier) — As I have indicated here, the work that has been done by relevant ministers, by officials and by authorities across the government — there is an enormous amount of work that has been undertaken already. There is of course much more to — —

An honourable member interjected.

Mr ANDREWS — Well, to those on that side of the chamber who have offered criticism from a position of absolute ignorance I say that the work will be done and the work will continue. I am terribly sorry but we will not be taking lectures on wasting time from those opposite.

Mr T. Smith interjected.

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

Mr ANDREWS — Four years of wasted time and wasted opportunities — that is your legacy.

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

Mr Guy — On a point of order, Speaker, on relevance, I think I asked a fairly sensible, respectful and reasonable question of the Premier about the recommendations of the Harper review and when they will be fully implemented. I did not ask for political yelling from the Premier. I asked for a date as to when they would be fully implemented.

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

Mr ANDREWS — These are critically important matters, and it is the position of the government that they ought to be done properly. We will take the time necessary to do this work appropriately. We will not be botching things as so many opposite did during their four failed years in office.

Ministers statements: miniaturised motorcycles

Mr ANDREWS (Premier) — This morning the Minister for Roads and Road Safety and I were joined by Assistant Commissioner Doug Fryer to announce that the government will be introducing new measures into Parliament to crack down on the illegal use of miniaturised motorcycles, sometimes known as monkey bikes. Regardless of their name, they can indeed be deadly. We have seen two Victorians lose their lives: a 19-year-old who was thrown and killed from a bike while riding it in parkland; and the well-publicised, tragic case of a 34-year-old mother of two, Andrea Lehane, who was struck and killed by a monkey bike while crossing a space in a car park at a Carrum Downs shopping centre.

These changes, which we will introduce this week, will let us do all that we can to ensure that these tragedies do not again occur. The police will be given the powers to seize and impound these monkey bikes and to crush and destroy them. These bikes are used illegally on our roads. They cannot be registered. They are not safe. They do not meet standards. They cannot be lawfully ridden on a road or in any space adjacent to a road under the meaning of that term.

These laws are tough. They will involve not only the confiscation and destruction of those miniaturised motorcycles but also a fine of just over \$3000. Can I thank the member for Carrum, who has been a constant advocate to me and to other ministers on this issue. She knows and understands in a local sense how deadly

these miniaturised motorcycles can be and how important it was that we take action. We have wasted no time in delivering on this.

It is of note that Victoria Police have asked for powers, and we have given them. They have asked for resources, and we have given them. We have an absolute resolve that if you do the wrong thing, then you will pay a price for that. And that goes for those who are a menace in terms of monkey bikes.

Youth justice centres

Ms VICTORIA (Bayswater) — My question is to the Premier. Given the latest riot at the Malmsbury Youth Justice Centre on the weekend, which saw officers fleeing for their safety, is it not a fact that your government has lost control of the youth justice system to the extent that facilities like Parkville and Malmsbury are now being used as recruiting centres for organisations like the Apex gang?

Mr ANDREWS (Premier) — I thank the member for Bayswater for her question and for her interest in these matters. What occurred at that facility over the weekend was completely inappropriate.

An honourable member interjected.

Mr ANDREWS — It is interesting that those opposite, who have got lots to say on these issues today, did not have much to say when they were in government. Twenty youth justice staff cut. That is right. ‘Oh, less staff makes us safer. Less resources makes us safer!’ I do not think so.

Honourable members interjecting.

Mr ANDREWS — So keep interjecting and keep reminding us of your record. We will not cut resources. Instead I can inform the house that there are significant additional resources being put into our youth justice system. I want to take this opportunity to express the government’s gratitude to all of the staff who work in our youth justice facilities. Their welfare and their safety is very important to me and the government I lead, and we will do whatever we can to ensure their safety.

One of the things you do is provide additional resources. That sits in stark contrast to those who might ask questions today, but when they had the chance, they cut resources. And for a third time, just so everyone knows, they cut resources. That is what they did. This behaviour is appalling. This behaviour is inappropriate. All of those who are engaged in this behaviour should feel and will feel the full force of the law. What is

more, we will not ignore these issues. We will not make these issues worse by cutting the very resources that are critical to a more effective juvenile justice response and a safer workplace for those who work in our juvenile justice system.

While I am on my feet and while I have been given this opportunity by the member for Bayswater, who I again thank for her fairly recent interest in these matters, I want to thank Victoria Police. There are some who could not help themselves from cutting the budget. That is what they could not help themselves from doing. I want to thank Victoria Police for the outstanding job that they are doing particularly in relation to Operation Cosmas. That does, however, put significant pressure on our youth justice system.

What also puts pressure on our youth justice system is when you do not properly fund it. When you do not properly fund it in and of itself, when you do not properly fund TAFE, when you do not fund — —

Honourable members interjecting.

Mr ANDREWS — When you do not properly fund much at all, you do not get good outcomes. In other words, the answer to your question, member for Bayswater, is no.

Supplementary question

Ms VICTORIA (Bayswater) — WorkSafe last month reported that the lives of Malmsbury staff are endangered if things do not improve, with many believing the facility is worse and more dangerous than working in a jail. Following the Moomba riots you said that you would smash the Apex gang. Can you confirm that, given your own inaction, the only smashing going on is the Apex gang smashing the Malmsbury Youth Justice Centre?

Mr ANDREWS (Premier) — All the one-liners do not remove the fact that 210 young Victorians have been arrested by Operation Cosmas.

Honourable members interjecting.

Mr ANDREWS — Are they really? Is that right? They are experts in these matters, apparently. The facts tell a different story.

Ms Ryall interjected.

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

Mr ANDREWS — The facts tell a different story. When given a chance to invest, they cut. When given a

chance to be supportive of something that is a community issue, they play politics. When given a chance to perhaps be based in fact, they come up with this sort of nonsense we have just seen then.

Two hundred and ten. I congratulate Victoria Police, and I commit again to everyone in our youth justice system that we will do whatever is needed to keep you safe, because the work you are doing is in turn keeping Victorians safe. Playing politics with this will not remove the fact that they cut the budget when they had the chance.

Ministers statements: economy

Mr PALLAS (Treasurer) — I rise to update the house on the continuing success of the Victorian economy. The CommSec *State of the States* report confirms that Victoria has nominal annual economic growth of 5.4 per cent and is leading the nation.

Mr M. O'Brien interjected.

The SPEAKER — Order! The member for Malvern had been quiet, but now he is not.

Mr PALLAS — This follows the recent release of course of the ANZ Stateometer, which shows we were the only state in the nation that was growing above trend and accelerating on economic growth. We are leading the nation in overall job creation, and over the past 12 months we were the only state to record growth in full-time jobs. These are the dividends you get when you invest in the Victorian economy and in Victorian infrastructure, and that is despite the headwinds from Canberra.

I have often lamented that Malcolm Turnbull never actually does anything. He is the *Seinfeld* Prime Minister — about nothing, doing nothing and he peaked in the 1990s. But if he was left with the choice of doing nothing when it comes to causing harm to major infrastructure in this state — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. The Leader of the Opposition will cooperate with the manager of opposition business when the manager of opposition business wants to make a point of order. The manager of opposition business, in silence.

Mr Clark — On a point of order, Speaker, I draw your attention to sessional order 5, which provides for the minister to advise the house about matters rather than to debate issues. If the minister has nothing further

to say about his own achievements and his own portfolio, he should simply sit down.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House is equally entitled to silence when making a point of order.

Ms Allan — On a point of order, Speaker, I ask that you rule the point of order out of order. The Treasurer is quite clearly entitled within his remit as Treasurer to canvass issues relating to the Victorian economy and how decisions by the federal government clearly intersect with issues and policy matters for the Victorian economy. Those matters should be allowed to be canvassed during the Treasurer's contribution.

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

Mr PALLAS — This is a critically important piece of infrastructure — Melbourne Metro — and we are not signing up to a project that would build a station with a benefit-cost ratio (BCR) of between 0.1 and 0.4. So Malcolm Turnbull did the nation a service when he put down Peter Costello's first best adviser and made it clear that she was not speaking for the government. It is important that this state gets on and delivers the vital infrastructure for this nation. Contrast that with a federal Liberal government that is inconsistent, incoherent and also indecisive and innumerate, and I am quickly reaching the conclusion that the Liberals must be allergic to positive BCRs.

Youth justice centres

Ms VICTORIA (Bayswater) — My question is again to the Premier. Fifteen months after the Metropolitan Remand Centre riot the facility is still not fixed. Premier, how long will it take your government to fix the damage after the latest riots — this time at the Malmsbury Youth Justice Centre — and where will you put these violent teen thugs in the meantime?

Honourable members interjecting.

The SPEAKER — Order! The member for Ringwood and the member for Kew!

Mr ANDREWS (Premier) — I thank the member for Bayswater for her question. The member asks about damage that will need to be repaired as a result of completely unacceptable behaviour — criminal behaviour — that occurred at various facilities both last weekend and in recent times. Repairs will be made based on expert advice, and it will not be for politicians

to determine what will need to be rebuilt, repaired and if there are changes that need to be made. The minister with responsibilities for these matters, Minister Mikakos in the other place, has made announcements about a review — a proper inquiry if you like — into what has occurred.

Honourable members interjecting.

Mr ANDREWS — That is apparently worthy of criticism from those opposite; I would not have thought that was something you would criticise. You need to establish exactly what has gone on so that you can learn from that and make provision in the future to lessen the likelihood of that occurring again.

We will get the best engineering advice. There will be any and all resources that are needed to make those repairs and to improve the safety for staff, and of course to make sure that those facilities are safe and as secure as possible. All of those reforms, all of that rebuilding work will be done based on the best of advice.

An honourable member interjected.

Mr ANDREWS — Well, the member for Bayswater would like a program of works and for me to be detailing that now. It will be people who are properly qualified to make those repairs, which sadly does not include the member for Bayswater or myself. There will be properly qualified builders, architects and others who will do that work, and it will be done without delay because we understand that investing is how you keep the place safe, not making cutbacks. No matter how many questions and how much feigned indignation we get from those opposite, the facts are that when they had the chance, they cut instead of investing.

Supplementary question

Ms VICTORIA (Bayswater) — The Malmsbury facility was upgraded and the upgrade opened mid-last year at a cost of over \$40 million and it is now largely trashed. Premier, will your government now move all — —

Honourable members interjecting.

The SPEAKER — Order! The Chair is unable to hear the member for Bayswater. The member for Bayswater will continue, in silence.

Ms VICTORIA — Premier, the Malmsbury facility was upgraded and the upgrade opened mid-last year at a cost of over \$40 million and it is now largely trashed.

Premier, will your government now move on all of the ringleaders of these riots and put them in adult prisons?

Mr ANDREWS (Premier) — I was unaware that the member for Bayswater had toured the facility and had such an intimate knowledge of the level of damage. I think she might be well and truly making that up for dramatic effect.

Honourable members interjecting.

Mr ANDREWS — Apparently we have been on a tour, have we?

Ms Victoria — On a point of order, Speaker, the Premier is clearly debating the question, and I ask you to — —

Honourable members interjecting.

The SPEAKER — Order! The member for Bayswater will continue.

Ms Victoria — I would respectfully ask you to bring him back to answering the question that was asked of him.

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

Mr ANDREWS — Thank you for the confirmation that you have not been on a tour of the facility.

Honourable members interjecting.

The SPEAKER — Order! The Premier, in silence. I warn the member for Kew.

Mr ANDREWS — One unit is compromised, I am advised by the minister — —

Honourable members interjecting.

Mr ANDREWS — And here was I thinking that those opposite actually took these matters seriously and wanted an answer. They are never happier than when they are unhappy — —

Honourable members interjecting.

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

Mr ANDREWS — They are never happier than when they are shouting people down.

Ministers statements: Melbourne Metro rail project

Ms ALLAN (Minister for Public Transport) — I am so pleased to update the house on the substantial progress the government is making on delivering the Melbourne Metro tunnel project. We have wasted no time in getting early works started. You can go across the city and you can see the works underway. Services are being relocated, and early major works are going to start at three sites along Swanson Street early next year.

There have been independent assessments of this project, and they demonstrate that this is a project that Victoria needs. It is vital. It does not matter whether you are coming from Traralgon, Thomastown or Tarnet. It does not matter if you are coming in and out of the city for work or for study or want for the first time to be able to catch a train to the health facilities at Parkville. This is a project that unlocks the congestion and it connects the heart of the city to services for the suburbs and the regions. Infrastructure Australia and Infrastructure Victoria have endorsed this project, and Infrastructure Victoria specifically recommended against a connection to the South Yarra railway station. Why? Because it does not stack up.

Yet we have Liberals at state and federal levels, Liberals who want to spend a billion dollars, demolish 100 properties and knock over half the Jam Factory, and for what? Trains already leave South Yarra station in peak hour at a greater frequency than any train every 2 minutes. This is what they want to spend a billion dollars on. The Liberals, like the Leader of the Opposition and the federal member for Higgins, have prioritised this one billion over every other possible public transport project you could do, like extending the rail line to Mernda. They are more interested in delivering on this area of South Yarra than their promise to Frankston and the electrification to Baxter and like their commitment to Waurn Ponds and the Geelong community. It does not stack up. I have met with the member for Higgins and told her this and taken her through it, but she is more intent on blatantly misusing her cabinet position to pork-barrel her own seat.

Ms Green interjected.

The SPEAKER — Order! I recollect I have warned the member for Yan Yean.

Youth justice centres

Ms VICTORIA (Bayswater) — My question is to the Premier. Yesterday Minister Mikakos said recent

riots at Malmsbury were unacceptable and that the government condemned them. If that is the case, Premier, why were these criminals rewarded with pizza and soft drink to bring them down from the roof of the facility during last month's riot after they threatened staff and caused — —

Honourable members interjecting.

The SPEAKER — Order! The Chair is unable to hear the member for Bayswater. The member for Bayswater will continue, in silence. The member for Clarinda is warned.

Ms VICTORIA — My question is to the — —

Honourable members interjecting.

The SPEAKER — Order! The members for Macedon and Essendon are warned. Government members will come to order.

Ms VICTORIA — My question is to the Premier. Yesterday Minister Mikakos said recent riots at Malmsbury were unacceptable and that the government condemned them. If that is the case, Premier, why were these criminals rewarded with pizza and soft drink to bring them down from the roof of the facility during last month's riot after they threatened staff and caused hundreds of thousands of dollars of damage?

Mr ANDREWS (Premier) — I thank the member for Bayswater for her question. I would have thought that all of us could agree that that behaviour is unacceptable.

Honourable members interjecting.

Mr ANDREWS — Well, again — —

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

Mr ANDREWS — There are some, the questioner included, who would assert a detailed knowledge of what has gone on in this facility, and I do not know that they are entitled to that. I think they might well be making a range of things up. Perhaps the best thing I can do — —

Honourable members interjecting.

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

Mr ANDREWS — Well, if I can get a word in, the best thing I can do is perhaps ask officials of the department to perhaps brief the questioner, the member

for Bayswater, on these matters, because she clearly has little to no understanding of the facts of the matter or on how staff might manage a volatile set of circumstances, a situation — —

Honourable members interjecting.

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

Ms Ryall interjected.

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

Mr Battin interjected.

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

Mr ANDREWS — It is all about you.

Honourable members interjecting.

The SPEAKER — Order! The member for Mordialloc is also warned. I remind the house that there are a number of members of Parliament that have been warned. The Chair will not warn them again.

Mr ANDREWS — As I was saying, perhaps the best thing that I can do for the member for Bayswater is to arrange, through Minister Mikakos's office and her departmental officials, a full briefing on these matters.

Mr Burgess interjected.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Hastings

The SPEAKER — Order! The member for Hastings will withdraw himself from the house for the period of 30 minutes.

Honourable member for Hastings withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Youth justice centres

Questions and statements resumed.

Mr ANDREWS (Premier) — She would assert to have a detailed knowledge of what has gone on there. I

do not know that she has that. She is clearly in need of a briefing, and I would be happy to arrange one.

Supplementary question

Ms VICTORIA (Bayswater) — Premier, is not the reason this and the previous riots in recent months have taken place that you have lost control of the youth justice system, where staff safety is threatened, female staff are threatened with rape, gangs operate unhindered and criminal activity flourishes?

Mr ANDREWS (Premier) — I am sorry, I thought the staff were to be condemned for the tactics they used to get them off the roof!

Honourable members interjecting.

Mr ANDREWS — Why do you not work out what the youth unemployment rate is? When you know what the youth unemployment rate is, come back to me. In the meantime — —

Ms Ryall — On a point of order, Speaker, the member for Bayswater mentioned the seriousness of women being threatened with rape. I do not find the Premier's response at all funny, and I do not find the Premier's response at all appropriate.

Honourable members interjecting.

Ms Ryall — I am not laughing. Speaker, I ask you to bring the Premier back to the serious nature of the question put to him.

Ms Allan — On the point of order, Speaker, in asking you to rule the point of order out of order I think we are seeing the member for Ringwood blatantly misuse the forms of the house in a particularly unpleasant way. The Premier has been endeavouring to answer — —

Mr R. Smith interjected.

The SPEAKER — Order! The Leader of the House will be heard in silence. The member for Warrandyte will come to order.

Ms Allan — The Premier has been endeavouring to answer these questions — and, yes, these are incredibly serious and challenging issues — throughout which he has been shouted at, laughed at and screamed at by those opposite, so I would suggest the member for Ringwood's point of order be ruled out for no other reason than gross hypocrisy.

Mr Clark — On the point of order, Speaker, this is a question about a very serious matter. It is entitled to

be given an answer. It is not entitled to receive abuse or denigration of the questioner from the Premier, and I ask you to bring him back to actually answering the question.

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

Mr ANDREWS — The supplementary question is completely inconsistent with the original question, but what is consistent, though, is our government's resolve to ensure that, for instance, some 60 new staff come online over the rest of this year — and we will deliver that — and that we continue to provide to our youth justice system and our broader corrections system the resources necessary to keep staff safe and in turn to keep the community safe. We are not ones to criticise our staff; I am very proud of the work they do. I am not one to criticise our police force; I am very proud of the work they do. We will deal with the facts of this, not the political games of those opposite.

Ministers statements: Melbourne Metro rail project

Mr NOONAN (Minister for Industry and Employment) — I am very pleased to rise and inform the house of the substantial job opportunities being created through the Melbourne Metro project. Of course, as the Minister for Public Transport said, this is the biggest public transport project in Victoria's history. It will free up space in the city loop to run more services in and out of the city on lines right across the network.

I am really pleased to advise the house that more than 500 people are already working to deliver our city's newest rail line. Over 4700 jobs will be created during the life of this project. Engineers, designers, architects, construction workers, tradies and safety staff, to name just a few, will be working together to create the biggest ever transformation of our public transport system.

However, we will not be stopping there. The early enabling works package will have 88 per cent local content, and that will create further opportunities for local suppliers to generate new jobs and of course grow our economy. I am also pleased to inform the house that our major projects skills guarantee will apply to this vitally important project. Delivering on our election commitment, the skills guarantee will ensure 10 per cent of labour hours are filled by apprentices, trainees and engineering cadets.

I can advise the house today that the early enabling works package will provide opportunities for 14 apprentices, 62 trainees and 24 engineering cadets, which is a fantastic result. I am sure that every member of Parliament — everyone — can see the value in that. However, this is not the case, and sadly the petty squabbling in the federal coalition sees Victorians being held to ransom. The Sydney-centric Turnbull government are short-changing Victorians. They are robbing Victoria of its fair share of infrastructure project funding, and they should get out of the way.

Craig Minogue

Mr CLARK (Box Hill) — My question is to the Premier. In 1986 Russell Street bomber Craig Minogue unleashed terror on Victorians with his attempt to blow up the Russell Street police complex. Tragically his actions murdered 21-year-old Constable Angela Taylor and injured many others. Not satisfied with that heinous crime, two years later he committed another murder within prison. The Victorian community is justifiably horrified at the prospect of Minogue being granted parole. When confronted with a similar situation the Napthine government legislated to ensure that mass murderer Julian Knight was kept behind bars. I ask the Premier: will he guarantee that this killer will not be released into the community?

Mr ANDREWS (Premier) — I thank the member for Box Hill for his question. This is a very serious matter. The first point I will make is that when changes were made in relation to Julian Knight it is my recollection that those changes were made with the strong support of the then opposition. I think as a Parliament we made those changes, at least by a very clear majority and well beyond party lines. I think he and I would probably agree that we are a stronger state and a stronger and better Parliament for the statement we made in keeping that evil Victorian where he belongs — in jail.

As for the individual that the member for Box Hill mentions, I am aware that he has lodged an application for parole. I am always prepared to look at these matters and monitor them closely, but I am drawn to the fact that the obligations of the Adult Parole Board of Victoria today are perhaps a little clearer than they might have been 5 years ago or 10 years ago, and that is that it is a matter of law, a matter of policy and a matter of expectation in this government — hopefully in this Parliament and indeed in the broader community — that community safety is the no. 1 condition, the no. 1 issue, the no. 1 consideration —

Mr Wynne — The no. 1 priority.

Mr ANDREWS — It is the no. 1 priority, as the Minister for Planning indicates, if and when the parole board were to deal with an application made by Mr Craig Minogue. That is appropriate, not just in this case but in each and every case. The parole board is there, just as the courts are, to judge cases on their merits, but I am prepared to look at these matters as and when is necessary. However, I think we can all take some comfort that there is today much greater clarity around the responsibility, the first-order responsibility, of the adult parole board, and that is, at the top of their list, the safety of the community. No other consideration is more important. I would be confident that would be the approach that the adult parole board would bring to bear in the consideration of any application made by this individual.

Supplementary question

Mr CLARK (Box Hill) — As I understand the Premier's answer, he indicated he would give consideration to legislation. Could I ask: if he decides not to legislate, what guarantees will he give to the community that Mr Minogue will not be a danger to the community in future? If he does decide to legislate, will he indicate to the house when he will make that decision? Will he bring the legislation to the house in time for it to be passed ahead of any decision by the parole board?

Mr ANDREWS (Premier) — There are a number of hypotheticals in the member's question. Let me be very clear that I hope I speak for all members of this place and indeed all Victorians when I say that I am comforted by the fact that the adult parole board's first and really most important consideration is perhaps much clearer today than it has ever been. That should be something that we are all supportive of. I know every member of the government is. In terms of advice or considerations we might give, the government does that from time to time; in fact, every day we are giving consideration to all sorts of different issues.

The important thing to note here is that the adult parole board does have a role to play. It has an important set of functions, but I think it has a greater clarity today and a greater certainty about what its obligations and its responsibilities are than it has perhaps ever had, and that is how we will make sure that our community is kept safe. That clarity is so very important.

Ministers statements: western distributor

Mr DONNELLAN (Minister for Roads and Road Safety) — I rise today to update the house on the importance of delivering projects with good business

cases. In my portfolio I am proud to be the minister responsible for city-shaping projects such as the western distributor. What a marvellous project! It is a 6.3-kilometre link that ends Melbourne's over-reliance on the West Gate Bridge, a project that will deliver immediate travel time savings of about 20 minutes a day, take 22 000 vehicles off the West Gate Bridge, about 6000 trucks, and also create about 5600 jobs. For every dollar we invest we get a return of \$1.30.

I guess what recently concerned me was that there were some alternative propositions being put forward. I saw one in the *Herald Sun* this morning — a rotten, spiv-like investment it might be, a Baldrick-like plan — one that for every \$1 we put forward, we would lose 90 cents. We would build a billion-dollar South Yarra station, and I can see the black hand of the member for Malvern in there as well. We know what they are like. Those opposite are very much drawn to bad business cases. They are very much partners like champagne and chicken. They are drawn like flies to rotten business cases and they — —

Honourable members interjecting.

Mr Clark — On a point of order, Speaker, I draw your attention to sessional order 5, which provides that ministers who advise the house about matters not debate or engage in attacks on other members. I ask you to bring the minister back to compliance.

Mr DONNELLAN — On the point of order, Speaker, I was talking about the alternative propositions being put forward in relation to money which the Victorian government is due for being put into projects that do not return a positive investment. This was about looking at alternative policies and actually saying 'They are rotten investments' effectively.

Honourable members interjecting.

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

Mr DONNELLAN — As I was saying, this government has a strong history of actually looking at investments which will deliver a positive return. Whether it be the upgrade to the Monash Freeway, whether it be the western distributor, whether it be Thompsons Road or whether it be the Chandler Highway, at the end of the day these are rolled-gold investments, unlike what is being put forward this morning in the *Herald Sun*. That is a rotten investment, and the federal member for Higgins very much suffers from the Jackie Kelly syndrome: one stupid action always deserves another. Whether it be the \$6000

toaster or the billion-dollar station, it is a rotten, rotten investment.

CONSTITUENCY QUESTIONS

Mr Katos — On a point of order, Deputy Speaker, I have two outstanding constituency questions that have not been answered by the Minister for Police: one from 18 August, constituency question 8143, regarding the cuts she made to Waurin Ponds police station, and also one on 1 September, constituency question 10 393, asking when the minister will provide additional police to the Geelong police service area. They are now both well outside the 30 days required to answer, and I ask that you instruct the minister to answer the constituency questions.

The DEPUTY SPEAKER — Order! I will refer the matter to the Speaker for him to raise directly with the minister concerned.

Mr Watt — My point of order, Deputy Speaker, is in regard to a question on notice raised on 31 August this year, 9972. I note that it has been well over 30 days since the question was asked in reference to consultation with the Burwood police station closures, and I ask that you direct the minister to answer the question, given that she is supposed to answer within 30 days and I have yet to receive an answer for that question.

The DEPUTY SPEAKER — Order! I will refer that particular matter to the Speaker to follow up.

Brighton electorate

Ms ASHER (Brighton) — (11 853) The question I have is for the Minister for Police. My question is: when will she provide the resources to fund the additional frontline police that are needed in the Bayside area? My background to this question is that the police association has said that Bayside needs 60 additional police officers by 2022 to bring the Bayside total to 108. The background to the question of course is the most recent crime statistics in the Bayside local government area, which show a 16.2 per cent increase in crime from June 2015 to June 2016 and a 17.8 per cent increase in crime from December 2014 to June 2016. We have seen in our area increases in theft, assaults, robberies, stalking and harassment, and I call on the minister to provide these additional resources as soon as she possibly can.

Narre Warren South electorate

Ms GRALEY (Narre Warren South) — (11 854) My question is to the Minister for Education, and it

concerns the rebuild of the Hampton Park Primary School. When will construction on this much-needed project begin? I know that the principal, Leonie King, her staff and students are all very excited to see the works get underway. In fact, they are getting ready to move out of the main buildings and into the temporary buildings on the oval before the end of the year. It has been a long wait for this historic local school, but I am just so pleased that the Andrews Labor government is delivering the facilities the students and staff really deserve. I hope that construction is set to begin shortly.

Mildura electorate

Mr CRISP (Mildura) — (11 855) My question is to the Minister for Water. I seek information on the opportunistic storage of the current in-channel floodwaters in the Euston lakes. These two lakes are regulated storages associated with the Euston weir pool, and with reports of up to one or more metres above pool level there is the opportunity to store additional water in these lakes. This additional water could be used to partially pro rata offset the loss of carryover water of the Sunraysia irrigators. This is a real opportunity to further enhance water security in Sunraysia, and my request is that the Minister for Water provide information on this possibility.

The DEPUTY SPEAKER — Order! I cannot understand what the honourable member for Mildura is asking. Can he ask his question succinctly?

Mr CRISP — I am asking the minister to opportunistically store water in a set of lakes.

The DEPUTY SPEAKER — Order! I rule that out of order because that is asking for an action.

Yuroke electorate

Ms SPENCE (Yuroke) — (11 856) My constituency question is to the Attorney-General. What improvements to community safety can Yuroke residents expect as a result of the Andrews Labor government's reform to the bail system? Local residents groups are very interested in community safety initiatives. These groups include the Craigieburn Residents Association, the Highlands Community Residents Group and the Greenvale Residents Association. I also note the contribution of local residents like Jo Hardie, who has re-established the Craigieburn Neighbourhood Watch after many years of inactivity.

Residents were delighted at the \$596 million investment in policing in the 2016–17 budget, which will mean more police where they are needed, when

they are needed. Equally as beneficial is the custody officers program, which delivers on an election commitment and helps get more sworn officers on the front line in our communities. I look forward to receiving advice from the Attorney-General about benefits to the Yuroke electorate as a result of the government's important bail reforms.

Sandringham electorate

Mr THOMPSON (Sandringham) — (11 857) My question is to the Minister for Education. Last Tuesday I wrote to the Premier and the Minister for Education on behalf of many members of the Beaumaris community, calling for a cessation of tree removal works at the Beaumaris High School site pending better consultation with key stakeholders, which include the Bayside council, the Beaumaris Conservation Society, site neighbours, the wider Beaumaris community and local members of Parliament. The *Herald Sun* reports today that the president of the Beaumaris Conservation Society told the crowd that contractors had agreed to stop work until community consultation had taken place. But the Education Minister said the trees would need to go as the government pushed ahead with its commitment to build a new secondary school for 650 students.

I ask the minister: will there be a genuine consultation process or has it been overruled, noting that reinvestment in the Beaumaris High School site is supported by everyone and must carefully balance the interests of the school, the sporting co-contributor and the local community?

Bundoora electorate

Mr BROOKS (Bundoora) — (11 858) My question is to the acting Minister for Sport. When will funding be available that may assist clubs such as Watsonia Heights Football Club provide female-friendly change rooms? Watsonia Heights Football Club is a fantastic local soccer club with 285 junior players. About 30 per cent of these players are girls, and this is despite the 1970s-style change rooms not being designed to accommodate both boys' and girls' participation. The club has raised \$30 000 to revamp the change rooms to make them female-friendly and the local council has also committed financial support.

The club is seeking \$50 000 from the Andrews Labor government to make this project happen. I ask the acting minister when funding will be available to assist projects such as this.

Burwood electorate

Mr WATT (Burwood) — (11 859) My constituency question is to the Minister for Public Transport. I note that during the last election the then opposition campaigned for increased services on the Alamein line due to the fact that trains were running at 20-minute intervals during the peak period. Currently we have train services running every 15 minutes during off-peak periods compared to trains running at up to 29-minute intervals during the peak period. I ask: what specific steps has the government taken to fix what was described by the Labor Party in opposition as a ludicrous situation?

Mr Pearson — On a point of order, Deputy Speaker, I just listened to the member for Burwood's contribution. He indicated what specific steps the government is taking in relation to the Alamein line and I think that is an action. It is not seeking information, so I ask that you rule the constituency question out of order.

The DEPUTY SPEAKER — Order! There is no point of order. The member for Burwood did ask a relevant question so I rule the point of order out of order.

Sunbury electorate

Mr J. BULL (Sunbury) — (11 860) My question is for the Attorney-General. What funding opportunities are available to help support the increasing demand family violence matters place on community legal centres such as the northern community legal centre in Gladstone Park? As we know from the Royal Commission into Family Violence, an increased focus on family violence can increase the amount of reporting, which puts pressure on local services. Northern community legal centre deals with a wide range of matters, including a full range of family law services, intervention orders, civil and criminal disputes and infringement matters, but many of these also have family violence intersections.

Northern community legal centre is a fantastic place that is always looking to improve services for those affected by family violence. I again ask the Attorney-General what funding opportunities are available to support the high demand of family violence matters on the northern community legal centre.

Bass electorate

Mr PAYNTER (Bass) — (11 861) My constituency question is for the Minister for Public Transport. I am

asking: will the minister rectify the discrepancy in the cost of public transport for metropolitan and regional Seniors Card holders and support the public travel needs of seniors in regional Victoria? A constituent has brought to my attention that Seniors Card holders in regional Victoria are not receiving the same benefits as their counterparts in Melbourne. Seniors in Melbourne can travel on a daily ticket for a flat rate of \$3.90. Seniors in my electorate are paying upwards of \$6 for a daily travel ticket. At close to double the cost of a daily ticket in Melbourne, this is an expense many seniors in regional Victoria simply cannot afford. As many of the seniors in my electorate rely solely on the age pension to cover their expenses, this cost causes many to reconsider their travel plans.

In Melbourne seniors are also able to use their Seniors Card to travel between neighbouring zones for free on weekends. Our seniors residing in country Victoria are not granted the same benefit and are still charged the concession rate for their travel. Isolation is a serious issue in country Victoria, and public transport is a major concern for seniors.

Mr Pearson — On a point of order, Deputy Speaker, firstly, if I may, I just listened to the member for Bass's contribution, and he used the verb 'rectify', which would be an action, so I think that would be more appropriate to an adjournment debate than for a constituency question.

Mr PAYNTER — On the point of order, Deputy Speaker, the member for Essendon obviously missed last week not speaking in Parliament. He uses every opportunity to do so. It is mainly absolute nonsense that he speaks. My question is: will the minister rectify the discrepancy in the cost of public transport? That is a question, and I take the member for Essendon to listen more carefully.

The DEPUTY SPEAKER — Order! There is no point of order, because the member for Bass asked whether the minister will rectify discrepancies. That could be answered with a yes or no answer. If the member for Bass asked the minister 'to rectify', that would be to perform an action, and that would have been out of order. But in this case there is no point of order.

Essendon electorate

Mr PEARSON (Essendon) — (11 862) I direct my constituency question to the Attorney-General, and I ask: what is the latest information about what the state government is doing to resolve funding uncertainty amongst community legal centres (CLCs)? Essendon is

well serviced by the Moonee Valley Legal Service, located on the Wingate Avenue public housing estate, which the Premier visited last year as part of its 30th anniversary celebrations, and the Flemington and Kensington Community Legal Service. Both these CLCs perform valuable work in servicing the legal needs of some of our most vulnerable members of our community. However, the funding uncertainty as a result of the federal government has caused considerable consternation. Putting our CLCs on a firmer funding footing will go a great way in addressing these concerns.

FAMILY VIOLENCE REFORM IMPLEMENTATION MONITOR BILL 2016

Introduction and first reading

Mr ANDREWS (Premier) introduced a bill for an act to establish the position of the family violence reform implementation monitor, to provide for the functions, powers and duties of the family violence reform implementation monitor and for other purposes.

Read first time.

CRIMES LEGISLATION FURTHER 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 make miscellaneous amendments to the Criminal Procedure Act 2009, the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, the Crimes Act 1958 and the Jury Directions Act 2015 and for other purposes.

Mr PESUTTO (Hawthorn) — I ask for a brief explanation of the bill.

Mr PAKULA (Attorney-General) — This bill is introducing amendments to improve the procedure for hearing expert evidence in criminal trials, to simplify consent provisions where a reasonable belief in consent is an element of a sexual offence, to ensure relevant jury directions apply in all sexual offence cases and to increase the efficiency of criminal procedure law more generally.

Motion agreed to.

Read first time.

WORKING WITH CHILDREN AMENDMENT BILL 2016

Introduction and first reading

Mr PAKULA (Attorney-General) introduced a bill for an act to amend the Working with Children Act 2005 to require family members providing out-of-home care to obtain assessment notices, to require non-conviction charges to be considered in the determination of category C applications and reassessments and for other purposes.

Read first time.

ENERGY LEGISLATION AMENDMENT (FEED-IN TARIFFS AND IMPROVING SAFETY AND MARKETS) BILL 2016

Introduction and first reading

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — I move:

That I have leave to bring in a bill for an act to amend the Electricity Industry Act 2000, the Electricity Safety Act 1998, the Gas Safety Act 1997, the National Electricity (Victoria) Act 2005, the National Gas (Victoria) Act 2008 and the Victorian Energy Efficiency Target Act 2007 and for other purposes.

Mr SOUTHWICK (Caulfield) — I seek further clarification on the bill.

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — The bill makes various improvements to Victoria's energy legislation in relation to renewable energy feed-in tariffs, national energy markets and safety outcomes for Victorian consumers of electricity and gas, and makes other minor and technical amendments.

Motion agreed to.

Read first time.

HOUSING AMENDMENT (VICTORIAN HOUSING REGISTER AND OTHER MATTERS) BILL 2016

Introduction and first reading

Mr FOLEY (Minister for Housing, Disability and Ageing) introduced a bill for an act to amend the Housing Act 1983 to provide for the establishment and administration of the Victorian Housing Register in relation to social housing, to enable the director to determine matters relating to the

Victorian Housing Register and the allocation of tenancies in social housing, to enable information sharing between relevant persons for certain purposes, to make further provision for the delegation of powers of the director and for other purposes.

Read first time.

ROAD LEGISLATION FURTHER AMENDMENT BILL 2016

Introduction and first reading

Mr DONNELLAN (Minister for Roads and Road Safety) — I move:

That I have leave to bring in a bill for an act to amend the Road Management Act 2004, the Road Safety Act 1986, the Melbourne City Link Act 1995 and the Heavy Vehicle National Law Application Act 2013, to make consequential amendments to the Independent Broad-based Anti-corruption Commission Act 2011 and for other purposes.

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

Mr DONNELLAN (Minister for Roads and Road Safety) — The Road Legislation Further Amendment Bill 2016 will make a number of amendments to the Road Management Act 2004, the Road Safety Act 1986, the Melbourne City Link Act 1995 and the Independent Broad-based Anti-corruption Commission Act 2011, and a minor correction to the Heavy Vehicle National Vehicle Law Application Act 2013.

This bill supports a number of government priorities, including reducing congestion and improving road safety. These include facilitating the opening and the operation of the CityLink-Tullamarine widening project, implementing a national agreement to allow people who hold an overseas car licence to drive a vehicle of up to 4.5 tonnes, allowing for the imposition of alcohol interlock conditions on Victorian driver licences following an interstate drink-driving offence, cracking down on the illegal use of miniaturised motorcycles, increasing the penalties for refusing a roadside drug test and extending the time available for Victoria Police to investigate an offence of evading police.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE**Notices of motion**

The DEPUTY SPEAKER — Order! Notice of motion 2 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

PETITIONS**Following petitions presented to house:****Caroline Springs police station**

To the Legislative Assembly of Victoria:

The community want the Caroline Springs police station to be opened 24/7 and to have sufficient police patrolling the area day and night.

The community is calling for this due to the significant increase in the brazen spate of crime within the area and residents living in fear.

We ask that the Caroline Springs police station be opened 24/7 with permanent, sufficient and increased patrols within the area.

By Ms KAIROUZ (Kororoit) (243 signatures).

Gippsland rail services

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria and Gippsland draws the attention of the house to the strong community opposition of any move by the Victorian Labor government to terminate Gippsland V/Line services at Pakenham railway station.

A recent report by the state government's regional citizen jury, which did not contain a Gippsland representative, recommended that some Gippsland rail services cease at Pakenham railway station.

Commuters from other major regional cities such as Ballarat, Bendigo and Geelong have dedicated rail lines into Melbourne, and Gippsland commuters should not be further disadvantaged by having to transfer to metropolitan rail services.

The petitioners therefore request that the Legislative Assembly of Victoria call upon the Labor government to rule out any plans to terminate Gippsland V/Line services at Pakenham railway station as suggested by the government's regional citizens jury.

By Mr NORTHE (Morwell) (121 signatures).

Tabled.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**Alert Digest No. 14**

Ms BLANDTHORN (Pascoe Vale) presented Alert Digest No. 14 of 2016 on:

**Compensation Legislation Amendment Bill 2016
Crimes Amendment (Carjacking and Home Invasion) Bill 2016**

Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016

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

Lord Mayor's Charitable Foundation Bill 2016

Medical Treatment Planning and Decisions Bill 2016

Sentencing (Community Correction Order) and Other Acts Amendment Bill 2016

State Taxation Acts Further Amendment Bill 2016

Transport (Compliance and Miscellaneous) Amendment (Abolition of the Penalty Fares Scheme) Bill 2016

Transport Integration Amendment (Head, Transport for Victoria and Other Governance Reforms) Bill 2016

Victorian Fisheries Authority Bill 2016

together with appendices.

Tabled.

Ordered to be published.

DOCUMENTS**Tabled by Clerk:**

Crown Land (Reserves) Act 1978 — Orders under ss 17B and 17D granting a licence and a lease over Trentham Public Park and Recreation Reserve (two orders)

Independent Broad-based Anti-corruption Commission — Operation Exmouth: An investigation into the conduct of former Victorian public servant, Carmine Petrone — Ordered to be published

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

Baw Baw — GC31

Corangamite — C46

East Gippsland — C132

Frankston — C112

Greater Shepparton — C194

Latrobe — C93, GC31

Maribymong — C142

Melton — C167

Moonee Valley — C167

Mornington Peninsula — C189

Mount Alexander — C60, C77

Nillumbik — C110

South Gippsland — C107, GC31

Stonnington — C245

Surf Coast — C110

Whitehorse — C186

Whittlesea — C76, C188

Yarra Ranges — C155

Statutory Rules under the following Acts:

Australian Grands Prix Act 1994 — SR 133

Catchment and Land Protection Act 1994 — SR 125

Drugs, Poisons and Controlled Substances Act 1981 — SRs 131, 132

Gene Technology Act 2001 — SR 130

Metropolitan Fire Brigades Act 1958 — SR 129

Prevention of Cruelty to Animals Act 1986 — SR 127

Serious Sex Offenders (Detention and Supervision) Act 2009 — SR 128

Subordinate Legislation Act 1994 — SR 124

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 124, 125, 128, 129, 130

Documents under s 16B in relation to the *Planning and Environment Act 1987* — Variation to the Community Infrastructure Levy Order

Victorian Electoral Commission — Report 2015–16

Victorian Inspectorate — Report 2015–16.

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

Gene Technology Amendment Act 2016 — Whole Act — 1 November 2016 (*Gazette S319, 18 October 2016*)

Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016 — Part 3 — 31 October 2016 (*Gazette S319, 18 October 2016*).

ROYAL ASSENT

Message read advising royal assent on 18 October to:

Crimes Amendment (Carjacking and Home Invasion) Bill 2016

Crown Land Legislation Amendment Bill 2016
Melbourne and Olympic Parks Amendment Bill 2016

National Domestic Violence Order Scheme Bill 2016

Police and Justice Legislation Amendment (Miscellaneous) Bill 2016

Tobacco Amendment Bill 2016

Victorian Funds Management Corporation Amendment Bill 2016.

APPROPRIATION MESSAGES

Message read recommending appropriations for:

Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016

Transport Integration Amendment (Head, Transport for Victoria and Other Governance Reforms) Bill 2016.

BUSINESS OF THE HOUSE

Program

Ms ALLAN (Minister for Public Transport) — I am very keen to 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, 27 October 2016:

Alpine Resorts Legislation Amendment Bill 2016

Medical Treatment Planning and Decisions Bill 2016

Sentencing (Community Correction Order) and Other Acts Amendment Bill 2016

State Taxation Acts Further Amendment Bill 2016

Transport (Compliance and Miscellaneous) Amendment (Abolition of the Penalty Fares Scheme) Bill 2016.

There are a number of bills, obviously, on the program this week. There are five bills, and they cover a range of substantial policy matters that I am sure many members of the house will be keen to participate in the debate on. I will not go through each of the bills in detail, but I will just highlight that I understand that there is some continuing discussion between the government and

other representatives in the Parliament about the Medical Treatment Planning and Decisions Bill 2016, and we will start the debate on that bill later today, notwithstanding those other discussions.

The only other comment I wish to make on the government business program this week is that of course I should mention that following the joint sitting in the last sitting week and the motion that was moved that enabled two joint sittings, this evening we are going to be having the second of our joint sittings, in this instance to elect the new Labor Senator for Victoria. I reference that because it was part of some broader discussions that have been held across the Parliament in regard to particularly the desire to see the consideration and then potentially the passage of legislation through the upper house and of course in regard to resolving the issues around the joint sittings. That has been progressing, and I note that the upper house last week considered and passed a number of bills, certainly a great many more than have been done in recent times.

I say that because I just want to flag to the house that the manager of opposition business and I will be having some conversations this week around the potential of there being consideration-in-detail stages, whether it is this week or in future weeks, and how that might look — an arrangement to have a modest number of consideration-in-detail stages over the course of a sitting week. I know this is something the opposition is desirous of, and it was certainly something we were desirous of in opposition and did not get too many goes at. It is something we are happy to have further discussions about with the opposition in order to determine how we can establish some arrangements so that it can be put in place. I flag that now. The manager of opposition business and I have not had the chance to have these conversations, but we intend to, and that may see us come back to some items later in the week. With those few comments, I commend the government business program to the house and hope that it has the support of all in the chamber.

Mr CLARK (Box Hill) — I have to disappoint the Leader of the House and indicate that the opposition will be opposing the government business program, and that it is in relation to the issue of consideration in detail. I certainly appreciate the offer that is being made by the Leader of the House for discussions, which she made earlier this week and repeated today. However, there have been various other previous indications of discussions and suggestions about possible changes, and unfortunately the opposition has now reached the conclusion that we can only believe it when we see it happen.

We did not oppose the government business program last week in the expectation that we might indeed have been making some progress on that matter, but that did not eventuate. I certainly hope we can make progress, and certainly if we can reach resolution on that, then we will consider a government business program in that light. But at the moment, as it currently stands, about the only conclusion we can draw is that the government is very reluctant indeed to expose some of its ministers in this place to considerations in detail and that it intends to — or at least is very hesitant about doing anything other than continuing to — impose substantial workloads on the four ministers that are currently in attendance in the Legislative Council.

That is, as I pointed out to this house last week, not only likely to result in less efficient and effective consideration of the legislation; it deprives the community of having the opportunity of this house doing its job properly — of considering legislation properly in this house so that the other place can be a house of review rather than a house that does the primary work on consideration in detail. It not only deprives the community of that opportunity and of the proper functioning of this house but it is also likely to add considerably to the workload of the Legislative Council at a time when, as the Leader of the House has indicated, the government is keen to see a number of bills that are currently awaiting consideration dealt with by the Legislative Council. The fact that more and more work needs to be done in the Legislative Council is not going to assist in resolving that situation.

There are certainly bills on the government business program this week that deserve extensive consideration in detail in both houses. The greater the consideration in detail that takes place in this house and the extent to which matters can be resolved the less consideration in detail is needed in the other place. To the extent that matters remain unresolved, as I indicated last week, that is an opportunity for the minister to undertake to consider matters between the houses and to make a further attempt at resolution in the other place, but none of that is going to be possible if this bill is not considered in detail in this house in the first place.

Needless to say, issues related to planning for and making decisions about medical treatment can have profound consequences for the individuals concerned, and it is important for the whole community that we get that legislation right. I would certainly hope and expect that there is a commitment from all members to do their utmost to get the best possible outcome on that legislation. That could certainly be facilitated by consideration in detail of that bill in this place.

Similarly there are complex issues relating to the State Taxation Acts Further Amendment Bill 2016 and the extent to which it gives effect or does not give effect to a recent Supreme Court decision. Again it is important for taxation matters and matters such as the growth areas infrastructure contribution, which can have very important consequences for housing affordability, that we get those matters right as well.

In relation to the Sentencing (Community Correction Order) and Other Acts Amendment Bill 2016, ensuring that it will operate effectively to properly protect the community is something that deserves consideration in detail. So while we look forward to the possible outcomes of discussions that may take place, unless and until those matters are resolved the opposition will oppose the government business program.

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the government business program. Yet another week goes by and once more the member for Box Hill gets to his feet and says no to the government business program. I do give him credit; he did say yes last week, but it has been a recurring theme for week after week that the manager of opposition business gets to his feet and says, 'No'.

We have got three sitting weeks left. I am assuming that for the next three sitting weeks the member for Box Hill will rise to his feet and say no. I hope that to break up the monotony of his contribution he does not say 'no' but rather he says 'nein', that he does not say 'no' but 'nyet' or 'non', because 'no' is what we get week in, week out. It is 'no', 'no' and 'no'. For a bit of variety it would be nice if he maybe said 'nyet', 'nein' or 'non', but sadly week after week it will be 'no' — 'no', 'no', 'no', 'no'.

It is very difficult to accommodate the member for Box Hill and manager of opposition business's wish and desire for bills to be considered in detail when he does not express this to the Leader of the House. You would assume that if this was something of a burning desire, the manager of opposition business's hope would be sated by all of us. He would reach out to the Leader of the House and indicate, 'I really think this is important, and I really want to do this'. The reality is that this has not occurred.

The Leader of the House is an outstanding member of the Andrews government's team. She does a fantastic job in her portfolio responsibilities. However, I would like to make one observation: she is not a mind reader. She is not capable of reading the mind and the thoughts of the member for Box Hill. She is incapable of being able to determine in advance that the member for Box

Hill wants a number of bills to go into consideration in detail.

The member for Box Hill needs to open his mouth. He needs to be able to express his thoughts. He needs to articulate his burning desire for these bills to go into consideration in detail. The Leader of the House is not a mind reader, so if the member for Box Hill takes it seriously, if he really wants this to occur, he needs to reach out and he needs to express it clearly, succinctly and directly to the Leader of the House so that we on this side of the house can give the idea some thought and consideration, as opposed to having it sprung on us immediately after the Leader of the House has completed her contribution.

Getting on to the important business before the house, can I say, Deputy Speaker, it is a great day to be in government. This is a cracking government business program. The sun is shining. It is the Spring Racing Carnival. It is Melbourne. Labor is in power, and we are getting on with delivering for our community. That is just fantastic, and that is why members on this side of the house like me are so excited. It is just fantastic to be here. It is a good, solid business program. It is like running a marathon. It is another 5-minute kilometre under your belt. It is a 3.30 finish on the horizon. It is just fantastic. This is a great government business program.

I am disappointed that the opposition again is seeking to frustrate and trying to delay and deny the ability for this house to get on and do what we have been sent here to do, which is to implement our mandate and to get on with governing for all of the state. But there are still three more sitting weeks in front of us for the 2016 calendar year where hopefully the member for Box Hill might say, 'Yes, we support the government business program'. We have got three weeks; let us see if he can close a deal. I commend the government business program to the house.

Mr HIBBINS (Prahran) — I rise to speak on the government business program motion. We will not be opposing the government business program in this instance with five bills on the program. We have not requested to go into consideration in detail or put forward any amendments at this stage, although I will make some remarks about consideration in detail.

It was an election commitment that it would become a standard feature of bills in the Legislative Assembly. Obviously that has not taken place. There have been times when we have requested consideration in detail and put forward amendments and let the government know beforehand and this has not resulted in going into

consideration in detail. So I welcome comments by the Leader of the Government that she will be looking at consulting with the opposition in a way that should facilitate consideration-in-detail stages occurring in this house, and I would certainly make it clear that the Greens would be interested in being involved in those conversations. I think it would be appropriate for the Independent member, the member for Shepparton, to be involved in those conversations as well.

I note in the upper house they actually have a formal meeting before each sitting week and work out the bills and what is going to go forward. Certainly I would be open to a similar arrangement in this house if we needed to have a formal meeting beforehand where formal requests could be put forward to go into consideration in detail.

Mr Pearson interjected.

Mr HIBBINS — Putting the mindless interjections of the member for Essendon aside, we would do so in good faith. The Greens have no desire to filibuster or stymie the debate in the house, as perhaps the member for Essendon might do with the lengthy, droning contributions that he puts forward.

An honourable member interjected.

Mr HIBBINS — He makes a very good point. The fact that we have a government business program means that we can actually have a consideration-in-detail stage on bills which will not in any way hinder the passing of legislation by 5.00 p.m. on Thursday.

I welcome the fact that we are having a joint sitting to fulfil our constitutional obligations to fill a vacancy in the Senate. I am glad that we have not had a big delay on the filling of that particular vacancy, although I will make one comment. I was incredibly surprised when I heard of this vacancy. I wondered when that was going to be filled, what was the process and whether Labor members get a vote on that. I am told no, that it all gets a figured out in a committee. A committee meets and decides — —

Ms Allan — On a point of order, Deputy Speaker, we will not be taking lectures from the member for Prahran. When the Greens political party opens its conferences up to the media, then we might listen to his concerns. He is speaking completely off the motion, and I ask you to bring him back to the matter before the house.

The DEPUTY SPEAKER — Order! I ask the honourable member to come back to the motion before the house.

Mr HIBBINS — We will not be opposing the government business program in this instance, and we certainly welcome any discussions about how we can facilitate bills going into consideration in detail in this house.

Mr McGUIRE (Broadmeadows) — Life and death are the most critical questions any Parliament confronts. Historic new laws giving people greater powers to set directives about future medical treatment, including end-of-life care and wishes, will be debated this week in this house. This is a significant debate for all of us to consider carefully. The Medical Treatment Planning and Decisions Bill 2016 recognises advance care directives in legislation for the first time in Victoria. That is the importance of this legislation, because it goes to the issue of existing laws which are complex and lack certainty about how people would like to be supported at the end of their lives.

The bill is important because it makes clear and simple positions for health professionals to know a patient's medical treatment preferences and respect their end-of-life choices. It aims to provide clarity and balance, and importantly, it takes into account recommendations from the parliamentary committee inquiry into end-of-life choices. This is an important piece of legislation for this Parliament. We have been through a long and considered process.

I take up what the Leader of the House said about there being further discussions about this. Here is an opportunity for the Parliament to come together and to deliver something in the public interest that is of the utmost significance. I want also to point out that the leader of government business has made an offer for a consideration-in-detail stage. Every time I have taken part in these debates the manager of opposition business has asked that there be consideration in detail of bills; it is exactly what he has wanted. Here it is; here is the offer that has been provided by the leader of government business, and yet the manager of opposition business is refusing the proposition and saying that the opposition will oppose the government business program. I find this extraordinary. The offer has been put on the table. It is an opportunity for the opposition. However, they say that they will oppose the government business program.

So what are they actually opposing? What is the coalition opposing here? There is a bill on community correction orders that is important for law and order

reform. The Attorney-General, who I am glad to see at the table, will ensure that community correction orders are not used for very serious offences where the community expects imprisonment. Here is the government taking the necessary action and putting the laws through. It comes down to the question: is the coalition just opposing for opposition's sake?

If we look at the other legislation, we see that the State Taxation Acts Further Amendment Bill 2016 supports the government's strong financial management, which has been delivered by the Treasurer, who today in question time talked about it. It is going to implement measures which will improve the operation of various taxes and other laws administered by the State Revenue Office. Put simply, the amendment is important because it aligns the relevant — —

The DEPUTY SPEAKER — Order! This is a very narrow motion. It is not one where a member is to debate a bill, which is what the member is doing. I ask the member to come back to the motion before the Chair.

Mr McGUIRE — In rounding off my contribution, we need to specify the importance of these key bills, and that is the argument I am mounting on quality of life, on finances and on better fares. I would like to commend the Minister for Public Transport for the bill that addresses that issue as well — that is, the Transport (Compliance and Miscellaneous) Amendment (Abolition of the Penalty Fares Scheme) Bill 2016.

Here it is; a government business program that takes into account a suite of issues that are really important to Victorians. I commend this government business program to the house.

Mr CRISP (Mildura) — I rise to speak on behalf of The Nationals in coalition on the government business program. We are opposing the government business program. This is a program that has some bills to debate. The Alpine Resorts Legislation Amendment Bill 2016 combines Lake Mountain resort and Mount Baw Baw resort. The Medical Treatment Planning and Decisions Bill 2016 has had some consideration during the government business program debate. This is probably one of the most serious things that anyone has to consider, and this bill will need considerable debate. It is the bill that is worthy of a consideration-in-detail stage. As members have said, there is probably no more an important thing you will do in your life than prepare one of these directives. It has to be right, and it has to be tested in detail in this house and in the other house, because really these are life-and-death matters and they are worthy of consideration in detail.

There is the State Taxation Acts Further Amendment Bill 2016. Land tax is always a sensitive issue so I am sure there will be debate on that bill. The Transport (Compliance and Miscellaneous) Amendment (Abolition of the Penalty Fares Scheme) Bill 2016 relates to the on-the-spot penalty fares scheme. Again I think there will be considerable debate about the merits of that particular bill. There is also the Sentencing (Community Correction Order) and Other Acts Amendment Bill 2016, which will again attract a lot of attention because of the current debate occurring out there in the community on law and order.

One thing that the manager of opposition business, the member for Box Hill, did point out was the advantage of this house going into consideration in detail rather than the other place going into committee, particularly when it comes to the workload in the other place. That is well worth considering, particularly on a bill of this importance. The member for Essendon raised the issue of notice for such things, but I understand why after a number of tries the manager of opposition business got the message about the government's delivery of its election promise on considering bills in detail.

Another matter which is becoming of some concern is the publication of sitting dates for next year. They are due out now. This is affecting scheduling for next year, particularly with regard to committee hearings and other work around Parliament. The public also needs to be made aware of when Parliament will be sitting.

To clarify something for the member for Broadmeadows, we are opposing this government business program to make a point about consideration in detail. We are not knocking back the principle of consideration in detail. We just want a workable way for it to occur so that we have some prospect of success in our requests for consideration-in-detail stages, particularly this week with regard to the medical treatment bill, and also with discussions about house amendments. A very thorough treatment of the bill can only be had in this house through consideration in detail. We will be opposing the program in the hope that our request for consideration in detail of the medical treatment bill will be considered.

House divided on motion:

Ayes, 47

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

Couzens, Ms
D'Ambrosio, Ms
Dimopoulos, Mr
Donnellan, Mr
Edbrooke, Mr
Edwards, Ms
Foley, Mr
Graley, Ms
Green, Ms
Halfpenny, Ms
Hennessy, Ms
Hibbins, Mr
Howard, Mr
Hutchins, Ms
Kairouz, Ms
Kilkenny, Ms
Knight, Ms

Pallas, Mr
Pearson, Mr
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, 37

Angus, Mr
Asher, Ms
Blackwood, Mr
Britnell, Ms
Bull, Mr T.
Burgess, Mr
Clark, Mr
Crisp, Mr
Dixon, Mr
Fyffe, Mrs
Gidley, Mr
Guy, Mr
Hodgett, Mr
Katos, Mr
Kealy, Ms
McCurdy, Mr
McLeish, Ms
Morris, Mr
Northe, Mr

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

Motion agreed to.

MEMBERS STATEMENTS

Diwali festival

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — In the spirit of hope and joy I send my best wishes to Victoria's Hindu community for the festival of Diwali. The festival of lights is a time to look to all that is bright in our lives and remind us of the importance of inclusion, community and spending time with loved ones. This festival is celebrated by millions around the globe and we are privileged to have shared it here in our Parliament. The incredible diversity and the rich culture and heritage of India is one that we in Victoria are so privileged to welcome and share in. Our great state is at its best when we all come together to celebrate the joy, hope and promise that we build together in Victoria.

I would like to pay tribute to His Holiness Pramukh Swami, who passed away on 13 August 2016. He inspired millions by living his life with the ethos 'In the

joy of others lies our own'. I wish his successor, His Holiness Mahant Swami Maharaj, the very best.

I am delighted to have been given the opportunity to learn more about Hindu and Indian traditions as a result of the many Diwali celebrations that have taken place across our state, including locally in my electorate of Mill Park, which is proudly home to a thriving Indian community.

In particular, I would like to thank the Bochasanwasi Akshar Purushottam Sanstha community for their work. I have met with them before at their temple on many occasions and learnt about their work in over a hundred humanitarian programs. They make a wonderful contribution to my electorate of Mill Park and all of Victoria.

Freedom of information

Mr PESUTTO (Hawthorn) — Today I resume the freedom of information awards that we have been conducting from this side of the house in recognition of the fact that this government's promises on freedom of information and disclosure have come to nought, zero, zip, nada, zilch. This week we are focusing on the Department of Education and Training, which I should point out has previously been the subject of trenchant criticism by agencies such as the Auditor-General and the Ombudsman. We have seen scandal after scandal in recent times afflict this departmental area. This matter involves an FOI request which my friend, a member for South Eastern Metropolitan Region in the other place, Inga Peulich, made on 2 November 2015, requesting:

A document produced pursuant to s19 of the act, outlining the expenditure (including the amount) paid by [the] department, relating to catering, travel, hospitality or accommodation expenses, by the type of expenditure, for expenses paid from 1 January 2015 until the date of this request.

It took nearly a year before documents were provided. These documents were provided on 28 September 2016 — 11 months, if my maths is correct, before documents were provided. Since then several requests have been made of the department to provide actual details of the invoice, and I call on the department to rectify this oversight and answer this request.

Diwali festival

Mr SCOTT (Minister for Multicultural Affairs) — As the Minister for Multicultural Affairs, I am delighted to send my best wishes to Victoria's Hindu community as everyone gathers to celebrate Diwali, the festival of lights. All Victorians can relate to the spirit of Diwali, with its messages of hope, joy and love of family. It is a triumph of light over dark, good over evil

and knowledge over ignorance. We can see this in the way our state embraces the vibrant five-day celebration each year at festivals held across the state. Sharing our culture with one another reaffirms our state's diversity, one of our greatest assets. Diwali is a major event for Hindu communities around the world. I am sure all members are delighted to join the Hindu community in this celebration and thank the community for sharing their traditions with all of us in the spirit of cohesive diversity.

Victoria's growing Hindu community is a great promoter of interfaith understanding and harmony, and the Hindu values of cooperation, tolerance and respect are universal ideals that all Victorians can aspire to live by. The Hindu faith is the religion of the majority of people in India, and Victoria's Indian community, Australia's largest, is one of our great examples of the success of multiculturalism. I wish everyone celebrating a happy and peaceful Diwali.

East Gippsland growth opportunities

Mr T. BULL (Gippsland East) — I was pleased last week to have the Leader of the Opposition in East Gippsland visit a number of business and community leaders. Labor's decision to cut the coalition's country roads and bridges program was regularly mentioned as locals remain concerned about road funding cuts on a range of fronts. The coalition's country roads and bridges program saw \$160 million distributed directly to rural councils to repair roads and bridges. It meant \$1 million per year, per council, to 40 rural councils. It is now gone. It was great to see the opposition leader in East Gippsland discussing the growth opportunities within the region and meeting with key employers, including Patties Foods, Vegco One Harvest and Bulmer Farms.

Wild dogs

Mr T. BULL — The claim last week by this government that it is doubling the aerial baiting effort by baiting in spring and autumn is simply not correct, as the previous coalition government — which introduced aerial baiting after nothing was done by the previous government for 13 years — also baited in spring and autumn. The funds announced are less than the coalition committed as part of its package that included aerial baiting and the very successful wild dog bounty that Labor has cut and refuses to talk about. The government cannot claim to be serious about wild dog control until it reinstates the funding it cut for what was the most effective method of wild dog control, the bounty. There is no silver bullet to this serious problem, but what we do not need is misleading statements when

in fact funding and programs have been cut by a government that does not understand the problem and is happy to make unrepresentative statements from Spring Street.

Eltham South Preschool

Ms WARD (Eltham) — On Sunday my community celebrated 50 years of excellent early childhood education in the beautiful grounds of Eltham South Preschool. This preschool, which was a fantastic environment for my girls, is exceptional. Wonderful staff embrace learning through play, nurture our small people and help them immeasurably on their journey of fulfilling their potential.

It was a community effort to build the kinder 50 years ago, designed by the Frank Lloyd Wright-influenced architect, Charles Duncan, and which features a distinctive large metal spire designed by Matcham Skipper. The interior of the preschool was scaled to a child's proportion and it was built to resemble a tent, connecting the outdoors to the indoors, setting the stage of the ongoing special culture of this preschool.

It is a beautiful building with a beautiful community. The Eltham South Preschool has exceptional staff: Sue, Michelle, Jenni, Kerry and Angela. The preschool also has an amazing culture of volunteerism, including those who helped bring Sunday together: president Jenny Bradshaw, fundraising coordinator Heather Taylor and other terrific committee members. I also thank artist Jenni Mitchell, Cr Helen Coleman and Cr Bronnie Hattam for joining me in donating one of Jenni's paintings for their raffle, which raised \$500.

Greenhills Primary School

Ms WARD — The sun finally came out on Sunday and shone down on Greenhills Primary School for their school fete, and what a fete it was. There were heaps of fun activities, a great showcase of students' portraits of teachers, fun rides and a fantastic atmosphere. I particularly want to congratulate the students who participated in creating the values display artwork that now features prominently in the front garden of the school and which I helped unveil. Well done on your beautiful artwork, Kayla Charkisky, Andy Yang, Olivia Rumble, Sophie Steele, Harry Kayll, Matthew Newton-Howes, Mio Tamura, Ebony Trim, Jada Anver, Eloise Durrant, Jamilla Revitt-Mills, Julia Torrence and Dylan Huisin'tveld.

Diamond Valley Basketball Association

Ms WARD — On Sunday I attended the inaugural Diamond Valley Basketball Association Ladies League high tea, listening to the interesting and inspiring words from Janice Crosswhite, OAM, Dee Butler and Linda Mancino. It was a fantastic and very tasty afternoon. Congratulations to Jess and her team on creating a great day.

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

Sensis Business Index

Ms ASHER (Brighton) — I wish to draw to the house's attention a document that was released this month entitled *Sensis Business Index September 2016 — A survey of confidence and behaviour of Australian small and medium businesses*. Page 29 of that particular document reads as follows:

SMB confidence declined in Victoria and now sits below the national average.

The document goes on to say:

The Victorian government has become one of the least popular in the nation among SMBs.

It then goes on to say:

Victorian SMBs were critical of the state government ... The main complaints about the Victorian government are that it takes too much notice of unions and that there are too many costs and charges.

I would urge members of the government to have a look at the *Sensis Business Index*. It has been going for many years. In fact I recall under the Kirner government that small business confidence plummeted to only 2 per cent. We are seeing the opinion about this government among small and medium business holders plummet as well. I quote from the report again:

Confidence fell 15 points to a net balance of +31, which now places Victoria behind the national average.

Again I would urge the Minister for Small Business, Innovation and Trade and members of the government to read this document, because they may be able to act on it.

Darebin Creek Trail

Mr CARBINES (Ivanhoe) — Cyclists are thrilled that after 20 years of campaigning a missing link will be added to the Darebin Creek Trail in Ivanhoe, connecting it to the Main Yarra Trail, Kew East, allowing them to avoid dangerous main roads. The

Darebin trail, which runs from Epping to the ring-road in Bundoora, will be extended from the Napier Waller Reserve, Ivanhoe, through the Latrobe golf course and into Willsmere Park, Kew East, near the Eastern Freeway. A 200-metre bridge connecting Latrobe Golf Club to Willsmere Park and a 50-metre span over the Yarra River will be built as part of the plans announced by the Andrews government last week.

The work, which will be completed in late 2017, will add an extra 1-kilometre section to the Darebin Creek Trail and provide a safe and more direct route for cyclists and walkers. The new section will mean that a longstanding gap in Melbourne's bicycle network is filled and will create connectors to the Anniversary Trail, the Capital City Trail, the Koonung Creek Trail and the Gardiners Creek Trail, among others.

This \$18 million project, funded by the Andrews Labor government — on top of the work of the Minister for Roads and Road Safety, Luke Donnellan, to secure funding of \$110 million for the Chandler Highway bridge duplication, which includes an underpass for cyclists and pedestrians, and \$850 000 for the Rosanna Road safety upgrades, plus the curfew in place, which was an election commitment, on top of the 40-kilometre-per-hour zones that we have put through the shopping strips in Ivanhoe East and Ivanhoe — just shows that the roads minister and the Andrews Labor government are listening and acting on community concerns on public transport and roads in my electorate.

Safe Schools program

Mr GIDLEY (Mount Waverley) — Today in the Parliament I rise to thank the thousands of residents who have taken the time to express their disgust at the Andrews Labor government's extreme, so-called Safe Schools program. Many parents presented a petition against this extreme, completely inappropriate program to members of the Victorian Liberals on the steps of state Parliament earlier this month. So many parents that I have spoken to feel that the sacred relationship between parents and their children is being violated by this government's extreme program on fluid gender theory and sexual theory lessons, a program that parents have no control over or input into, yet their children are being forced to undertake it at schools.

The Liberal-Nationals coalition will scrap this inappropriate program and replace it with an effective school education program which focuses on a zero-tolerance approach to any sort of bullying.

Equal opportunity legislation

Mr GIDLEY (Mount Waverley) — In recent weeks I have had the opportunity to attend many faith-based schools for faith services and end-of-year events. Today in the Parliament I reconfirm both my support, and that of the Victorian Liberal-Nationals, for the right of faith-based schools to be able to employ staff consistent with the faith-based values and principles of their schools.

Unfortunately the Andrews Labor government is attempting to change the law through this Parliament, and if successful, it will remove a longstanding right. Under the Victorian Labor government's plans, schools will no longer have an exemption to equal opportunity laws which allows them to select employees with regard to their faith-based principles and values. This plan completely misunderstands what faith-based schools are about and once again disregards the right to freedom of religion for students and their parents who send their children to such schools. No wonder so many parents are saying that this government is so out of touch with the role of parents in raising children.

Hume Men's Shed Sunbury

Mr J. BULL (Sunbury) — The Andrews Labor government was elected because we promised to put people first, and that is exactly what we are getting on with doing. Recently I was extremely proud to announce \$30 000 for an expansion of the Hume Men's Shed Sunbury. After a number of meetings with representatives from the shed, it was clear to me that due to growth in membership the shed was experiencing a lack of space and needed funding to expand.

The men's shed is a place where friendships are forged and new crafts are learnt whilst old ones are passed on. They create great things for our wonderful community, and most importantly the men's shed is a place where the blokes in our community can get together and make a difference to each other and the people around them. This money will enable the shed to expand, take in more members and continue to be a place of great enjoyment and hard work for many.

I want to thank the Minister for Families and Children for providing this funding for this deserving club, but most importantly I would like to thank the committee and all the members for their hard work and for discussing with me the issues they face with their growth. Congratulations and well done.

Donald Trump

Mr J. BULL — The Republican presidential candidate, Donald Trump, represents all things I stand against in politics. I consider his politics of hate, division and fear diabolical for democracy and the free world. His inflammatory mantra is designed to cause prejudice, panic and alarm. His recent comments that he may not accept the election result are a threat to the very foundation of all free democracies. His comments around women, Mexicans, Asians and people with disabilities are an utter disgrace, and in my view he should be the very last person considered to be fit for the office of President of the United States.

U3A Sunraysia

Mr CRISP (Mildura) — Congratulations to the U3A on its 25th birthday in Mildura. This is a growing and active group that is proving that you are never too old to learn something new.

Millewa Pioneer Park

Mr CRISP — Recently I attended the Millewa Pioneer Park open day, which was celebrating its 30th anniversary. Millewa Pioneer Park was formed in 1986 after a public meeting to remember the pioneers of the Millewa. The day also involved the opening of the Meringur hall, which was recently moved from its original site to the pioneer park.

Manangatang races

Mr CRISP — The Mallee came alive once again for the annual Manangatang races this year, with a backdrop of green and not a puff of dust anywhere. These special events help define and strengthen our communities. Well done to the Manangatang Racing Club and Country Racing Victoria for making this event very memorable.

Mildura riverfront redevelopment

Mr CRISP — At last Mildura is connected to our greatest natural asset, the Murray River. This project has been a generation in the planning and 10 years in the making. As is often said, success has many fathers and failure is an orphan. This project is a success and there are so many people to thank for making this a reality. The project's history of meetings, consultations, frustrations and delays will soon be forgotten. However, the lessons learnt will be invaluable for future projects. It is time to look to the future and to the next stage of the riverfront, which involves releasing the former railyard land for townhouse development.

Such a popular spot needs the protection of residents to ensure its ongoing vibrancy and safety.

Biggest Ever Blokes BBQ

Mr CRISP — Mildura's Biggest Ever Blokes BBQ was held again this year. Initiated by passionate locals, the event attracts hundreds of men to help raise funds for prostate cancer research. It was a great day out.

Ballarat events

Ms KNIGHT (Wendouree) — It has all been happening in Ballarat, and here is just a little taste from last week. Friday night saw an amazing performance from Kevin Borich at Suttons House of Music. That man can really shred a guitar. It was awesome, and the crowd was more than a little enthusiastic. There were fabulous acoustics and an amazing atmosphere. And as an anti-fracking activist, Kevin was thrilled at our recent announcement.

Following that Ballarat welcomed about 400 delegates to the Victorian manufacturing awards — the first time these awards have been held in a regional city. A big shout out to the Minister for Industry and Employment, who is in the chamber, who swung by and spent the morning at the awards. The minister then visited Bartlett Blinds to inspect a new welding machine which was partly funded by the Andrews Labor government. This will open up new local and overseas markets for the company. This is all about jobs in Ballarat. We finished up with lunch at the Ballarat Specialist School bakery at the FARM — which stands for flexibility, adaptability, responsibility and management — campus, where I had a delicious, award-winning sausage roll.

Of course let us not forget the Royal South Street Society competitions, now in their 125th year, which see thousands of performers compete at the historic and beautiful Her Majesty's Theatre in Ballarat. Huge congratulations to the organisers who direct this mammoth task. On top of all that, Ballarat hosted a golf tournament which brought about 100 visitors to our town.

So just to recap: great musicians, manufacturing industry leaders, sports fanatics and budding artists of every discipline, not to mention a minister, all spending their money at our restaurants, pubs and accommodation venues. I will finish where I started: it is all happening in Ballarat.

Country Fire Authority emergency response

Ms McLEISH (Eildon) — The vital role that Country Fire Authority (CFA) brigades play in our communities is widely known and understood. Fighting fires is their core business but their work extends beyond structural fires to include bushfires and wildfires. The CFA, however, also plays an important role in many other emergency situations and incidents. Frequently CFA brigades are first on the scene of accidents. They arrive before the police, ambulance and the State Emergency Service (SES). Their role in this field needs to be acknowledged.

On Saturday night, during very wet and windy conditions, a car ran off the road just out of Yarra Glen. The CFA were first to attend. Last year, as I drove past a fatality which had just occurred in Kanumbra, I saw that the CFA were also first on the scene. The sheer number of brigades, their volunteer manpower and their round-the-clock dedication means that they will continue to be the first emergency service on the scene. Their work, whether it be road rescue or traffic management, for example, should not be underestimated. Almost every small community has a CFA brigade. There are 51 in my electorate, and the communities rely on them and support them, as do I. Of course the specialist skills of the SES, together with the police and ambulance service, are crucial in our state.

Murrindindi shire community events

Ms McLEISH — Murrindindi shire was abuzz a couple of weekends ago with something for everyone. The Marysville Jazz and Blues Festival, the Eildon Big Fish Challenge and Kinglake's Foggy Mountain Bluegrass Festival were all on. Although each event was quite different, there was one key common element — each event could only happen because of a strong sense of volunteerism within the community. I commend all the volunteers for their work to make their community a great place to live and to visit.

Small business sector

Mr PERERA (Cranbourne) — Last Saturday morning I had the pleasure of cutting the ribbon and formally opening the new Subway outlet in Cranbourne North. I congratulate both Ankur Desai and Himani Desai on their local business investment and wish them all the very best in their endeavours. About 45 per cent of all private sector jobs are created by small businesses in Victoria, where 97 per cent of actively trading businesses are small businesses. Last year alone the growth of small businesses created in Victoria was 1.6 per cent compared to the national growth rate of

1 per cent. These figures contradict the statement made by the member for Brighton.

Rangebank Preschool

Mr PERERA — It was also with great pleasure recently that I joined my colleague the Minister for Families and Children in the other place for the official opening of the modernised playground at Rangebank Preschool in Cranbourne West. Leading up to the 2014 state election the then Andrews Labor opposition promised \$125 000 for the upgrade of the existing playground at Rangebank. After coming to office we included these much-needed funds in the Andrew Labor government's budget, and today we see many children enjoying the modernised playground at Rangebank Preschool.

The playground now incorporates forts, trees, plants, a bridge, climbing equipment, a stage and large open play spaces. I congratulate the management, educators, parents, families and volunteers on the fine community spirit the kids enjoy at Rangebank, and I also wish to congratulate educator Barbara Ryan-Perkins on her 10-year anniversary with Rangebank Preschool.

Vermont Secondary College

Mr ANGUS (Forest Hill) — I was pleased to recently attend the Vermont Secondary College annual year 12 valedictory dinner. It was a great night to celebrate the accomplishments of the year 12 class and to hear from some of the school leaders. I wish all the students well as they undertake their year 12 exams over the next few weeks and also later on as they decide what options to choose for 2017.

Eastern Volunteers

Mr ANGUS — I recently had the pleasure of attending the Eastern Volunteers annual general meeting and subsequent 40th anniversary celebration luncheon. It was a great opportunity to celebrate the achievements of the staff, board members and other volunteers who have worked as part of the organisation serving the community in the eastern region over the last 40 years. Congratulations to all those involved in this fantastic eastern suburbs organisation.

Burwood Heights Primary School

Mr ANGUS — I was pleased to recently attend the Burwood Heights Primary School art show. As always the standard of student work on display was outstanding with a wide range of creativity apparent. I congratulate all the students on their great work, as well as principal Esther Wood and art teacher Jacqui

Carlslake and the staff for organising another very successful show. Once again it was also a pleasure to hear the school choir perform during the show. Congratulations to all the choir members and teachers on their great performance.

Orchard Grove Primary School

Mr ANGUS — I recently had the pleasure of attending Orchard Grove Primary School's year 5–6 production, which was entitled *Pirates of the Curry Bean*. It was a great production with plenty of enthusiastic acting, singing and dancing. I congratulate all the students and staff involved, both on and off the stage, on a terrific production. Also congratulations go to the volunteers and parents who played an important part in the production, particularly in preparing the great costumes.

St Luke the Evangelist School

Mr ANGUS — I was pleased to attend the St Luke the Evangelist School art show recently. It was a terrific exhibition, with all the students displaying pieces of work. My congratulations to the students as well as arts leader Kathleen Bergen, principal Jackie Purcell and the other teachers and volunteers who organised this wonderful event.

Government performance

Mr ANGUS — The 2015–16 financial report for Victoria shows both state taxes and overall government spending at record levels. This is a typical Labor financial result.

Nialin Waterson

Ms THOMAS (Macedon) — Congratulations to Nialin Waterson of Kyneton, the inaugural winner of the Parents Victoria Joan Kirner Parent Participation Award. Nialin is a quietly passionate and tireless volunteer in the Kyneton Primary School community. She has devoted hundreds of unpaid hours of her time to supporting the school community as a representative on school council and as president of the Kyneton Primary School's parents and friends club. She bakes, she makes, she writes and she lobbies, and as an occupational therapist she has a deep care for her clients and is a strong advocate for their needs. Nialin is representative of the wonderful depth of skills with which women enrich our communities everyday while asking for nothing in return. It is so fitting for her to receive an award in the name of one of Labor's own tireless campaigners, Joan Kirner.

Past adoption practices

Ms THOMAS — I want to acknowledge that it is four years to the day since the Victorian Parliament offered an apology to the victims of past adoption practices in Victoria, and today I join in affirming that apology. As our Premier, then opposition leader, said at the time:

To acknowledge the tragedy that you have endured I must affirm one simple rule — that is, to prematurely separate a mother and her newborn child against their will is to pervert the order of nature and to betray the basic tenets of civilisation. That any government or any profession might violate this rule is a concept deeply unsettling to comprehend.

I also wish to pay tribute to my constituent, Lyn Kinghorn, for her continued advocacy on behalf of those mothers whose babies were taken away without their consent.

South-West Coast electorate roads

Ms BRITNELL (South-West Coast) — This government is nothing short of useless. Government members try to pretend they are to pretend they are looking after the whole state. They stand up and tell us that. That could not be further from the truth.

The roads in south-west Victoria are deathtraps. After a solid winter our roads are falling apart. The minister visited, stood on the side of the road with the Independent member from the other place, Mr Purcell, and announced \$44 million to fix our roads, which is an insult to our councillors who tell me this is less than the annual VicRoads spend. Worse still, that money is for patch-up jobs. The thing is that many of those roads are beyond repair. VicRoads has said they cannot be patched anymore and the only option is to lower speed limits.

This government is so bad at financial literacy it cannot see that if our roads get any worse, then the state's bottom line will be impacted. The port of Portland exports about 10 per cent of the state's gross exports. If the transport routes fail or are inefficient, that figure will decrease. The condition of roads is no longer just a South-West Coast problem; they have a potential statewide impact.

Minister, you have the money, there is a sound business case and when you visited you said there was more work to do. It has been two months since we heard from you and the people of South-West Coast want to know your plans. They want this government to look beyond the tram tracks.

Women's Business Awards

Ms BRITNELL — This government spends so much time telling us they are good that they embrace diversity and equal opportunity. So you can imagine my shock when not one government MP was at the Telstra Women's Business Awards. These awards are the longest running and most prestigious awards for women in business in Victoria, but with not one minister or MP present, it once again proves that government members talk the talk but do not walk the walk.

Abbotts Road, Dandenong South, level crossing

Ms WILLIAMS (Dandenong) — I rise to thank the Abbotts Road level crossing business liaison group (BLG) for their wonderful work providing feedback for the Level Crossing Removal Authority on design options and being a communication channel to and for industry in Dandenong South. The consultation process for this level crossing removal got off to a bumpy start, but, unlike a few Liberal Party agitators, local industry representatives were keen to work with us to ensure that this project is a success, and their feedback has been infallible. They have engaged consistently since the start, staying engaged long after Liberal politicians and candidates dropped off, which was on about 2 July — surprise surprise! Despite the fearmongering of those opposite, we announced in the middle of the year that Abbotts Road would not be closed, and soon after it was announced that a rail-over-road solution had been selected. The BLG unanimously endorsed this solution, with the overwhelming feedback being that it was the most commonsense option for this location, given some of the challenges associated with the other four options that were canvassed.

Dandenong South is home to one of the largest manufacturing precincts in Australia, and addressing traffic congestion is important for business productivity, the movement of freight and to enable easier access in and out of the area for the local workforce. The removal of the Abbotts Road level crossing is an important measure to achieving all of these ends and will prevent the kinds of tragedies we have seen at this site over recent years. The BLG has been such a success that the group has expressed a desire to maintain a discussion and advocacy group for the precinct long after the life of this level crossing project, and I am more than happy to pull this together and continue this great working relationship. Work on the Abbotts Road level crossing removal will begin late next year and consultation is currently underway to obtain feedback on the design of the rail-over-road solution. We are about outcomes, not cheap politics.

Great Ocean Road

Mr RIORDAN (Polwarth) — Many communities and business operators across the Great Ocean Road are in a state of despair at the moment, with the *Geelong Advertiser* reporting that some tourist enterprises are suffering a 70 per cent downturn in trade due to the on again, off again nature of road closures on the Great Ocean Road. I personally have spoken to business operators in Lorne, Wye River, Kennett River and Apollo Bay, who all suffered great losses at Christmas due to bushfires and are now suffering because of this government's lack of real commitment to solving the landslip issues on the Great Ocean Road. At a public meeting on Saturday in Wye River VicRoads was unable to confirm when it plans to start its remediation works, how much they will cost and how long satisfactory repairs will take and when the uncertainty of the Paddy's Path landslip will be resolved. Despite VicRoads claiming they are doing all they can I witnessed firsthand, for almost 2 hours after the road closed last Friday, no functioning roadblock or advisory sign in Lorne to warn people they were about to start driving for 45 minutes in the wrong direction. Advisory signs were on the wrong side of the road, facing away from the road. This demonstrates more than anything VicRoads' lack of concern about this problem.

Dewing Creek water storage

Mr RIORDAN — I had the opportunity last week also to address a forum in Winchelsea of residents, farmers and conservationists concerned about the management of water flows and underground water in the upper Barwon River catchment. The meeting moved the unanimous motion that the government should stop Barwon Water selling land it owns for water storage at Dewing Creek. The community does not believe giving up such a useful tool in water management should be allowed in these uncertain environmental times. I am particularly grateful for the organisation and contributions by Joan McKenzie and Allen McKenzie.

Geelong electorate multicultural events

Ms COUZENS (Geelong) — Geelong's multicultural communities continue to share their culture and diversity across the Geelong region. Over the past week I have been honoured to share in a number of cultural events. The Philippine association celebrated its 14th birthday in Geelong with a traditional, beautiful and vibrant dance in costumes. Over 100 people enjoyed this special night thanks to Judy and her team. The Geelong Nepalese community held their Dashain Festival, which included wonderful

traditional dancing, singing and incredible food. Congratulations to Ram and the organisers. The North Geelong Secondary College held their multicultural festival, and the opening ceremony was amazing. Led by the Aboriginal welcome to country, students followed dressed in their traditional costumes that represented 53 countries in total. The day included a carnival and a range of cultural events for the students and visiting primary schools from across Geelong. Principal Nic was beaming with pride at the diversity of his wonderful students.

Barwon Respect netball cup

Ms COUZENS — I was also very proud to present the winning trophy at the 2016 Barwon Respect netball cup. This special event aims to engage students in discussions about healthy relationships, respect and where to get help if they or a friend are either at risk or experiencing threatening behaviour. This is a proactive approach to preventing violence against women. Local schools in the region nominate 15 students who then participate in education and discussion sessions, followed by the mixed round robin netball tournament. The grand final play-off was between Clonard College and Geelong High School. I presented the trophy to Geelong High School.

Murrumbeena Relay for Life

Mr DIMOPOULOS (Oakleigh) — It was great to see the hundreds of local people in my community come together over the weekend at Duncan Mackinnon Reserve in Murrumbeena to raise funds for cancer research in the annual Relay for Life. I know that it was not the best weekend for running or walking around an athletics track, and the candlelight event on Saturday night was forced to be cancelled because of the weather. So many people braved the rain, the hail, the wind and the cold for this important cause. I would like to pay tribute to all the teams and local community groups, sports clubs and schools as well as individuals who make this event so successful every year. Relay for Life started in Murrumbeena all those years ago. And well done to the organisers. Without you, much-needed funds would never be raised. I want to commend specifically the Bendigo community bank in Murrumbeena.

St Mary's House of Welcome

Mr DIMOPOULOS — Last week was Anti-Poverty Week. It is a sad fact that hundreds of thousands of Australians still live in poverty. It may be the homeless, those unemployed or between jobs, pensioners, refugees and even those exploited by

employers. Many people live week to week. Some struggle to put food on the table, meet a rent payment or just to be able to turn on the heating during the winter. Last week I was pleased to join many of my colleagues at St Mary's House of Welcome to serve breakfast to those less fortunate. Organisations like St Mary's are the backbone of the community. Although we gave them just one morning of our time, they do this every single day of the year. On behalf of my community I thank these fantastic organisations and all the volunteers for the work they do to make the lives of other people that little bit easier.

ALPINE RESORTS LEGISLATION AMENDMENT BILL 2016

Second reading

Debate resumed from 14 September; motion of Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change).

Mr BATTIN (Gembrook) — I rise today as the lead speaker for the opposition on the Alpine Resorts Legislation Amendment Bill 2016. To put our position at the forefront, we will not be opposing the bill. Obviously this is a bill that will amend the Alpine Resorts (Management) Act 1997 and the Alpine Resorts Act 1983. The purpose of the bill is to abolish the management boards at Lake Mountain and Mount Baw Baw and create a single entity, one board for both, the Southern Alpine Resort Management Board.

The bill will also remove a reference to Mount Torbreck as a place where an alpine resort may be declared. I will put on the record at the start that I would like to thank the department advisers, who we met up with in relation to this bill, for information on that. Removing that reference to Mount Torbreck is something that has been in consideration for a long period of time. The department has just been waiting for some other legislation to come through before seeking to remove that reference. The bill also makes some additional minor machinery amendments and corrections.

Before I go into some of the details of the bill, it is important we put on the record the importance of alpine resorts in Victoria. Alpine resorts in Victoria are important not only to the people who live in those areas but also to the entire state and to our economy, and they are important for the future. They are a holiday destination. They are a day outing. Most within this Parliament would be able to speak of an occasion in their life when they have managed to travel up to one of our alpine resorts. As a child when you travel up to an

alpine resort and see snow for the first time, it is something that sticks with you forever. It is so important that as a government you work towards ensuring the viability of alpine resorts in the future.

Alpine resorts in Victoria have faced challenges along the way — they have faced many challenges — and most of those challenges have been specific financial challenges in relation to the best way forward and how they can work effectively and efficiently. We have seen a history of a lot of government funding ending up going towards our alpine resorts to support them. While I am not standing here to oppose this bill or to say we should not be putting government funding in, it is important that the government starts to establish a program that is effective and efficient, that ensures the viability of the alpine resorts going forward and that does take into consideration the financial aspects.

Alpine resorts today face a whole world of different competition to what they did 10 years ago. It used to be that the competition was between Mount Baw Baw and maybe Falls Creek or Mount Buller, or if you dared to travel, you might go to New South Wales and one of the resorts up there. The reality now is that the resorts in Victoria face a new challenge, and that challenge is New Zealand, Japan and other parts of the world because flights are so cheap. I have actually looked at some of the resorts in Japan, and you can almost do a family trip to Japan — go and visit Tokyo and do a resorts trip up there — for a similar amount to what you would spend in a week at some of our resorts in Victoria.

That is why we need to be working towards goals in our alpine resorts that are not just around the snow and that are actually around establishing a strategy and a plan for the future, which includes the months outside of winter. Now, this year it has been hard to walk outside and believe we have not had one of the world's longest winters — probably up until today because it is actually quite a nice day today. It feels like it has gone on forever. It has obviously been quite wet, but we have seen some snowfall throughout Victoria that has been fantastic. We had a good season a couple of years ago as well, and that was reflected in the number of people that visited our resorts.

The boards' positions are vital to the operation of the resorts. The boards have to make the strategy decisions. They have to consider positions put to them. They have got to, obviously, employ a CEO. They have to take into account all the evidence involved, and they have to look at all the past financials. As a board they need to be structured and strong in what they do going forward. That is why we are not opposing this bill. Baw Baw and

Lake Mountain have challenges because of the reduced days of snowfall they have had up there. They have challenges going forward about getting tourism and getting numbers. They need to have a focus, and that focus would probably be better if they had a combined board that could work on strategies.

If you go up to Lake Mountain, you can do other sports now — not just skiing. We should be looking at how we can involve local sports clubs, from the AFL down, soccer clubs et cetera. How do we encourage other sports organisations to use the facilities up there as a training ground, not just a ski ground, during the winter period? I think we need to ensure that kind of tourism for those areas. I know the member for Narracan, who has just walked in, is very supportive of the resorts up there; he understands how important they are. The member for Narracan — and I will not steal his thunder — would probably add that the importance of those resorts to the local towns he represents could be as small as filling up with petrol, hiring chains and all the other aspects that go along with it. But if we end with the resorts only being used for snow tourism, we are going to reduce the number of days of tourism they have, which affects their entire economic strategy and the towns around them.

That is why I think that if you put a board in place, it could actually put in the strategic direction to look at mountain bikes, to look at running and to look at all the other events they could have up there. I will take up a challenge: I would love to do a good 10-kilometre run through the mountains, so if they would like to have a fun run up there, I would be more than happy to join in. I think it is important that we encourage those kinds of groups to come through, whether it is a day trip or whether it is actually going up there for a longer period of time, because when you look at the resorts themselves, you have got the accommodation. The accommodation does not get taken away during the summer; it remains there. Why do we not have strategies in place going forward? Why do we not have in place a tourism and marketing plan? Why do we not look at the best way to combine strategies for those two mountains to ensure that going forward they have a future that is about activities occurring all year round, not only during the snow season? I think that is absolutely paramount going forward.

I have got the financial reports of the boards of Mount Baw Baw and Lake Mountain. They start in 2008–09 and go up to the current date. When you look at Mount Baw Baw, when you take out the net result less government contributions, you are talking about losses of \$3 million, \$4 million and \$5 million, and these are not sustainable going forward. A strategy put in place

that combines the administration of the boards — the back of house of these venues — will ensure they have cost savings going forward.

I think Mount Baw Baw is pretty close to the hearts of most people in Victoria. Most people go to Mount Baw Baw as a day trip. It is pretty close to Melbourne; you can get up there and back in a day. Visitation numbers, I think, are something we can probably improve on. We will then start to see, with these net and gross results, an improvement in the way its facilities are maintained and managed. In the future there will be opportunities for investment in other aspects of tourism involving the resorts.

The old boards at Lake Mountain and Mount Baw Baw resorts, as I said, will be abolished by new section 77(1)(a). The bill establishes a new board called the Southern Alpine Resort Management Board. The members of the old board will have the opportunity to apply to be members of the new board. This is important and one of the reasons we are not opposing the bill, because if there are people within those boards who have been effective, they should be given the opportunity to apply for the new board going forward.

In discussions and as part of the briefing we were given on the bill we spoke about some of the debts and liabilities and the need to ensure that they will be transferred. The legislation ensures that all of the debts and liabilities will be moved across to the Southern Alpine Resort Management Board. References to the old board in legislation, deeds and contracts will now be transferred to the new board.

The amendment to the Alpine Resorts Act 1983 omits Mount Torbreck from part A of the schedule to that act. Mount Torbreck was originally put up as an area that could be declared as an alpine resort. Obviously that has not been implemented; it is probably not the best location for an alpine resort. A change to the number of days that snow falls onto the ground at Mount Torbreck means it is not an appropriate area for an alpine resort in the future. It would not actually attract any investment, and there probably could be better environmental outcomes for that area than it being established as an alpine resort. There are other minor changes.

As I said before, when we speak about the resorts I think it is important that we harp on and speak about the economic value of those resorts. When we are talking about economic value we are talking about local jobs, whether it be casual jobs or jobs that can be expanded through the year rather than just during the snow season. That is a benefit to the local community

and to the local schools up there, as it allows the growth that is required.

Areas that surround Mount Baw Baw — such as Warragul and some of the townships down there — thrive on tourism. There are obviously growth areas, so there will be other industries that will be popping up through a lot of the areas and towns around Warragul. We need to also be encouraging employment around those areas because of the population growth down through the south-east of Victoria. When we go out to areas like Warragul, we can see that growth. I know that in Cardinia — an area that I represent — we are talking about between five and seven families a day moving in. Off the top of my head I do not know the figures for the Baw Baw shire on how many people and families are moving in, but I imagine it is only going to increase. That means it is vital for whoever is in government to work with the councils to make sure that there are strategies and plans to keep jobs in that area.

The change in strategy for the mountain areas will provide a wonderful opportunity going forward to work with local councils and local chambers of commerce to ensure that they develop a business model to support the tourism industry. We have seen examples of that. I know that we tried to work on one up through Warburton, where we have bike trails. We tried to have a bike hub. If you can increase the employment up through those areas, you increase the tourism.

We have seen many of our old rail trails becoming tourism hotspots for people who love the idea of getting out and experiencing nature, like me. I am not actually a hiker who will hike through the mountains. I will be honest, I am no Tim Holding. I would stick to the main tracks and paths that are designed for us to use. There will be a focus particularly on tracks like the rail trails. If you look at the Warburton rail trail, you will see that around that trail there are businesses that thrive because of the development of that rail trail. You have got food businesses and you have got wineries. All of these establishments continue to thrive because of the increase of tourism through those areas.

If you go up to the Grampians, you will see the tourism that it attracts is because of the name of the Grampians. But once you get into the towns you see what the natural environment has done there with the creation of hiking hotspots. It creates a place for families to go, and we have now obviously got fantastically thriving towns like Halls Gap. You have got, again, the wineries up there. So why can we not do that down through the south-east? I think that is where the focus needs to be going forward.

The question to be asked now is: with the combined boards, what is the direction there going to be? Are they going to ensure that they work with the local community? I hope that what we do by combining the two boards into one is that rather than working in silos, the board will be working with the local community, with everybody around there and with their local member down there to develop a plan for the future, — a plan that results in economic return and the creation of jobs in the local area, which means jobs on the mountain and jobs off the mountain supporting industries that will be encouraged to set up there.

As I said, the opposition is not opposed to this bill. There are parts of this bill that we like the concept of. The one thing, as I said, that I think there really needs to be a focus on is when the single board is formed, they will need to have a very strong strategy to deal with the change in the number of tourism days during snowfall. They will need to work on a change to ensure that it becomes an economically viable resource for Victoria. They will need to review the last 10 or 15 years of figures to find out where we need to be moving and to ensure that the government of the day does not have to subsidise the area as much as it has.

They will also need to look at the Belgravia trial and at what was successful over the Belgravia years in reducing the amount of money that was invested from the government. What things did they do successfully that ensured that the cost of running the mountains was reduced? What things did they do in their strategy to attract more people up to the mountains, even on days when there was no snow on the mountains?

The opposition's position is to not oppose the bill. I look forward to seeing the board formed and to seeing a strategy come forward to ensure that our alpine resorts are protected for the future and that encourages more tourism days outside of those days when snow falls.

Ms GREEN (Yan Yean) — I take great pleasure in joining the debate on the Alpine Resorts Legislation Amendment Bill 2016. As the Parliamentary Secretary for Tourism and Major Events and the Parliamentary Secretary for Regional Victoria, I am acutely aware of the importance of our alpine resorts to our year-round tourism offer in regional Victoria. Acting Speaker Carbines, I know that you know that also as the Parliamentary Secretary for Energy, Environment and Climate Change.

The member for Gembrook, who led the debate on behalf of the opposition, mentioned in his contribution that Japan and New Zealand are the competitors to Mount Baw Baw and Lake Mountain. I would correct

that. He was saying that with cheaper flights and ski offers they are competitors to Mount Baw Baw and Lake Mountain. They are competitors to the other, higher mountains, but specifically the main competitors and main challengers to the viability of Mount Baw Baw and Lake Mountain are in fact the other Australian mountains — those that are higher and that have greater lifting capacity and are therefore open on more days.

The Andrews Labor government is acutely aware of how important all our — currently five — resorts are to not only those that are employed during the season but also to the hinterland. Some 6000 jobs in Victoria are derived from and supported by the ski industry, and it is a great economic driver in their hinterlands. The member for Gembrook suggested that there needed to be a strategy around this. Well, there definitely is a strategy around getting a return for state investment and also for private investment in those resorts. That is certainly demonstrated by the visitor economy review that was undertaken early in our government, and now the Visitor Economy Ministerial Advisory Committee, ably chaired by a former tourism minister, great friend and former parliamentary colleague, John Pandazopoulos.

So we as a government are investing in regional tourism, and we are actually engaging and having conversations with regional tourism operators, which really sets us apart from those that went before us. In particular we now have a Visit Victoria campaign that is being seen across all our markets, interstate and overseas. But we found in reviewing the visitor economy that it had not been since Melbourne's Yarra Valley campaign some 10 years ago that Victoria had been marketed to other Victorians, and in particular regional Victorians. Victorian tourism will only continue to be truly successful if it includes the whole state. That is why we have the Visit Victoria Wander Victoria campaign, which is very strongly focused on getting visitors out to the regions. Prior to and during this ski season it highlighted the beautiful alps and the opportunities to get out and about in them.

I fully support the proposals in the bill to amalgamate Lake Mountain and Mount Baw Baw. I think it makes eminent sense. The previous minister, now the Minister for Water, appointed the same people to both boards in anticipation of that, and the bill proposes an orderly transition to that, so it is likely that existing board members will transition to the new entity.

I am mainly a Mount Hotham skier. My older son lived and worked at Mount Hotham for eight years, and my younger son also worked up there part time, so we know the ski industry intimately. I have taken many

young relatives and friends' children to Mount Baw Baw and taught them to ski myself. The member for Gembrook referred to the closeness of that resort to Melbourne's south-eastern suburbs, and I think that Mount Baw Baw really is the nursery — and I know the other larger resorts see resorts there as the nursery — for taking on skiing and snowboarding in a bigger way. They offer a lower cost entry and a reasonable day trip, with visitors not having to drive top far from Melbourne and risk fatigue, but they are also a cheaper opportunity, because generally the lift tickets are about 50 per cent or 60 per cent of the cost of those at the other three resorts — Mount Hotham, Mount Buller and Falls Creek.

I am someone who loves looking at, when I get home from Parliament on a Thursday night, and checking out the Aldi catalogue. Once a year Aldi have a ski sale, and I prefer to buy Australian-made gear, but they do offer a really cheap entry point for particularly families like those in my community, those that I know the member for Narre Warren South represents and those represented by the member for Cranbourne and other members who are only a few short hours — or 90 minutes — from Mount Baw Baw. It really means that a family can give it a red-hot go.

The member for Gembrook referred to the Belgravia experience, and I think that was probably the only thing that the previous government actually had a crack at. That involved just contracting out to the private sector for these smaller resorts and not having a long-term strategy. So I am not sure that we will be taking advice from the member for Gembrook on that issue. The reason why skiing is still viable in this state, despite climate change, is the investment by private operators, supported through grants by primarily Labor governments through previous ministers John Thwaites and Tim Holding, in snow guns and snow-making, and support for dams that have allowed the recycling of water and even from black water. That is really what has ensured that we are still able to ski here in this state. I know that we have got some flat-earthers in the Parliament who say, 'We don't believe in climate change' — those on the other side — but if you are a skier you definitely know it is occurring. I am really pleased, and I know that those that I ski with are really pleased, that governments have supported these sorts of investments so that we can continue to enjoy alpine sports in this state.

We are also not blind to looking at the opportunities for the rest of the year or year-round. For example, earlier this year I was at Falls Creek, and the board up there have a great proposal to establish a better cross-country skiing facility in their Nordic Bowl and also to put in an

all-seasons surface, where football can actually be played, and which can be used as a training facility. I know that many of the AFL clubs are using our Victorian Alps for high-altitude training rather than spending a lot of money and going to the United States. I think there are fabulous opportunities for Lake Mountain and Mount Baw Baw. Lake Mountain in particular, having been devastated by being burnt in the Black Saturday fires along with the tragic losses of life and property around Marysville, is now getting back on its feet. It is certainly very, very important to the economy of Marysville and other towns in Murrindindi shire.

We as a government are certainly alive to the opportunities for tourism and the opportunities for families to get outdoors and spend time together in our beautiful environment. That is why we are promoting tourism certainly beyond Melbourne and encouraging people to share everything that is beautiful about Victoria. I commend the bill to the house.

Mr T. BULL (Gippsland East) — It is a pleasure to rise and make a contribution on the Alpine Resorts Legislation Amendment Bill 2016. As we have heard, this bill makes amendments to the Alpine Resorts (Management) Act 1997 and the Alpine Resorts Act 1983. These amendments abolish the management boards of Lake Mountain and Mount Baw Baw alpine resorts, replace these boards by establishing the Southern Alpine Resort Management Board, remove a reference to Mount Torbreck as a place where an alpine resort may be declared and make additional minor machinery amendments and corrections.

The second-reading speech went into detail in relation to the economic importance of our alpine resorts in Victoria, and this is absolutely true. While I do not have an alpine resort in my electorate, I have two big ones that sit just outside — just outside — the electorate, and they still play a very, very important role in the economy of a number of towns within my region. The resorts I am referring to are Mount Hotham and Dinner Plain — and I note the member for Yan Yean mentioned experiences she has had at marvellous Mount Hotham — and they provide huge economic benefits to towns like Omeo, Swifts Creek, Bruthen and Bairnsdale, where people stop over on their way up.

I was up there for the Dinner Plain season opening last year, and it just highlighted how big an economic driver that is to townships like Omeo that sit in the foothills of the snowfields. While it does provide economic benefits to the region, it is certainly something that we would like to grow and develop, especially for the economies of towns like Omeo and the like. I

understand there is some impediment under promotional guidelines to being able to promote these snowfields as part of the East Gippsland region because they sit just a matter of kilometres outside what is the Tourism Victoria regional boundary.

To market our region, you might look at things like being able to experience the magnificence of the Gippsland Lakes in the morning or some of the national parks and then, within a matter of hours, be on the snowfields. This is certainly a major point worth promoting, raised with me over the course of the week just gone by a local businessperson who is impacted by this. There does appear to be an impediment to promoting areas of significance like the alpine resorts that are just out of your geographical tourism region. It is something I certainly intend to follow up, because it is true that alpine resorts are amongst the most important economic pillars of our state. They are an asset to the tourism industry and of course a massive recreational resource and a key driver of our regional economies. To not be able to use that because of a line on the map is something that, if it is in place, we certainly need to look at rectifying.

The member for Yan Yean spoke about a number of contributions that have been made to alpine resorts by Labor governments. There have also been some significant announcements and progress made by Victorian coalition governments as a way of securing the financial viability of alpine resorts by focusing on an all-industry approach driving year-round attractions that are environmentally friendly. These alpine resorts obviously do not only have to be occupied in the snow season, and we are seeing increasing uses like trail rides, walks, horse rides and the like opening up these resorts and the areas around them over the non-winter periods. The then coalition government's reforms saw more than \$36 million invested in alpine resorts during its term in government, which improved the resorts' financial sustainability and preserved the surrounding aesthetic. The funds contributed to those sorts of projects that were deemed to be environmentally friendly and appropriate for those areas.

If we take a brief look at the detail of this bill, the old boards known as the Lake Mountain Alpine Resort Management Board and the Mount Baw Baw Alpine Resort Management Board will be abolished by the new section 77(1)(a). Accordingly, the new board will refer to the Southern Alpine Resort Management Board, which will be established in a later section of the principal act. In essence new section 77 abolishes the old boards and transfers all of their assets, liabilities and property to the new board on the day of

commencement, which will be 1 August 2017, unless that can be fast-tracked to an earlier date.

In particular new section 77(1) provides that members of the old boards will be eligible for the new board and I think this will be a very important step, because there would be a wealth of experience and knowledge on those old boards. To be able to transition members of the old board and bring that knowledge onto the governance of the new board would be very important.

New section 77(1) provides for all debts, liabilities and obligations to be transferred to the new board, so that will create a business-as-usual scenario. It substitutes the new board as a party to any existing contract or arrangements to which the old board was a party. Again I see this as important, particularly for people that might be involved in the service delivery area to these resorts because we have a change in the overarching management and administration structure. Those contracts need to be adhered to to provide job security for people who have been lucky enough to have them. The new section's references to the old board in legislation, deeds, contracts and other documents are to be read as references to the new board.

It seems a little bit strange to be talking about alpine resorts as we enter the summer period. The alpine resorts in my area have certainly been right at the forefront of some of our most severe fires in recent years. So whilst we are putting in place a new management structure it would be slightly remiss on the eve of summer to not mention in a week that has been dedicated to fire preparedness that these resorts are also in some of the most fire-prone areas in our state. In East Gippsland we are one of the three most fire-prone areas in the world, so it is certainly pertinent to note that.

Speaker, as has been mentioned, we will not be opposing this bill. I certainly wish the new Southern Alpine Resort Management Board all the very best with its future administration.

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the Alpine Resorts Legislation Amendment Bill 2016. As other speakers have said, this is an important piece of legislation because it looks to drive greater efficiencies through the creation of a single organisation and a single board.

Often I think when you look at having these levels of consolidation you can make significant gains, particularly in terms of back office operations, by having more efficient payroll systems, administrative systems and those broader corporate service functions. So if we can look at having these organisations merge

and being far more efficient, it is a very good thing. The other point I would make is that as a general principle when you look at trying to have that level of rationalisation with a smaller number of organisations, but organisations which are quite large in scale, you find that you can attract and keep people longer because they can have a career path.

A case in point might be to go back and look at the council amalgamations in the 1990s, when the Kennett government reduced the number of councils from over 200 down to, I think, 78 at the time, and then there was an increase by one to 79 today. That led to a greater level of professionalism amongst council officers. It provided more of a career path and it provided more opportunities for that cohort of people who chose to work in local government. I think that giving people a sense where they can say, 'We can have a small number of organisations that are quite large and provide more opportunities for your staff', is a very good thing.

In preparing for debate on this bill I noted that Lake Mountain is 1433 metres high. That prompted me to ask myself the question: what is the difference between a mountain and a hill? Clearly it is Lake Mountain and not Lake Hill. I learnt that the distinction is largely unclear and subjective and goes back some period of time.

In the United Kingdom it used to be that they regarded anything greater than 1000 feet, or 300 metres, above sea level as being a mountain, but hill walkers have tended to regard mountains as peaks of 610 metres above sea level. In fact the *Oxford English Dictionary* also suggests a limit of 2000 feet, or 610 metres. Interestingly I note — and I did not realise that such a document exists — that the *Great Soviet Encyclopaedia* defines 'hill' as an upland with a relative height of up to 200 metres. Apparently in the UK and Ireland today a summit is described as at least 2000 feet, or 610 metres, high, while the official UK government's definition of a mountain — we are now at the stage where there is official terminology in place — is 600 metres or higher. There are some different definitions, including a 'topographical prominence requirement', which is typically 100 feet, or 30 metres, or 500 feet, or 152 metres.

Apparently if we were in Scotland, not in Victoria, we would not refer to it as Lake Mountain; we would refer to it as Lake Hill, because in Scotland mountains do not exist. They only refer to hills such as the Cuillin Hills or the Torridon Hills. In Wales the distinction is used more as a term of land use and appearance and has nothing to do with height. That is quite interesting. In

the US a mountain is defined as being 1000 feet, or 304.8 metres, or more tall.

The other point to note in looking at the contrast between terms for some of the other areas of the United Kingdom is that a hillock is a small hill. Other words include knoll, and in Scotland, Northern Ireland and northern England its variant is a knowe. Artificial hills may be referred to by a variety of technical names, including mound and tumulus. It is interesting; we just think of it as Lake Mountain, but clearly there are those differences.

I did not realise this, but a drumlin is apparently an elongated whale-shaped hill formed by glacial action, while a butte is an isolated hill with steep sides and a small flat top formed by weathering. A kuppe is a rounded hill or low mountain typical of central Europe. A tor is a rock formation found on a hilltop. It is also used to refer to a hill, especially in south-west England. There is a term 'puy', which is used especially in Auvergne in France to describe a conical volcanic hill. And I like this term: pingo. You might ask: what is a pingo? A pingo is a mound of earth-covered ice found in the Arctic and in Antarctica. So there you have it. That is why it is Lake Mountain and not Lake Kuppe, Lake Tor, Lake Put, Lake Pingo, Lake Butte or Lake Drumlin. I compare and contrast that with Mount Baw Baw, which is 1567 metres. I will not go through the differences again in terms of what that might mean for Mount Baw Baw if it was not known as a mountain but Pingo Baw Baw.

Apparently there is no lake near Lake Mountain. In fact Lake Mountain was named after George Lake, who was the surveyor-general at the time. I understand that the first recorded European ascent of Mount Baw Baw was by Baron Ferdinand von Mueller in 1860. You might ask yourself the question: who was this baron and how did he come to ascend Mount Baw Baw? Ferdinand von Mueller was appointed by Governor La Trobe as the government botanist in 1853. He was later a director of the Royal Botanic Gardens in Melbourne, and he also founded the National Herbarium of Victoria. He also named a number of plants in the course of his career, and that is worthy of note.

From a geological perspective — and I know, Acting Speaker Carbinis, this will be of interest to you — the Baw Baw massif consists of a late Devonian granodiorite pluton, which I think is interesting. In terms of the vegetation around the mount, the lower slopes of the plateau are covered in montane eucalypt forest and tall forest, and the creek valleys have cool temperate rainforest of myrtle beech, otherwise known

as nothofagus cunninghamii. Above 1200 metres snow gum woodlands occur, which I think is relevant as well. Usually the snow cover is only between June and September.

Mount Baw Baw is also renowned for eucalyptus regnans, which apparently is the tallest flowering plant on earth. It is reported that the Robinson tree, measured at 143 metres by licensed surveyor G. W. Robinson, which was cut from the slopes of Mount Baw Baw, if accurate — and I am not sure if it is accurate or not — would be the tallest tree ever measured by an accredited source. As you can see, this is quite a rich area from a geological perspective as well as from a botanical perspective.

My great claim to fame, I suppose, following the member for Gembrook's contribution, is that I too saw the snow for the very first time at Lake Mountain when I went up there with my parents in the back of an HJ Kingswood Holden in about 1981.

An honourable member interjected.

Mr PEARSON — It was long before the Torana. It was quite an interesting time. I grew up in a family where we neither had the time nor the money to learn to ski, but I recall at the time being quite taken with seeing the snow, which was something that I had never seen before. My father managed to borrow a toboggan, so it was quite interesting.

Coming back to the economics, it is important that we try to make sure that we have organisations that work well. The gross state product for the snow season in 2015 was \$671 million, and there are approximately 6000 effective full-time jobs in Victoria as a result of this great industry. This is about giving the industry some degree of confidence. It is about making sure that people who live in these rural communities have the sense that there is a career path for them if they choose to work in the industry, that investments are being made and that they have a sense of vigour, vim and purpose in relation to an organisation, which is what this will be.

It is a wonderful opportunity to speak on a bill like this. I do hope that the members present appreciate the subtle but important differences that exist between a mountain and a hill. I know I found that distinction of great interest and great enjoyment, and I hope others are similarly pleased. I commend the bill to the house.

Ms SANDELL (Melbourne) — I am sure members will appreciate me not subjecting them to a long speech about the differences between hills and mountains or about the history of barons in Victoria. It seems like this

government will do anything to avoid going into consideration in detail, and it seems like the member for Essendon is surely angling for a ministry, although I am not sure that that contribution was of ministerial quality.

The Greens support the measures in this bill, which are largely uncontroversial and, as other members have pointed out, just give legal effect to what has already been done in practice, which is the merger of the two alpine resort management boards into one. However, I do want to acknowledge that we see this bill really as a bit of a missed opportunity for serious and systematic reform of these two resorts and also a missed opportunity to reform all of the management boards which are entrusted with our really precious natural resources. In particular, by reaffirming the status of the Lake Mountain and Mount Baw Baw areas as exclusively alpine resorts we are not addressing the pressing reality of climate change. Will these low-lying resorts really be sustainable as exclusively alpine resorts into the future? That is a question that is not being asked.

This bill also misses an opportunity to reform the boards in a way that truly makes them accountable to their important stakeholders. Many stakeholders, especially environmental groups, were sidelined in the upcoming report about the future of these resorts, and that is really not good practice by this government. Given the context of the failed attempt to privatise both resorts, the damning report by the Auditor-General on the financial mismanagement and accounting malpractice of these resorts and their unique position as not only the alpine resorts closest to Melbourne but also those that are most susceptible to the impacts of climate change, this bill could have been an opportunity to look at all of these issues and to reform the boards and the management of the resorts, but the government is not taking that opportunity.

I am very glad to see that the minister has directed the boards in their upcoming reports to pay particular emphasis to the issue of climate change. That is great, because we know that CSIRO modelling is showing us that global warming will significantly reduce the level of natural snow cover in Victorian alpine regions. Lake Mountain and Mount Baw Baw in particular are at lower altitudes than most other alpine resorts, meaning the effect of climate change will hit them harder and sooner than anywhere else. In fact we have known for years that these resorts are very vulnerable to climate change, and unfortunately we really need to be planning for shorter snow seasons in the future, less snowfall and a higher risk of bushfires.

An independent State Services Authority report from eight years ago recommended that Lake Mountain Alpine Resort simply be turned over to Parks Victoria management due to the existing limited development opportunities on the site for winter activities. Likewise, the review recommended that Mount Baw Baw be instead oriented toward summer season and nature-based tourism, which would deliver the long-term financial benefits that other members have talked about and ensure strong conservation standards on the mountain. These changes would require us to actually face the reality and acknowledge the scientific evidence that says that these resorts really are not viable exclusively as alpine resorts but should be used for other purposes as well.

The State Services Authority report also highlighted statutory obligations under the Alpine Resorts Act 1983 to ensure equitable access to these resorts by persons of varied cultural and socio-economic status. Keeping them primarily as alpine resorts effectively locks out a large proportion of the Victorian and Australian community — those who cannot afford to go skiing and who cannot afford to participate in snow-based activities. Really we have not done enough to open up these areas to make them accessible to every Victorian, and we need a plan to make sure that they are accessible to everyone, not just the most wealthy.

The report I referred to also highlights the act's objective, which is the management and use of resorts on a sustainable basis and in a manner that is compatible with the alpine environment, having regard to environmental and ecological considerations.

While the final report of the joint management boards on future options for Lake Mountain and Mount Baw Baw is yet to be released to the public, I note that we have already seen some serious issues emerge, especially in terms of consultation on this report. The contractors managing the consultation process made no assessment of the environmental values of the resorts, nor was any significant input sought from individuals or community organisations who have expertise in the environmental area. In particular some key independent stakeholders, such as environmental groups, were not invited to make a submission to the report. The report claimed to be based on the insights of everyone who works, visits and has an interest in the resorts, but by locking out environmental groups and key independent stakeholders in fact it was really only based on the insights of a select few individuals and a select few groups, which is not good practice. In fact in the online feedback form for the report there was not even an option for environmental non-government organisations to make a submission. This really calls

into question the extent to which the upcoming report, the recommendations of which the government will presumably act on, does in fact genuinely represent the community's views. I would argue that it does not.

I also note that the report was meant to be delivered to the minister over a month ago, in early September, but I have had advice from the Department of Environment, Land, Water and Planning that the report is yet to be delivered. So I would like to know when this report will be made public, when we will have a serious debate about how our alpine resorts and alpine areas are used and in particular when we will put conservation values at the centre of that debate.

The last thing we need at this critical moment, when large areas of our state are facing huge threats from bushfires and climate change, is a bandaid solution that just papers over those issues and does not actually address how we use our land, how we can best get conservation outcomes and also how we can best get recreational outcomes from our public land. In fact we do not even have a recreational strategy for public land use across the state, which is putting a huge amount of pressure on our parks in particular when perhaps we are not utilising other areas properly for recreational uses.

I really urge the government to take up some of the points that I have raised in my speech today, to look at the accountability and transparency mechanisms, to look at how we can actually embed responding to climate change in these boards and to look at how we can make sure that this bill is not just a bandaid solution and not another missed opportunity. Otherwise, if we do not look at some of these serious matters, I think that a lot of environmental groups will start to lose confidence in whether this government is truly trying to protect the environment or whether it is just happy to pay lip-service to it but not do anything in reality.

Ms WARD (Eltham) — I happily rise to speak on the Alpine Resorts Legislation Amendment Bill 2016. Like the member for Essendon, I too managed an affordable trip up to the snow as a child. My family did not have a lot of money, and as the member for Melbourne indicated, skiing and visits to the snow are not always affordable, but I tell you what, you can go up in your old Mazda 808, as we did, with a few pairs of footy socks and your gumboots and an old baby bath and still have plenty of fun in the snow. It was not bad at all.

Our alpine resorts are an integral part of our tourism industry. They provide activities and facilities to many Victorian visitors and holiday-makers across the rest of Australia. Although Mansfield does not feed into the

two mountains that we are discussing today, along with the member for Eildon, I was there on Thursday and saw just exactly how beautiful our high country can be and the amazing amount and array of industries that are operating out of our high country that go well beyond skiing. There is a lot going on in our high country and our alpine regions, and they absolutely need to be supported.

Ms McLeish interjected.

Ms WARD — I am glad the member for Eildon and I are on the same page. It does happen.

In recent years our alpine resorts have been faced with many difficulties, particularly, as the member for Melbourne indicated, the ongoing reality of climate change. We do need to do things to address these concerns, and I am very happy and proud to say that our government is doing exactly that. We have brought in a number of legislative changes since being elected, just under two years ago, to help address that issue and to help this state be a leader in addressing climate change.

Consistent with the recommendations from the Victorian Auditor-General's report in 2015, the alpine resort management boards are absolutely in need of reform, and we have acted on this and we are going about this in a very systematic and straightforward manner. We are taking a step towards making the direction of Mount Baw Baw and Lake Mountain alpine resorts clearer for all those involved. We want to abolish the alpine resort management boards for Mount Baw Baw and Lake Mountain, establish a new Southern Alpine Resort Management Board with all the appropriate functions and powers to manage both resorts efficiently and in line with current recommendations. This will easily, I am sure, transfer all the current assets, rights, liabilities and staff from the old boards to the new board. I am glad that we are transferring staff over, and as we know, we in the Labor Party are very focused on preserving and maintaining jobs. By showing this interest and that we want to improve things up in the alpine resorts, we are showing that jobs are absolutely important to us.

Tourism is a central and integral part of alpine life, and it is not just about skiing, but the National Institute of Economic and Industry Research has estimated that the product contribution of the 2015 winter season was about \$671 million, which is a huge input into those communities. The alpine resorts provide substantial economic benefits to both state and local communities that benefit from the flow of visitors during snow seasons. During the 2015 snow season Victorian alpine

resorts received 763 000 visitors and 1 387 000 visitor days, which was a 13 per cent increase in visitors and a 5 per cent increase in visitor days compared to the 10-year average from 2005 to 2014. So Victorians are embracing our snowfields, as well as interstate visitors and international visitors. Around 5 per cent of international snow visitors are up there.

We do need to improve our facilities in our alpine resorts, and we are well on our way to doing this. There are challenges with the facilities at Baw Baw and Lake Mountain, and the creation of a single management board will allow for the ongoing maintenance of facilities to ensure the excellent condition at the two resorts and aim to increase visitation even more. Mount Baw Baw and Lake Mountain resorts are our lower altitude alpine resorts, and they are going to be sooner affected by climate change than other resorts, which is indicated by the cessation of operations at Lake Mountain before the end of the snow season. In the executive summary of the winter 2015 end-of-season report from the alpine resort coordinating council, a concerning statement is made, and I quote:

Snow was largely absent from resorts for the traditional opening weekend and significant snowfall did not arrive until towards the middle of July.

As the member for Melbourne has indicated, addressing climate change is important, and it helps when you have got a body that is joined together that can actually be on the same page and work together to help address those concerns on the mountains themselves and try to combat what is going on, but also adapt to the realities of climate change. With climate change becoming an ever-increasing problem, particularly for alpine areas, having comprehensive policies and plans for climate change at the alpine resorts is incredibly important for the ongoing functionality of the resorts. The establishment of a single management board will create new means for comprehensive strategic planning against climate change that will assist in minimising the social and economic impacts of climate change in the alpine areas.

We are not reinventing the wheel here. We know that this has actually happened before. In 2004 a single management board was established to manage the Mount Buller and Mount Stirling resorts by the then Minister for the Environment, the Honourable John Thwaites. The change allowed for the management board to operate the two resorts efficiently into the future and has been viewed as a success for the two resorts — something I am sure we will be able to achieve with this legislation.

The Victorian Auditor-General's report highlighted a greater need for financial accountability of the Mount Baw Baw and Lake Mountain alpine resorts. By creating a single management board for the two resorts, the Victorian government can assure better management and accountability of finances for the two resorts by having the finances of both handled by one group instead of two. This just makes absolute sense. It is common sense, and it is practical. In forming a single management board, there will also be better cost effectiveness of management, as administrative work and services will be handled by one board staff instead of being duplicated for two different boards. I am sure everybody concerned will be very glad to receive only one lot of minutes instead of two.

By having one group responsible for the decision-making process unnecessary spending is also likely to be cut, as the matters presented to the board will now affect both resorts. This will help keep the resorts affordable for most Victorian families, which is absolutely important. We want people to be able to afford not just to visit our snowfields but also to go bushwalking, to go camping and to do all the activities that you can do across our alpine resorts.

Statistics from the Alpine Resorts Coordinating Council 2013 report the *Economic Significance of the Victorian Alpine Resorts — Summer* show that there were over 375 000 visitor days for the season. Three-quarters of the visitors were Victorians. We had home-grown economic activity, but we also had visitors from interstate. Mount Buffalo had the most overseas visitors, at nearly 5 per cent. Interstate visitors constituted up to 30 per cent of the visitors to Mount Baw Baw.

Activities on our mountains include bushwalking, tennis, boat racing, mountain biking, swimming, road cycling, downhill cycling, cross-country cycling, athletics training, nature watching, photography and regional food and wine trails. I have to say, it is the regional food and wine trails that particularly interest me. It is estimated that the summer season generates around \$93.7 million of economic activity, nearly \$15 million on accommodation alone. These are really important economic drivers of our regional communities and really help our smaller towns stay viable and sustainable. We need to encourage and improve job prospects in our regional areas. Simplifying things means that we will be able to continue that journey.

The Alpine shire receives 40 per cent of this economic benefit, and it is actually worth around 10 per cent of the Alpine shire's gross regional product. This creates

up to 1000 jobs, which is nearly 500 full-time jobs. The Alpine shire gets 378 jobs, the Baw Baw local government area (LGA) gets 109 and Mansfield gets 270. The rest of the nearly 1000 jobs are in the other LGAs.

For every night on the mountain, people tend to spend 4.4 nights in one of the towns off the mountain. The average stay in the region is around 6.2 days. This is a significant economic benefit that really boosts these communities. Spending nearly a week in a region is highly beneficial. People spend real money when they visit. They not only pay for accommodation, they also visit restaurants, they visit cafes, they visit galleries, they visit bookshops and they visit gift shops. They are taking part in a whole variety of activities that will help boost regional economies.

It is important that we manage these resorts in the best possible way so that Victorian families can continue to have affordable holidays. We are coming up to cup weekend. Last cup weekend I was up in Porepunkah with five other families, having a fantastic time with our kids and experiencing our high country. I am glad to say that we are investing money in the Mount Buffalo Chalet, which we also visited last year. It will be a fantastic day facility for people going up our mountains, especially during summer when the rhododendrons are out and just absolutely beautiful.

In consideration of these changes the Department of Environment, Land, Water and Planning have consulted with the current board members and stakeholders. They have engaged with those that might be affected by the changes and they understand their views. It is a terrific effort, and I commend the bill to the house.

Ms McLEISH (Eildon) — I rise to make a contribution to the Alpine Resorts Legislation Amendment Bill 2016. As we have heard, this bill amends two acts, the Alpine Resorts (Management) Act 1997 and the Alpine Resorts Act 1983. The absolute primary focus of this bill is to abolish the management boards of Lake Mountain and Baw Baw alpine resorts, replace them with a newly constituted board and establish the Southern Alpine Resort Management Board. In addition there is a reference to Mount Torbreck as a place where an alpine resort may be declared, which is being removed, and the bill contains other small changes.

When we look at the Lake Mountain resort, which I am extremely familiar with because it is in my electorate, and the Baw Baw resort, we can see they have had a difficult history. These amendments are being put

forward as a way of looking at the future perhaps a little differently, with the engagement of stakeholders to develop recommendations for future sustainability. I think about this, and certainly during my six years in Parliament, that is what they have been trying to do all the time at Lake Mountain. It is difficult. They suffered very much after the Black Saturday bushfires when many of the facilities and structures at Lake Mountain were destroyed.

These two resorts are great places to learn to ski. They are really accessible from the city. They are terrific for beginners. The road to Lake Mountain itself is really easy to navigate, so that is not challenging at all.

It also offers accessibility cost wise. This is very much at the lower end. They are absolutely beautiful places, these resorts. They operate year round.

I was quite disappointed to hear the contribution from the Greens, who seem to think the resorts are exclusively about snow when there are so many activities that happen there year-round. I know the member for Melbourne probably does not get out of the city much, but she could have actually had a look on the internet to find out the activities that are offered. I have been to the Lake Mountain. They have flying foxes, and there is lots of walking, bike riding and things like that.

I want to read from the *Victorian Alpine Resorts End of Season Report — Winter 2015* for a moment:

During the 2015 snow season Victorian alpine resorts received 763 000 visitors and 1 387 000 visitor days. This level of visitation represents a 13 per cent increase in visitors and a 5 per cent increase in visitor days compared to the 10-year average from 2005 to 2014. Visitation for 2015 was down by 2 per cent measured in visitors and 1 per cent measured in visitor days compared to the 2014 season.

If one examines the visitation over the last decade, there are certainly peaks and troughs. What I do want to mention is that the snow depth at Mount Baw Baw was well above the 10-year average from late July, whilst the snow depth was below the 10-year average at Lake Mountain. We have a look at the depth of snow. It alters each year.

I understand that for every 10 000 visitors to Lake Mountain there is a \$1.1 million spend in the local area. I think that is quite substantial. Certainly the local area around Lake Mountain, including Marysville, Buxton and Narbethong — that is, the Marysville triangle — and other smaller communities further afield rely very heavily on visitors to Lake Mountain.

As I have said, it is terrific for tourism and for learning to ski. What I have noticed in the last couple of years is the number of newer Australians who actually venture to Lake Mountain. They are experiencing the snow, and they are experiencing the region. There does not need to be a lot of snow for them to have a great time. I have seen — at the opening of the ski season when there has been hardly any snow — the man-made snow providing a small toboggan area. That experience and the laughter and the fun that the families have when they visit is really terrific. The snow-making technology obviously makes that available. There is that new technology that is being picked up more and more in alpine areas in Victoria. Guns are used at Lake Mountain; they have got 6 guns. I think they have 12 at Baw Baw.

I do have a number of concerns with this bill because we are establishing a new resort management board, the Southern Alpine Resort Management Board. The members of the two boards that are there now can reapply. What concerns me is that the minute the Labor government came to power they pretty well sacked the existing boards. I am not sure whether those existing board members are going to be okay to apply for the composition of the new board. I would like to see board members that know something about the area, are from the area or know something about the mountains, rather than just being appointed from the city.

I understand also that 12 or so years ago similar models were put in place. They were proposed and failed. There was one CEO at the time over two mountains. These two mountains are very different. Lake Mountain only has two large structures. There is no on-mountain accommodation. There are restaurants or hotels nearby and you can get food from them during the day. I imagine that there will be two sets of books kept or that they will have to differentiate between the two mountain resorts, because they are quite complex and different. If one mountain resort is not doing so well, you do not want to have its performance hidden.

I am also worried about the funding required to pay for a good CEO. The board members have been told that their role is hands off and specifically around governance. If the board members have some experience of running mountain resorts and they have appointed a CEO that does not have that background, I guess this opens up some degree of risk, particularly as the available funds to appoint a top-notch CEO might not be forthcoming. These are certainly some of the issues that I see.

I want to talk about Mount Torbreck, which probably will get bypassed a bit in this debate. As I said earlier,

there was a reference in the principal act to Mount Torbreck as a place where an alpine resort might be declared, which has been removed. Mount Torbreck has been in the news of late. People might not know where Mount Torbreck is. It is closer to Eildon and other towns. It is in the middle of a circle encompassed by Taggerty, Enochs Point, Marysville and Cambarville.

Only a number of years ago a group of volunteers set out on a mission to rediscover an overgrown crash site. There were family members involved. They did discover the site, and they placed a memorial there. They had some good help from the Department of Environment, Land, Water and Planning, and that was terrific. Last year, I think, they had a minute's silence at the refurbished memorial to mark the 75th anniversary of the plane crash and remember the four Royal Australian Air Force members who died in the crash. That has been terrific, and I received an update probably only a few months ago about that group of volunteers, who have gone on to maintain the area and remove some of the trees. They felt there had been evidence of a walking track that had been used. It is terrific news that Mount Torbreck has actually been able to get back on the map, I suppose, because for a while it was certainly forgotten. It is certainly not going to be an alpine resort, but it is still an area that people can go to; they can visit the memorial and have a really great hike in a fairly unique area.

As has been said already, the coalition is not opposing this bill, but certainly I do have some concerns about how easy this is going to be. Whilst the two resorts might be fairly close as the crow flies, the route between them is not so easy to travel. Some of those roads are very challenging in wintertime in particular. I would very much like to see that some of the good work that has been done is continued at Lake Mountain and that all of the previous year's work that the board has done and the strategic direction that the board has started to take is not thrown out so that they would have to start again. I am sure that is the same in Baw Baw — that lots of work has been done by the existing board. Some members were obviously lost when the board was sacked when this government came into being. They really do need to have a look at what has been done and not reinvent the wheel.

I know there have been discussions with stakeholders. In Marysville there have been lots of discussions with the Lake Mountain community because it is so integral to the success of Marysville and vice versa. They are really co-dependent, and I look forward to a positive future in that area. I certainly acknowledge that it was

very challenging this year as the great snows got washed away by rain.

Mr CARBINES (Ivanhoe) — I am pleased to make a contribution on the Alpine Resorts Legislation Amendment Bill 2016, particularly in my role as Parliamentary Secretary for Energy, Environment and Climate Change. I have had opportunity to spend time in our alpine resorts, and I certainly want to acknowledge the contribution so far of a variety of members, particularly those on the other side of the chamber who have represented these alpine regions in this chamber for some time. I have had the opportunity to meet with many of the stakeholders, businesses and community organisations involved in our alpine resorts, particularly during the snow season.

I certainly note the member for Yan Yean, not only in her role as Parliamentary Secretary for Tourism and Major Events, but as someone who has always had an affinity and an engagement with the slopes to make sure that she is across those issues. It is fortunate, certainly for me in my role, to have her there in her role as Parliamentary Secretary for Regional Victoria. She has been very helpful when we have been engaging with the stakeholders, particularly around the opening of the ski season.

I have had the opportunity these past two years, firstly, to travel to Mount Hotham to meet with the Mount Hotham Resort Management Board CEO, Jon Hutchins, and Debra Spring, who was the chair at the time I was there. It gave me an opportunity, along with the member for Ovens Valley and others, to meet with the board and to get an understanding of the work that they do. They are very professional people with great backgrounds in the community, and they are really putting in a great deal of work. The opportunity to meet with the lodge owners, the ski lift operators and other businesses — and there are a great range of different people involved in alpine resort communities, including emergency services workers and others — I think has certainly been helpful for me.

Again this year during the opening of the ski season I went on behalf of the minister to meet with the Mount Buller Alpine Resort Management Board to discuss the range of work that they are doing. I commend John Huber, the CEO, and of course Jennifer Hutchison for the work that they have done and the leadership they have shown at Mount Buller, which stands Victoria in good stead in terms of those regional communities and their economies and also in terms of the tourism capacity to employ people, to reinvest and to be custodians of that public land, which is also the role of those resort management boards.

Over the past couple of years in this role I have had the opportunity to work my way around to different alpine resort communities, to meet with these boards and to see how they bring together the different stakeholders in their communities to operate their organisations and also to see the massive influx of people from not only across Victoria but interstate and internationally who come to places like Mount Hotham, Mount Buller and Mount Stirling. When you are managing an influx of people on the scale that these boards and these communities have to manage, it is quite phenomenal what they manage over a two to three-month period.

The member for Melbourne touched on one of the challenges. I think it is a little bit harsh to say we have not covered these issues or that resort management boards are not across these issues, but certainly in the briefing material provided to me at Mount Buller this year I read that between 1979 and 2015 the average snow-depth trend saw a decrease of 50 centimetres at Mount Buller. That cumulative snow-depth trend shows a decrease of 54 centimetres from 1979 to 2015. However, the operational day trend — that is, the number of lifts operating daily — has actually increased over that period of time from 100 to 106. So despite a snow-depth trend from 1979 to 2015 dropping by something like 54 centimetres, we have seen an increase in the daily operation of the lifts from 100 to 106 days. So how have our resort management boards, for example, been able to achieve that? We know that when you are looking at something like 300 000 people coming through on visitor days in the winter season, and approximately 72 000 people in the green season, or off-season, you get an understanding of the massive difference through the winter season and the need to capture and hold on to that massive difference in the face of a changing climate.

This is something that resort management boards, significant businesses and leaseholders in these spaces are very much across, and it has a lot to do with utilising snow-making machines, technology and capacities and things like climate work that is being done by the boards so that they can better manage these issues and provide some economic certainty to those leaseholders, operators, businesses and communities and it is to do with the way we invest in the future around our infrastructure in these places.

Last year at Mount Hotham we saw the \$1.5 million asset renewal of the Swindlers Valley pipeline, which is a really significant investment to ensure that alpine resort management boards are able to continue to provide a top quality service to tourists, to back those people on the mountain who are there to run their business, to employ people and also to continue to

reinvest in the mountain. I would say to the Greens party that many examples have been provided to me of significant work on public land in relation to protecting flora and fauna at our alpine resorts. Significant sums of money, time and effort have gone into those projects to ensure that flora and fauna in the alpine resort regions are managed absolutely appropriately. While there will always be pressure around other investment opportunities, whether that is trying to secure water supplies and dams on some of the alpine resort areas or whether it is about other accommodation or road infrastructure, I can assure the Greens that there are very many examples through our legislative program and the projects that these resort management boards have put in place that are very carefully monitored.

We have had some great outcomes that have seen increased and greater security for flora and fauna in our alpine reserves thanks to the professional management, advice and work that is done between the Department of Environment, Land, Water and Planning, Parks Victoria and those resort management boards and the expertise they draw on. The management of alpine resort management boards is important to members in this house and to those in the other place. Ms Shing, a member for Eastern Victoria Region in the other place, has certainly been very engaged in the alpine resort areas that I have visited. It is sometimes a case of out of sight, out of mind, but certainly not for those who are local members. My experience with alpine resorts is that they provide a great opportunity for tourism and employment, and the more people we can get from Melbourne and interstate to go there, the better. It is no different to the 'healthy parks, healthy people' idea of Parks Victoria. The more people who are engaged in the environment, the more people who can come and have a good experience in the environment, the more they will seek to advocate for, advance and protect our alpine environment.

So it is important that we have cost-effective measures in place, and that is another aspect in terms of the policies and guidelines of the government in wanting to keep our alpine resort management boards accountable and affordable for families across Melbourne and Victoria so that they can have that alpine experience. This is critical to ensuring the next generation of Victorians advocate for, advance and protect our alpine environment.

Other members have touched on specific changes in relation to this bill — the abolition of the Lake Mountain Alpine Resort Management Board and the Mount Baw Baw Alpine Resort Management Board, the establishment of the Southern Alpine Resort Management Board and the reasons for doing that, and

what has been picked up in the Auditor-General's report. Those things are pretty clear, but my message is that the work of alpine resort management boards is critical. I have found them to be very professional in the work they have done, and I look forward, through the opportunities this role affords me, to learning more about their work, to advocating and advancing their interests on behalf of Victorians and specifically to making sure that more people across our state and interstate get the opportunity to experience what we have to offer in our alpine regions and that we continue to support them in growing not only the off-season but also that we secure the very best opportunities in relation to the changing climate in our alpine resorts and the work of the boards.

Mr BLACKWOOD (Narracan) — I appreciate the opportunity to make a contribution to the debate on the Alpine Resorts Legislation Amendment Bill 2016. The purpose of the bill is to abolish the management boards of Lake Mountain and Mount Baw Baw alpine resorts, to replace those boards by establishing the Southern Alpine Resort Management Board, to remove a reference to Mount Torbreck as a place where an alpine resort may be declared and to make additional minor machinery amendments and corrections.

New section 77(1)(a) will abolish the old boards of Lake Mountain Alpine Resort Management Board and the Mount Baw Baw Alpine Resort Management Board. New section 34(2) will establish the Southern Alpine Resort Management Board. In actual fact new section 77 abolishes the old boards and transfers their assets, liabilities and property to the new board on the date of commencement, which will be 1 August 2017 unless another day is fixed by agreement.

New section 77(1) provides that members of the old boards are eligible to be members of the new board. All debts, liabilities and obligations will be transferred to the new board, which will be substituted as a party to any existing contracts or arrangements to which an old board was a party, and references to the old board in legislation, deeds, contracts and other documents are to be read as references to the new board. New section 77(2) provides that all obligations of the previous accountable officer under the Financial Management Act 1994 will become the obligations of the accountable officer of the new board and that accountable officer will be the board's CEO. This will include the obligation of the CEO of the new board to prepare any outstanding financial statements of an old board in respect of a financial year during which that old board was operating prior to abolition.

Under a further amendment to the Alpine Resorts Act 1983, the bill omits Mount Torbreck from part A of the schedule to the act. Under section 19 of the act, Mount Torbreck is listed as Crown land that may be declared by an order in council to be an alpine resort. Thus omitting Mount Torbreck from the schedule will result in the removal of the ability to declare by an order in council that the location be used as an alpine resort.

The coalition will not oppose the bill, but it is important to remember that Victoria's alpine resorts are amongst one of the most important economic pillars of the state. They are an asset to the tourism industry, a recreational resource and a key component to Victoria's regional economies. Both the natural and economic environment surrounding these resorts is undoubtedly changing. Hence it is essential that measures are taken by the state to ensure that alpine resorts can foster healthy revenue streams, albeit fiscally responsible measures, with an emphasis on accountability and transparency and also more importantly, I think, an emphasis on the protection of the very fragile environment around those alpine resorts. The previous Victorian coalition government made significant progress in securing the financial viability of alpine resorts by focusing on an all-industry approach driving year-round attractions that were environmentally friendly. The then government's reforms saw more than \$36 million invested in alpine resorts during the term, which improved the financial sustainability and conserved the surrounding environment.

Mount Baw Baw, which is in my electorate of Narracan, is an integral part of the tourism opportunity that is available in my electorate. Mount Baw Baw is part of the Walhalla and Mountain Rivers tourism region. It underpins significant visitation to the area, which benefits tourism and business operators from across the region. Mount Baw Baw, which is only 120 kilometres from Melbourne, provides a family-friendly snow activity area in particular that is moderately priced compared to other resorts. It provides an opportunity for intermediate skiing, so it is very much a place for young people to learn to ski and snowboard. As I said, it is close to Melbourne and provides more moderately priced access to that sort of activity. Baw Baw has its place in terms of what alpine resorts across Victoria offer. It has a very important place, as I have said, in the economy of our region.

With the new board that will be put in place it is very important that those members have a connection with the mountain and an understanding of the issues, the opportunities and the challenges that Mount Baw Baw faces. They must value and support the significant private investment on the mountain. There are a

number of private investors on the mountain that have built chalets, there is a hotel and a restaurant on the mountain — all of the things that attract visitors to the region. It is very important that there is a good working relationship between the new board and the private investors on the mountain.

One aspect of Baw Baw that needs addressing and has needed addressing for some time is an investment in the upgrade of South Face Road. South Face Road is an alternative road that connects Mount Baw Baw to the east and south-east of that area, down through Erica and Rawson to Moe. It provides much better access to Mount Baw Baw than the old Mount Baw Baw Tourist Road that comes up from Noojee. However, the road needs sealing. It was constructed some years ago, mostly paid for by the timber industry in that area, but it has needed sealing for some years now. If it was sealed, it would become much safer and would provide easier access to the mountain. It would actually open up opportunities for more visitation for people from the east of Gippsland as they come from, say, Bairnsdale and further east. It is much easier to come up through Rawson and Erica on South Face Road to the mountain.

We need to continue to push for the sealing of that road, and I am urging the government of the day, the Andrews government, to seriously consider the upgrade of that road. There are opportunities for them to put money into that upgrade with the proceeds they received from the sale of the port of Melbourne lease and the fact that 10 per cent of those proceeds must come back to regional Victoria. There is an opportunity to get that road upgraded, which would seriously enhance access to the mountain and the opportunities that it might provide. If upgraded that road would create a tourist loop so instead of just going one way from Noojee and Neerim South up to Baw Baw on the old Mount Baw Baw Tourist Road, you could actually do a loop going back down through Erica and Rawson and down to Moe, which would benefit the whole region. All the small towns along that route, such as Neerim South, Noojee, Erica, Rawson, Walhalla and Moe, would get a benefit as visitation to that area increased.

In reference to the old board or the former members of boards of management at Mount Baw Baw, I commend them for their work and commitment over many, many years, and the CEOs as well. In particular I would like to mention a former CEO, Stuart Ord. I think he was the CEO between about 2008 and 2012. He had a fantastic understanding of the fragile environment around Mount Baw Baw. He introduced many new activities to the mountain, and that included a strong emphasis on the green season. He promoted the Great Walhalla Alpine Trail from Walhalla to Mount Baw

Baw. He introduced mountain bike riding as an activity on the mountain. He held fly fishing events. He also introduced a longest lunch, which we had on Mount Baw Baw some years ago. I think his contribution was significant, and it is important that the new board builds on the work that he did and that other board members have put in place over the years.

In conclusion, I remain cautiously optimistic that these amendments will support the economic viability of Mount Baw Baw and ensure it continues to play an important role in the tourism opportunities offered in the Baw Baw shire.

Ms THOMSON (Footscray) — I rise to support the Alpine Resorts Legislation Amendment Bill 2016. I will only speak briefly on this bill. As we have heard from other speakers, this bill abolishes the Lake Mountain Alpine Resort Management Board and the Mount Baw Baw Alpine Resort Management Board and establishes a new Southern Alpine Resorts Management Board that will have responsibility for managing both the Lake Mountain and Mount Baw Baw resorts. The bill provides for the transfer of any rights, property assets, debts, liabilities and staff from the two old boards to the new board.

We know that these environments are very delicate ecosystems. They are environments that are going to feel the impact of climate change I think far more quickly than other parts of our state. All the reports from the CSIRO are showing that there is rapid deterioration in the amount of snow that is falling and the length of the snow season. So no doubt this provides huge challenges for the new board, but it also provides incredible opportunity. We have certainly seen an increase in the use of both of those resorts during the green seasons for bike riding, for bushwalking and for camping. The alpine region has a very diverse fauna and flora environment, which enables people to look at it not just from a 'let's go tobogganing or skiing or playing in the snow' perspective but as an opportunity to see the breadth and depth of the ecosystem that makes up our alpine resort areas and our alpine parks.

It is also something that most members have fond memories of themselves — going to Lake Mountain to experience snow for the very first time. If you are a Melburnian, getting to Lake is relatively easy. Getting on your first toboggan or making your first snowman is a pretty exciting experience, as is going to Mount Baw Baw for cross-country skiing, which also occurs at Lake Mountain. There are also the facilities there, which includes being able to stay on the mountain at Mount Baw Baw. It is also about the experience for those of us who have children of taking them to these

resorts and of their seeing snow for the first time and building their first snowman. We should be building snow women now. It is about the opportunity for them to toboggan and to enjoy the snow and that experience.

When we market Victoria, we do so by saying, 'We have it all: in our state you can go to the desert and you can go to the snow'. So it is really important that we protect our opportunity to maintain these resorts and that we do it in a way which is sufficient and recognises the importance these resorts have for their local communities, not just in terms of jobs for those in those regions — that is crucially important — but also in terms of the natural beauty of these areas. I think it is important that that balance is recognised and that the new board can give countenance to looking after the natural environment of the alpine resorts while ensuring that they remain vibrant tourist attractions and vibrant economic drivers for those communities who rely on them.

There is a great opportunity here, I think. I am very optimistic about the role that the new board will play in meeting the demands of both Lake Mountain and Mount Baw Baw for their local communities, for the state of Victoria, for all of those visitors who come from around Victoria to visit both Lake Mountain and Mount Baw Baw and for those who come from interstate. We have not yet, at least in the time I have been in the chamber, mentioned the number of international visitors that come to use the resorts during the green season to go bushwalking or bike riding. I know that there are a lot of international travellers that come and use the trails that are available to them because it is such a beautiful part of Victoria and one that I hope generations can enjoy for a very long time to come. I commend the bill to the house.

Mr McCURDY (Ovens Valley) — I am delighted to rise to make a contribution to the debate on the Alpine Resorts Legislation Amendment Bill 2016. As you have heard from previous speakers on this side of the house, we will not be opposing the bill. It does make particular amendments to the Alpine Resorts (Management) Act 1997 and the Alpine Resorts Act 1983. The clear objective of the bill is to abolish the management boards of Lake Mountain and Mount Baw Baw alpine resorts and replace these boards with the Southern Alpine Resort Management Board. It will also remove a reference to Mount Torbreck as a place where an alpine resort may be declared and will make additional minor amendments and alterations in these various acts.

The old boards, the Lake Mountain Alpine Resort Management Board and the Mount Baw Baw Alpine

Resort Management Board, will be abolished by a new section the bill introduces to the principal act, and a new board will be established, the Southern Alpine Resort Management Board. Effectively what will happen is new section 77 of the bill will amend the act to abolish those old boards and transfer their assets, liabilities and property to the new board on the date of commencement. This day is intended to be 1 August 2017, although this can be expedited by way of proclamation if that is so desired. This will allow for members of the old boards to be eligible for membership of the new board, which is a good thing. It will keep consistency there. All debts, liabilities and obligations will be transferred to the new board. So it will be a fairly straightforward transition one would think. The bill simply transfers to the new board any existing contracts or arrangements the old board was a party to.

The bill amends the Alpine Resorts Act 1983 to remove reference to Mount Torbreck. Under section 19 of the act Mount Torbreck is listed as Crown land, which means it could be declared to be an alpine resort. By removing this reference to Mount Torbreck, the bill will prevent this location from being declared an alpine resort by an order in council.

The Ovens Valley electorate shares in the alpine region, with Mount Hotham and Dinner Plain being important regional tourism products for us. It is certainly a part of my electorate that I am very, very proud of. Those who have not been to the Bright and Myrtleford region are truly missing out on one of the most magnificent experiences of all of regional Australia, not just regional Victoria. It is imperative that decisions that are made around iconic regions like the alpine area are well thought out and consider all stakeholders and the ramifications for the environment. That is for both the businesses on the mountains and the service providers throughout these regions as well. I mentioned Bright and Myrtleford, and I know that the member for Gippsland East mentioned Omeo and some of the service towns in his electorate, such as Swifts Creek, which also service the Mount Hotham and Dinner Plain regions in the alpine region.

Again, Bright is a classic example of a service provider to these regions for both summer and winter recreational activities. In fact last week the Bright community forum was held, and I met with all of the stakeholders there and listened to the heart of the business community. The very, very keen community-based and community-focused leaders were putting up ideas for the Bright community and surrounding areas to contemplate over the next few years. Those ideas ranged from locally focused training

and job development to broader 5 to 10-year blue-sky thinking about the long-term benefits and essentially the next progressive steps along the way toward improving the quality of the experiences that can be had and enjoyed in this region. It goes without saying that it is not just the Ovens Valley communities that are the beneficiaries; Victoria's alpine resorts are amongst the most important economic pillars of our state. They are certainly an asset to the entire tourism industry, a recreational resource and a key component of Victoria's regional economies. Both the natural and economic environments surrounding these resorts are changing, therefore it is essential that measures are taken by the state to ensure that alpine resorts can foster healthy revenue streams and responsible measures with an emphasis on accountability and transparency.

The previous coalition government made significant progress in securing the financial viability of our alpine resorts by focusing on an all-industry approach and driving year-round attractions that were environmentally friendly.

The coalition spent more than \$36 million on the alpine resorts during their term, which improved the financial sustainability and preserved the surrounding environment. That included projects like the Dinner Plain adventure park. When the member for Yan Yean continues to talk about only the Labor commitments that have gone on in the alpine region, I certainly counsel her to stop looking through rose-coloured glasses and start thinking about the commitments that we have all made to the alpine region. She needs to try not to rewrite history in this place, which she continuously tries to do. It is important to remember that both Labor and the coalition have supported the alpine regions very well and very effectively over the years.

The alpine resorts are a destination of choice for regional Victorians. Those from metropolitan Melbourne frequent the alpine resorts on a weekly basis — I can attest to that, through my electorate — and they certainly appeal to a broader Australian base and of course international visitors. At the same time that we support our alpine regions it is important that this government, which fundamentally thinks that Victoria stops at the end of the tram tracks, does not drive visitor numbers from our alpine resort regions to other resorts. We need to be careful; if we keep the costs going up for the alpine resorts and make it too difficult for them to do business, we have competitors just over the border in New South Wales — and even worse, New Zealand, which is very close at hand, and they are very cost competitive as well. So we need to ensure that the alpine resorts remain competitive on that

tourism spectrum and that our infrastructure and our costs do not blow out in those alpine regions. With that, I will leave it there and commend the bill to the house.

Mrs FYFFE (Evelyn) — I rise to speak on the Alpine Resorts Legislation Amendment Bill 2016. I can see the benefits of aligning the Lake Mountain board and the Mount Baw Baw board together. Both boards have the same members, and there are cost savings for joining the administration. However, I have concerns about the lost opportunities with the board operating its own staff instead of using the benefits of private enterprise.

The ski industry in Victoria is an economic boon for state, local and regional communities, employing around 6000 full-time equivalent jobs. The industry reported 763 000 visitors in 2015, and the National Institute of Economic and Industry Research estimated the gross state product contribution of the industry to be \$671 million. The industry is staffed by a high proportion of young people. Many of our young people will work a season or two as part of their gap year or university midyear break. I have always said young people who work in hospitality gain excellent character traits for their later careers in life.

Lake Mountain resort is Melbourne's closest ski resort and the smallest in our state. The mountain boasts great toboggan facilities and cross-country skiing, and until recently it was managed by Belgravia Leisure, who run 96 facilities around Australia. It is a great and affordable place for young families. Mount Baw Baw, also previously managed by Belgravia Leisure, has been a very popular destination for those from the Gippsland area. It is a great place for snowboarders and is more affordable than other resorts. Both ski resorts currently have a management board each but share the same members and positions on the boards.

In 2015 Belgravia Leisure were told that their management contract would not be resumed, and the mountain's operational management has come back into public hands. Under the previous Liberal and Nationals government having a state-run ski resort was a drain on the taxpayer, and we went for a commonsense approach of not selling the resorts but finding ways that the private sector could add to the ski resort atmosphere. That was a good result, with not just the environment benefiting; coming to a commercial arrangement was a win-win outcome for the environment, Victorians, national and international visitors, local economies and the Victorian economy.

This bill provides for the amalgamation of the Lake Mountain ski resort and Mount Baw Baw resort boards

into one board, the Southern Alpine Resort Management Board. I believe a lot of creativity has gone into that name by the department, and I hope it did not cost the taxpayer a great deal. It is an improvement on the name 'Victorian Small Resorts Board' that I heard was being considered. The bill will achieve this by amending both the Alpine Resorts (Management) Act 1997 and the Alpine Resorts Act 1983.

The bill will make further amendments to the Alpine Resorts Act 1983 to remove Mount Torbreck from the resorts list. Mount Torbreck was once a planned future ski resort in Victoria that never came to fruition. The amendment will remove the opportunity for a future resort and classify the mountain as a natural features reserve. I would like to see this reserve being used in some way for education or other use. I am opposed to Victorians being locked out of our parks. Such reserves should be a welcoming place for visitors.

I do not oppose this legislation, because there are arguments for amalgamating the two boards together, but the argument put by the Minister for Energy, Environment and Climate Change that this is something that is not new and similar to the situation between the Mount Stirling and Mount Buller amalgamation does not seem right. If I was to drive from Mount Buller to Mount Stirling, it would take me less than half an hour. The time to travel between Lake Mountain and Mount Baw Baw is 2.2 hours. I do not believe the minister's reasoning on why it is similar to the 2004 merger is sound. The distance between Mount Hotham and Falls Creek is less, and are we to merge the management boards there as well?

The 2015 chairman's report into the management of Mount Baw Baw praised the private operator for the 2015 season. Its report on the private operator's management listed three main points: a strong winter event program assisted in driving record visitation; a focus on improving guest experience was evidenced by a significant improvement in the resort's net promoter score; and the resort's growing school education program ensured visiting school students were provided with an understanding of the alpine environment and the impacts of climate change.

There was a strong record, and some of the complaints by the government against private operators also in part go back to before the operations by Belgravia Leisure. The main argument was by the Victorian Auditor-General's Office, which did find some discrepancies in their account keeping. There is a feeling that this is an ideological decision over a practical decision. If the government is not happy with the management of the company, there is always

opportunity to re-tender out to Victorian sports and leisure companies like the YMCA or companies that already manage the sales and operations at other larger resorts.

Before the operations of the mountain were contracted to a private enterprise, both mountains were a drain on the taxpayer, requiring heavy subsidies to stay afloat. The government subsidies had not changed much over the last two years, according to the end-of-year reports, with Mount Baw Baw receiving roughly \$3.5 million in operational subsidies and Lake Mountain receiving \$2.5 million in operational subsidies. If anything, they had improved. The resorts increased their usage under private management.

I would like to point out that the members opposite blew their dog whistles in an attempt to frighten people that the use of a private company by the former government would price people out of visiting the snow. Well, the opposite happened. For example, in many places prices dropped and, combined with offering more special deals, numbers rose — with great benefit to the local communities and small business. The then government's reforms into year-round attractions saw more than \$36 million invested over the six resorts, which improved the financial sustainability of our alpine areas.

There is a missed opportunity in this government's ideological bent, and it hurts young Australians. One of the benefits of facility management companies is their diversification in a range of facilities, giving more opportunities for staff. Mount Baw Baw has roughly 22 full-time staff and will increase over the winter by 78 or more, as in the past. Staff retention with seasonal environments is always difficult, but the benefit from an operations company is that they can offer year-round work for many staff with their other facilities. An example is that seasonal winter staff could work at summer facilities such as golf courses or public swimming pools. Other companies that manage sales at larger resorts will have agreements with the summer hospitality industries, such as Hamilton Island and the theme parks at the Gold Coast. I question: will the public operations have these same opportunities for young staff?

Staff retention means that staff skills are not lost, lessons from previous seasons are easier to implement, training costs are lower and the staff skills are kept at a higher level, benefiting the many Victorians that use the mountain. There is a benefit to staff in the short term of a higher public sector wage, but over a year the benefit of continuous work far outweighs that small increase, and it is also to the benefit of the Victorian taxpayer.

Ski resorts are an important economic pillar for Victoria. They are a key component of our regional communities and a major asset to our tourism industry. I do regret the government moving away from the benefits of private enterprise involvement and locking in the board structure and management of the resorts, but that decision has already been made, and this bill is just a spring-cleaning of the board structure. I do accept there were some accounting issues with the previous company, but clearly the income, visits recorded and customer satisfaction that a private company had are well suited to the Mount Baw Baw and Lake Mountain environments.

Debate adjourned on motion of Ms HALFPENNY (Thomastown).

Debate adjourned until later this day.

MEDICAL TREATMENT PLANNING AND DECISIONS BILL 2016

Second reading

Debate resumed from 14 September; motion of Ms HENNESSY (Minister for Health).

Government amendments circulated by Ms HENNESSY (Minister for Health) under standing orders.

Mr CLARK (Box Hill) — The Medical Treatment Planning and Decisions Bill 2016 is a bill that provides for people to give instructions and express preferences regarding their future medical treatment if they lose capacity to make their own decisions about treatment at some time. It also provides for the appointment and the designation of medical treatment decision-makers in those circumstances and regulates various other aspects of the provision of medical treatment to persons who lack decision-making capacity in relation to their treatment.

While decision-making capacity and a lack of decision-making capacity often arise as people grow old or in the end stages of terminal illness, it is important to bear in mind that these same laws will apply if someone loses capacity as a result of unconsciousness following an accident or due to an acute but fully treatable illness. In principle there is a lot to be said for making provision for people to indicate in advance what sort of medical care they would like to receive or not receive in various circumstances should they not have the capacity to make those decisions at the time.

There are differences of view about whether people should be allowed to make such arrangements for what amounts to their own suicide or homicide or for substitute decision-makers to give instructions that amount to intentional homicide or what is often referred to as passive euthanasia. However, with that exception, providing for people to make arrangements in advance for their medical treatment is generally accepted as being an important part of them receiving or not receiving, when the time comes, the forms of treatment that they would have wanted or not wanted to receive.

Nonetheless, the making of decisions in advance of the actual circumstances and the making of decisions by third parties are both matters that come with substantial risks, with potential life-altering or life-ending implications if they go wrong. It is thus important that any regime that provides for these matters has clear and effective procedures and adequate safeguards to ensure, as far as can be ensured, that people are protected from those risks and that decisions are made on a properly informed basis and reflect what the person would truly have wanted.

The coalition parties believe that the bill as it is currently drafted fails badly to meet those requirements. The matters that we are dealing with here are far too important to go off on poorly considered and poorly implemented provisions. We need to get it right. The failings in the bill are too extensive to be fixed on the run and without the opportunity for stakeholders to be satisfied that their concerns have been addressed. In short, there are just too many flaws and oversights to make it safe to pass the bill in its current form. The government should not proceed with the bill in its current form and should instead take it away and work through and fix its failings.

Since the government has not been prepared to make a definite commitment to do that, I move:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to ensure there are adequate safeguards and clear and effective procedures in relation to the making and implementation of advance care directives and the appointment of and decision-making by medical treatment decision-makers'.

I ask that this reasoned amendment be distributed.

Let me take the house through some of the problems with the bill and the harms that those problems can cause. These are matters that involve both legal as well as medical considerations and are matters that I have had some detailed involvement with under the previous government and on other occasions, so I am pleased to have the opportunity to present the coalition's concerns

in relation to these matters. Let us begin with how the bill provides for people to give instructions and express their preferences for future treatment.

The bill provides for the making of advance care directives, and these directives are divided into two types: instructional directives and values directives. Instructional directives are specific statements about a person's decision to consent to or refuse specific forms of medical treatment in specified circumstances. Values directives are statements of a person's preferences and values that they would like taken into account, including what the bill refers to as 'statements of acceptable outcomes', such as receiving or not receiving life-prolonging treatment.

Now clearly both instructional directives and values directives can have profound consequences for the individual concerned in terms of the treatment they receive or do not receive. However, under the bill as currently drafted there is no requirement for any medical input whatsoever prior to the giving of these directives. The potential for misunderstanding, misinformation, mistaken terminology, lack of understanding of the consequences or implications, and lack of anticipation of all the possible different future circumstances is enormous. If any one of those errors occurred, it could result in a patient in future receiving or not receiving medical treatment in a way completely contrary to what they would have wished.

We would never dream of having patients make decisions on the spot about the medical treatment they are about to receive without them first being advised by their treating doctor. Yet the bill proposes that people can make binding decisions about their future treatment in abstract for any unforeseen future circumstances without any opportunity for a medical practitioner to make sure that they are fully informed about what their decision actually means. For example, many people who give advance directives will not realise that, as interpreted by the Supreme Court, the simple provision of hydration via a saline drip amounts to medical treatment. So a person may think in making an advance care directive that by saying they do not want treatment in certain circumstances they are saying no to procedures such as CPR or surgery, and then they end up dying of dehydration because a saline drip is included in 'medical treatment'. In other words, we do not have adequate safeguards and processes. Making an advance care directive can amount to someone signing their own death warrant without even knowing it.

Some people may say that if others want to be so foolish as to make life-altering decisions like this without medical advice, it should be on their own

heads. However, even that argument would be a long way away from the standards of consumer protection that we would seek to put in place in most other circumstances. On top of that, any such argument would be made completely unsustainable by the fact that the making of advance care directives is intended to become an integral and routine part of people's future healthcare arrangements. So we are not just talking about an isolated risk; we are talking about the need to ensure that people are properly informed as a central part of what is intended to be an established and a widespread process.

Another aspect of the problem is that the witnesses to an advance care directive are required to certify that the person giving it appears to understand the nature and effect of each statement in the directive. However, it is difficult for a person without proper medical qualifications to tell whether or not the person understood the effects of each such statement in a circumstance where the witness themselves probably could not judge whether or not they knew the effect of the statements themselves.

On top of that, when you are conveying an instruction or preference that involves both the maker and the receiver of the communication it can be hard for treating doctors when the time comes to apply a directive to give effect to the wishes of a patient if they do not know what the patient truly wanted due to ambiguous or unclear language or doubts about whether the patient had actually contemplated their directive in the circumstances that have actually eventuated.

These concerns have been raised by a range of key stakeholders, and I cite by way of example a submission made to my colleague the Honourable Mary Wooldridge on 10 October by Cancer Council Victoria. They said at page 3 of their letter:

We query whether recording binding instructions about medical treatments a person would consent to or refuse, in advance of having a medical condition, without involving a medical practitioner to ensure that they understand the implications of their directions, will always enhance a person's decision-making autonomy, or whether a lack of information about the nature, benefits, risks, possible outcomes and alternatives of various treatment options may in fact inhibit autonomous decision-making in some circumstances. What safeguards exist for people providing binding consent to treatments (for example, a heart bypass) about which they know nothing, other than the name of the treatment?

Later on they said:

It is preferable that instructional directives be completed in such a way that they are clearly applicable and informative when relevant circumstances arise so that any health practitioner faced with one may follow it confidently, without regularly resorting to reliance on the safeguards in the bill to limit the effect of the instructional directive. The purpose of enabling people to complete instructional directives would be defeated if they are not usually completed in such a way that they may be reliably followed.

The amendment the minister has circulated to the house provides for a medical practitioner to always have to be one of the witnesses to the making of an advance care directive and that is certainly an improvement, but there is a difference between a medical practitioner witnessing a document and a medical practitioner certifying that they have given the level of professional advice needed to the person giving the directive, such that that person has been properly informed about the issues involved in the making of that directive.

The Cancer Council Victoria submission extracts from which I quoted also refer to another issue which we believe should be given further consideration. That is, whether there should be a requirement for an advance care directive to follow a prescribed form. That is certainly the case, for example, in South Australia. Palliative Care Victoria, in a submission provided to the coalition parties dated 3 October, refers to the fact that the formal witnessing and certification requirements of the bill are complex and that it could be advisable to have a standard form for an advance care directive and an associated checklist on the form to ensure that all the mandatory requirements have been completed, given that the failure to accurately complete an advance care directive impacts on its use in making treatment decisions.

Another aspect that needs very careful consideration is that of elder abuse. We all know that elder abuse is a serious problem in our community. Most family members, friends and others involved will want to do the right thing for their ageing or vulnerable loved ones, but unfortunately a minority do not, and the protections in the bill against the risk of elder abuse are seriously inadequate.

Clause 14 makes it an offence to induce a person to make a directive by dishonesty or undue influence and provides that a directive given in contravention of that is void. However, that prohibition only applies to inducing the making of the directive document as a whole; it does not apply to dishonesty or undue influence to cause a person to include any particular provision in the directive. The risk of elder abuse is probably even greater in relation to alternative decision-makers, both in terms of the elderly being induced to appoint a decision-maker who does not

really care about their wellbeing and in terms of a decision-maker making a decision in their own interests rather than in the interests of the patient.

The bill provides for two classes of medical treatment decision-makers. The first is a medical treatment decision-maker chosen and appointed by the patient. The second is a decision-maker who becomes so because of a relationship to the patient — for example, a guardian, spouse, partner, primary carer, adult child, parent or adult sibling of the patient. The Victorian Council of Social Service has rightly pointed out to us that the risk of elder abuse can be particularly great with a decision-maker not chosen as a decision-maker by the person themselves — in other words, one of those designated categories such as a spouse, partner, primary carer, adult child or parent. The unfortunate fact is that there are highly likely to be some decision-makers who will be very keen to be rid of mum, dad, aunty or whoever it might be, and refusing treatment for them is an easy way to achieve that objective. There tends to be a naive view among some people that this sort of abuse of power only occurs in a commercial context, but unfortunately that is not so. Experience shows that it can also occur in family contexts and with medical treatment decisions, and any legislation needs to protect against that risk.

There are also inadequate provisions in the bill for the review of questionable directives and questionable decisions by medical treatment decision-makers. The provisions in the bill on these subjects are badly fragmented and they are very limited. For example, a doctor can decline under clause 51 of the bill to act on a directive if he or she believes circumstances may have changed so it no longer reflects the patient's values and if there is no time to take the matter to Victorian Civil and Administrative Tribunal. However, a doctor cannot similarly decline to act on a directive even if they believe on reasonable grounds that the directive was based on misinformation or misunderstanding or does not accurately reflect what the patient wanted, and that is the case even though other provisions in the bill recognise that that may be a ground on which VCAT may need to act.

So, for example, if a person gives an instructional directive refusing all medical treatment in circumstances citing some of the words in clause 6 of the bill:

If I am unable to recognise my family and friends, and cannot communicate ...

And if those words were used as part of an instructional directive, it would apply not only to cases of end-of-life decision-making, it would also apply if the person were

injured and knocked unconscious in a car accident but were in a position where they would make a full recovery if treated. Presumably a person making such a directive would not have had any intention that the directive would apply in those circumstances. They would have made the directive in contemplation of an end-of-life situation, yet a doctor would be bound to follow that directive if the literal wording of the instructional directive applied and they would not be able to treat that patient pending any process to have that directive reviewed.

Similarly under clause 62 of the bill a doctor must refer to the public advocate a decision-maker's decision to refuse significant treatment if they believe the decision-maker could not have known what the patient would have wanted. However, the clause does not provide for the doctor to refer the decision to the public advocate if they suspect the decision is contrary to what the patient would have wanted. It seems a perverse omission but that is the way the bill is drafted, and that is the sort of omission that needs to be rectified, particularly given that the circumstances when a doctor would believe a decision-maker would not know the patient's wishes are going to be extremely limited, because if you have got a dishonest decision-maker, it is almost always going to be very easy for them to say, 'Well, what I've decided is what the patient told me in a previous conversation they would have wanted'.

So while on the face of it there is a particular form of protection there, it is highly unlikely to prove effective in practice. The cancer council rightly points out that a doctor should be required to notify the public advocate or refer a matter to VCAT whenever they believe a decision-maker is refusing significant treatment contrary to the preferences and values of the patient. That is certainly a regime that the South Australian legislation makes very clear and straightforward provision for.

On top of all of that, clause 62 does not provide for decisions to be referred to the public advocate in any circumstances if a decision-maker refuses simple life-saving treatments such as oral antibiotics. The reason that that does not occur is because such treatments are not included in the definition of 'significant treatment' the way significant treatments are currently defined in the bill. On top of that even when a review of a decision-maker's refusal is triggered the person cannot be treated outside of an emergency without VCAT's approval, and that is something that would take up to 14 days for the public advocate to seek and even longer for VCAT to give a ruling on. The potential for this delay is something that

the Australian Medical Association has raised serious concern about.

As well as that we have got a clause in the bill, clause 70, that allows VCAT to be asked for an advisory opinion, but as the cancer council points out, there is nothing to say what the legal effect of such an opinion is. In addition there is no provision for a patient to be treated while an advisory opinion is being obtained outside of an emergency, and an emergency is defined to be only when a situation requiring treatment arises urgently. So, yet again there is an attempt to put a provision in a bill, but when the experts and the stakeholders are looking at the detail of it serious questions arise about how well that provision is going to work.

These inadequate and complex review provisions — and you will find them scattered throughout the act rather than consolidated in a clear and simple set of sections, as in the South Australian legislation — are going to prove a legal minefield for doctors and everybody else involved, and as I say, they stand in stark contrast to what is in the South Australian Advance Care Directives Act 2013, which has a general provision simply saying that any person involved can refer a matter to the public advocate for guidance if they have concerns about it and then, if necessary, it can be taken to the South Australian Civil and Administrative Tribunal.

I would add another distinction between the Victorian bill and the South Australian act on which we would seek the government's views, and that is the fact that the South Australian act has a series of exclusions of persons who can be witnesses to a directive, in order to protect against conflict of interest. The South Australian legislation excludes, for example, persons having an interest in a person's estate, the person who is the responsible health practitioner and persons who are in charge of a facility where the person lives.

Let me list some of the other concerns that arise in relation to the bill. Under clause 53 of the bill it appears that paramedics and doctors will not be able to try to revive an attempted suicide patient in circumstances where that patient has left a suicide note saying they do not want to be revived if found alive. That will come within the prohibition where persons have communicated a decision by directive or otherwise. Is that what the bill was intended to achieve? Is it intended that paramedics are going to be required to stand by and let a suicide attempt patient die because the suicide attempt patient has said, 'Don't try to revive me if I'm found alive'? I think we really need to ask ourselves: is that what we want to be doing in those circumstances?

Indeed Palliative Care Victoria has raised a further concern that even the mere fact of attempting suicide may signal that the person does not want to be revived. So, on Palliative Care Victoria's concern, does clause 53 in fact prohibit health practitioners attempting to revive someone who tries to commit suicide in any circumstances, whether or not they have left a note saying they do not want that to happen?

Another flaw in the bill is under clause 63. If a person does not have an advance care directive or a decision-maker, a doctor will not be able to give them pain-relieving injections without the approval of the public advocate outside of an emergency or palliative care situation. That occurs because in the very convoluted wording of the current definition of 'significant treatment' it appears that any form of injection will come within that definition, including pain-relieving injections. In other words, we are running the risk of creating a huge requirement for applications to be lodged with the public advocate, and in the meantime patients with chronic pain are going to have to wait for that paperwork to be processed. Is that what the bill intends, or should we amend it to make it clear that that is not what is intended to happen?

Another issue is in relation to children. Under clause 13 a child of any age is empowered to give an advance care directive if a suitably qualified person, for example a paediatrician, believes that they understand what they are doing. As far as I am aware, Victoria would be the only state to allow children of any age such a power for giving advance care directives. It would seem — and I seek the government's response on this — to allow, for example, for a child who is a Jehovah's Witness to refuse blood transfusions through an advance care directive if the witness believes they understand what they are doing, even though in other circumstances there is legislation to allow children to be given blood transfusions without consent in order to save their lives. Again, this needs to be clarified so that we know exactly what we are doing with this legislation.

Clause 18 of the bill says that you cannot instruct something unlawful in a directive, but then when you go to clause 52 of the bill it says that it is not an offence to act on an instruction in a directive, so you have got the bill going around in a circle and you are running the risk that some practitioner with particular views will tell their patients to give directives asking for lethal injections and then the practitioner can claim that it is not an unlawful directive because they do not commit an offence by acting on it. The government says that is not the intention of the bill, and we will take them at their word on it, but that is the way the bill risks being interpreted at the moment. On crucial issues like this we

should not be running the risk of creating such loopholes.

On top of this, Palliative Care Victoria has expressed concern that the meaning of the term 'unlawful' itself in clause 18 is unclear. They call for it to be explained in plain English in terms of what is prohibited and not prohibited so that it is well understood. Given uncertainties in the law, there seems to be considerable merit in the concern that they express. If you take, for example, section 18 of the South Australian Consent to Medical Treatment and Palliative Care Act 1995 by way of comparison, that language is very clear and perhaps could well be inserted into this bill. That section 18 provides:

- (1) This Act does not authorise the administration of medical treatment for the purpose of causing the death of the person to whom the treatment is administered.
- (2) This Act does not authorise a person to assist the suicide of another.

The Australian Medical Association (AMA) has raised concerns about clause 20 of the bill in relation to the alteration of a directive, and they raise concern that this could prevent a person with a serious illness and with intermittent consciousness being able to revoke or vary any previously made directive. That will mean a doctor will continue to be bound by a previous directive even though the patient has changed their mind. Indeed, by contrast with South Australia, South Australia does not actually make provision for amendment of directives. They provide what may in the end be a much more straightforward process whereby you completely remake the directive and the new directive supersedes the earlier directive, which avoids confusion about what is the process for making an amendment versus the making of a directive.

Another concern raised by the AMA is about the difficulties that can arise from making primary carers the designated decision-makers. As I indicated earlier, of those people that can make a decision when no-one else is available, primary carers are one on the list, but the AMA points out that it can often be difficult to tell who is the primary carer of a person amongst a range of carers, and they also raise the concern that this could result in family members being excluded from being the decision-maker for a loved one by the fact that there has been a neighbour or other volunteer who has helped the patient in recent times and is therefore regarded as the primary carer.

Further concerns have been raised by the Mental Health Legal Centre, including concerns about whether there are adequate protections against coercion of mental

health patients, and other stakeholders have raised issues about the operation of the bill in the context of mental health. The Royal Australasian College of Surgeons has also raised concern about the operation of directives in the context of surgery. They observe that sometimes things need to be done in the context of surgery that cannot be anticipated and the surgeon should not have to be constantly referring to a directive to see whether or not they are acting in a surgical context within what is required where there has been prior consent to the surgery. They have also called for subjective terms in the bill such as 'reasonable efforts' to be clarified so that doctors know exactly what is required of them. They have asked that consideration be given to a centralised register for storing and accessing directives, and they have made suggestions about limited time frames being set for the operation of the directives as well as review requirements — those are things that are in the South Australian legislation.

In conclusion, it is clear that whatever the intentions might be this bill has serious flaws. One need only compare the very complex and tortuous provisions in this bill with the very clear and straightforward wording of the comparable South Australian legislation. Certainly those acts have problems and deficiencies of their own, but they are at least clear, straightforward and easy to read, to understand and to apply, in stark contrast, unfortunately, to the bill before the house. The South Australian legislation shows the standard of presentation of legislation in complex and important areas like this that we should be aiming to achieve and which Victorians should be entitled to expect on a subject like this. For that reason this bill should be withdrawn and redrafted to provide properly and effectively for the life-and-death matters with which it deals.

Ms THOMAS (Macedon) — It really is a pleasure to rise to speak on this bill. I note the Minister for Health is in the house, and I congratulate her on bringing this bill to the house. I do want to, in the very first instance, put on the record that the government does not support the opposition's reasoned amendment. The government and the opposition have had informal discussions regarding different opposition issues in respect of the bill, and these conversations will continue. The government, as always, is open to discussing these matters and considering any issues and, if the opposition wishes, to moving substantive amendments to the bill in the Council.

Before I discuss the bill in some detail I want to start with a quote from Dame Cicely Saunders. Those of you in the house may know that Dame Cicely Saunders was the founder of the modern hospice movement and

indeed is the mother of palliative care. She once said, 'You matter because you are you, and you matter to the last moment of your life. We will do all we can not only to help you die peacefully, but also to live until you die'. There is nothing in this bill that is contrary to those sentiments expressed by Dame Cicely Saunders. This bill is part of the Andrews Labor government's commitment to improving end-of-life and palliative care for Victorians.

I want to take this moment too to congratulate the minister on the release of the end-of-life and palliative care framework. This bill before us today is very much part of this government's commitment to deliver reforms as part of that framework. It sets out a foundation for end-of-life palliative care by providing clear expectations about how end-of-life and palliative care will be delivered; guiding health care, human services and social and community sector practices; identifying actions to ensure end-of-life and palliative care services are sustainable; and ensuring Victorians are provided with safe and effective end-of-life care.

This government's vision in forming this framework is that all Victorians and their families receive the best possible end-of-life care that places them at the centre, where preferences, values, dignity and comfort are respected and quality of life matters most. This bill is part of us delivering on this vision for all Victorians. The bill is very much part of our commitment to put people's preferences and values at the centre of their end-of-life care, and it fulfils an election commitment that we made.

We are changing the law because, as it stands, Victorian laws do not provide people with certainty about their rights or responsibilities in relation to advance care directives. Let us be clear: advance care directives currently exist and are being used. I heard the Health Issues Centre on radio the other day suggest that they are used by around 8 per cent of the population. They are already out there, but they do not have any legislative underpinning. We need to be clear that the laws that we have at the moment are quite complex, and they do not give sufficient recognition to the documents that outline people's preferences for future medical treatment. There has been a lot of consultation on end-of-life issues by the upper house inquiry into end-of-life choices as well as through government consultations.

At this point I note that the former parliamentary secretary for carers, the member for Dandenong, led a lot of the consultations on the new palliative care framework. In these consultations the need to simplify the law for medical treatment decision-making was

mentioned time and time again. These things were also raised in the feedback on the 'Simplifying medical treatment decision-making and advance care planning' position paper released by the government in June 2016. This bill has been strengthened and will be better law because we have sought the views of key stakeholders in the community at large. It is ironic that the lead speaker for the government, the member for Box Hill, has suggested that we have not undertaken sufficient consultation, when we get criticised by a member in the other place, Mary Wooldridge, for our commitment to consultation. It is quite frustrating at times to work with an opposition that will criticise us on the one hand for doing something and then say we have not done enough of it.

We asked doctors, nurses, health workers and most importantly patients and carers what was necessary in order to get advance care planning infrastructure in place that would work. This bill creates a contemporary framework that puts Victorians' preferences and values at the centre of medical treatment decision-making by giving statutory recognition to advance care directives, by providing Victorians with a new process for making medical treatment decisions and by clarifying the obligations of health practitioners. It is important to note that this bill and the impact of this bill will only come into effect when a person does not have decision-making capacity. A person with decision-making capacity should always make treatment decisions for themselves. There is nothing in this bill that will change that.

One of the purposes of the bill is to consolidate and clarify existing laws in relation to medical treatment decision-making. That is just one element. The bill also introduces key improvements to the law that reflect contemporary views about how people participate in decisions about their own medical treatment. In order to achieve these goals the bill will repeal the Medical Treatment Act 1988 and repeal and amend relevant provisions of the Guardianship and Administration Act 1986 and the Powers of Attorney Act 2014.

The bill creates an advance care planning scheme, enabling a person with the capacity to create a legally binding document that may include making an instructional directive to provide specific directives about treatment a person consents to or refuses; making a values directive, which will describe a person's views and values — a medical treatment decision-maker and health practitioner will be required to give effect to a values directive — by appointing a medical treatment decision-maker, who will make decisions on behalf of a person when they no longer have decision-making capacity; and appointing a support person, who will

assist a person to make decisions for themselves by collecting and interpreting information or assisting the person to communicate their decisions. This bill is a significant milestone and part of this government's commitment to a health system that puts Victorians well and truly at its centre and at its heart.

Anyone can make an advance care directive if they have decision-making capacity in relation to each statement in the directive and they understand the nature and effect of each statement in the directive. While the bill does not prescribe a form, it is important to know that a pro forma is currently available and will continue to be available. Feedback from consumers was very clear. They were concerned that a prescribed form might narrow the focus of health practitioners to particular forms of statements. Making an advance care directive should not be taken lightly. The bill requires that the person making the directive or appointing a medical treatment decision-maker put it in writing and sign the document in front of two witnesses.

At this point I want to talk to the amendments that the minister has circulated. I want to let the house know that the amendments have come into the house after further discussions that the minister has had with stakeholders and others following the introduction of the bill. The concerns of the medical community were twofold: first, that authorised witnesses — lawyers or members of Parliament — would not be able to appropriately assess whether a person understood the nature and effect of their advance care directive and so they should not be witnessing advance care directives. The second concern was that unless a witness is required to be a medical practitioner, doctors further down the line such as treating physicians at hospitals who have not had contact with the patient previously may not feel comfortable that the advance care directive was made with the full understanding of the medical impact of the directive. They advise that this could undermine the ability of instructional directives to operate as intended.

Our amendment remedies this concern. Under the amendment an advance care directive will be required to be witnessed by two people, one of whom must be a medical practitioner. This will serve as a strong safeguard to ensure that advance care directives will only be made by people who understand the potential consequences. Witnesses of advance care directives must certify that the person appears to understand the nature and effect of each statement in their directive. Given that an instructional directive effectively replaces informed consent to treatment, it is critical that a person understands the nature and effect of their directive. Requiring a medical practitioner to witness this will

ensure that people can discuss their advance care directive with a medical practitioner and understand its potential consequences.

The witnessing requirements for appointing a medical treatment decision-maker or support person will not change. This means that if the person appoints someone as their medical treatment decision-maker or support person at the same time as they make their advance care directive this can be witnessed by the medical practitioner witnessing the advance care directive. If they are appointing someone without making an advance care directive, they can have this witnessed by the broader list of authorised witnesses. The witnessing requirements for an appointment are consistent with the appointment of an enduring attorney under the Powers of Attorney Act 2014. With these amendments, this is an excellent bill, which I commend to the house.

Ms KEALY (Lewan) — It is a great privilege to rise to add my contribution and that of The Nationals to the Medical Treatment Planning and Decisions Bill 2016. I do note that there were some amendments which were tabled just prior to this debate beginning. It is very positive that there have been discussions between the Liberal-Nationals and the Minister for Health which have resulted in some changes to the bill.

However, as has been outlined by the member for Box Hill in his contribution as the lead speaker for the opposition, we still have a number of concerns with the detail in this bill. We feel that it is deeply flawed, and we are concerned that it has been poorly drafted. Given that we are seeing amendments tabled at the time that debate is to begin, you can see that there is some admission by the government that they have not quite got this right. We do need to make sure this bill is correct. It is too important to have any confusion in it. This is supposed to be providing clarification for people who are writing advance care directives. We need to make sure that it is right, and that is why I support the reasoned amendment which was moved by the member for Box Hill. It is extremely disappointing that we have not got this bill right when we are debating it today. I think that any sort of legislation which has an impact on end-of-life decisions and health care should be drafted very, very well and certainly that consultation should be taken on board.

I do note that the shadow Minister for Health in the other house has undertaken extensive consultation in relation to this bill. The member for Box Hill outlined some of the feedback, which showed overwhelmingly that there was deep concern that the flaws within this bill would weaken the safeguards for patients and people living in Victoria, that it did not include the

required safeguards and that it did not include clear and effective procedures, and that is why I support the reasoned amendment to the second-reading motion.

I would just like to go over the reasoned amendment to the second-reading motion so that it is clearly outlined within my contribution. It proposes:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to ensure there are adequate safeguards and clear and effective procedures in relation to the making and implementation of advance care directives and the appointment of and decision-making by medical treatment decision-makers'.

As I said, it is positive that there has been some admission that we need some changes made to this bill, and I do think that the inclusion of a reference to medical practitioners being witnesses to advance care directives would be a positive one.

It is a concern that when you go through both the instructional directive, which is an express instruction on how the person wishes to be treated or not treated, and the values directive, which is a broad statement that is indicative of a person's values and may be interpreted to apply to a vast range of situations, and that when you look at the current legislation as drafted there is no medical input required. We have had legislation through this house this year which has sought to deal with some quacks — people who purport to know about the medical industry but certainly do not and are giving people false and misleading information. The fact that we leave open such an important process around advance care directives where people give instructions on treatment they may not want to receive or may object to in the future and that medical input is not required is deeply concerning.

Another element of this bill is that it allows the appointment of someone to make medical treatment decisions on a person's behalf when they no longer have decision-making capacity. This is of course in line with advance care plans which are currently in place right across the state. I was fortunate to be the CEO of Edenhope hospital at a time when the coalition was in government, and there was a distinct push at that stage to promote advance care planning not just within the acute setting but also when it came to people involved in disability support services or even people attending any of the senior support services that were on offer at the hospital, and that was well supported by the nursing staff. It requires input from medical professionals, including nurses, and it really is a framework to fully inform an individual about the options available to them for treatment or for their medical care and for

them to write that down and ensure it is documented in a way that allows them to make decisions about their health care. That is something that is consistent with the philosophy around current health and treatment. It is about informed consent. It is about the patient's right to make a choice and to make decisions about their medical care and treatment.

There is a concern that I have in regard to informed consent. I am 39 years of age. If I put forward an advance care directive, it may have an impact hopefully later on in life, but in about 40 or 50 years it may not still be relevant. We know that in the field of medicine there are always new technologies and new medicines being developed and things that we do differently. We learn through experience. There is no expiry date required on these advance care directives, and something that was raised by the Royal Australasian College of Surgeons is that there is no requirement to review these care plans at any stage. It is impossible of course to make predictions about what illnesses we may confront in our future, let alone what treatments may be available to us in the future. I think that this is something that needs to be addressed. It would be best if it were addressed within legislation rather than having to do catch-up work down the track, particularly given it may have a significant impact on a patient giving informed consent about the treatment they receive or refuse and the medical care that they will receive in the future.

There are other concerns that have been raised with the minister, I understand, during discussions prior to this debate today. Significantly the difference between routine and significant treatment will only be defined by guidelines, as will the term 'reasonable efforts', despite these terms being essential to how the bill is interpreted. When we do have a bill which is about the type of treatment that is offered to somebody, we do need to make sure that these types of definitions are very, very clear and succinct and particularly that they are accessible and consistent with current medical and clinical standards and terminology.

I note that the member for Box Hill brought up an example in his contribution that somebody may put in their advance care directive that they refuse surgery; however, there may be a lack of understanding that that includes the placement of a saline drip. For somebody to refuse a treatment inadvertently can obviously create a lot of difficulties for anybody appointed to be their medical decision-maker down the track. We do not want people to be placed in a position where they are making decisions that are inconsistent with the true will of an individual who has lost the capacity to make medical decisions on their own behalf.

Further, the safeguards in the bill must be strong enough to protect the safety of the most vulnerable patients, including children and the elderly, who may not fully understand the implications of advance care directives. This is essential. We do not want to have people who are not fully informed being able to make decisions about their treatment. That is why it is very, very important that we have medical input and clinical input into ensuring that these people have fully informed consent when they are writing these advance care directives and that they are witnessed by a medical practitioner.

We also need to ensure that the language of the bill properly achieves the stated intentions. I will refer to the intent of the bill. It is to give statutory recognition to advance care directives to allow a person to appoint a medical treatment decision-maker, to allow a person to appoint a support person to assist them to make or communicate their own decisions and to govern when medical research procedures can be performed on people who do not have the capacity to consent.

It is important that we do have consistency against those stated intentions within the language of the bill. We could end up with increased liability for health services and medical practitioners, which we do not want. We could have the case of suicide attempts not being able to be treated, which may include paramedics having to stand by rather than perform urgent intervention, and there is ambiguity as well in the role of the public advocate or the Victorian Civil and Administrative Tribunal interpreting advance care directives or justification for attempted euthanasia.

This bill is far too important to fix on the run, as we have seen today. It is disappointing that such an important health bill has been so poorly drafted, and we can see that from the extensive feedback we have received from the many organisations who have a key part to play in this and who understand the scenario. They have been quite scathing about how this bill has been drafted. I was brought up being told that you do it once and you do it right. I think this bill should be withdrawn and properly drafted to make sure there are no inconsistencies. I understand the South Australian act is a good one to follow, and I support the reasoned amendment as put forward.

Ms KNIGHT (Wendouree) — I will speak briefly because a lot of people want to speak on the bill. I am proud to speak on the Medical Treatment Planning and Decisions Bill 2016, which focuses on the most important time of our life, and that is our death. While death may be a difficult topic to talk about, it is nonetheless a topic that we all must confront sooner or,

preferably, later. The bill was an election commitment, and to quote from the parliamentary research note, it will:

... provide for statutory recognition of advance health directives to enable people to refuse or consent to treatment for existing and future conditions.

Advance health directives, according to the bill, are instructional and are also values driven. To me that is incredibly important if we are to support a person-centred model of care — that is, care being directed by the person who is the subject of that care and based on their own values and their own beliefs, not a paternalistic approach that historically has determined the decisions that are made about us and for us at our time of death.

This bill will repeal the Medical Treatment Act 1988 and amend the Guardianship and Administration Act 1985, the Powers of Attorney Act 2014 and the Mental Health Act 2014. The outcome is a much less complex and fragmented law. One of the key findings of the Legislative Council Standing Committee on Legal and Social Issues inquiry into end-of-life choices was to simplify Victoria's medical treatment laws. This need to simplify the laws has also been identified by the Office of the Public Advocate, Alfred Health and the Law Institute of Victoria. I want to take the opportunity to thank all members of the standing committee for this very important report and the subsequent recommendations. From these recommendations, of course, came the bill that we are speaking about today.

I am sure it is the same for everyone here — that this report generated a lot of correspondence. In my case, through emails and discussions, talking about all of the recommendations in that report, I am particularly interested in the recommendations on assisted dying, and they seem to have generated the most responses and the most contact with me and with my office. I am sure I am not alone in receiving from Right to Life Australia an article headed 'Legalise euthanasia, and compassionate society dies too', by Paul Kelly, editor-at-large. The opening paragraph reads:

If you love your parents, respect your children, care for your society and think compassionately about your world then it is time to open your heart and brain to what happens when a jurisdiction legalises killing or, as it is called, euthanasia.

I probably agree with some of Paul's wording but certainly not with his sentiment. I love my parents, I respect my children, I care for my society and I like to believe that I think compassionately about my world, and that is why I open my heart and my brain to a time where I can stand here debating a bill that supports, through legislation, assisted dying. I could conclude

there, but I would rather conclude with a statement sent to me by Janet, one of my constituents:

I am writing to you to voice my support for an assisted dying law in Victoria ...

I support the recommendation of the Victorian Parliament's inquiry into end-of-life choices to introduce legislation to allow assisted dying for Victorians suffering from a serious and incurable condition and who are at the end of life, with strict guidelines and safeguards as outlined in the report.

I want Victoria to make history and introduce compassionate laws that will prevent good people from dying bad deaths. I want to see an end to the needless and horrific suffering and trauma that is currently taking place in the absence of these laws. I want to see Victorians given more options at the end of life.

I want you to hear my voice and support an assisted dying law in Victoria.

Janet, I hear your voice and the voices of many others, including mine. In other words, I could not agree more. I make a commitment to you, to John and to your son that I will do everything I can to introduce compassionate laws that will prevent good people from dying bad deaths. I think advance care plans, reducing the complexities around them, making them values driven and making them person-centred is the start to talking about how we want to die and putting it in a legislative framework. I wish this bill a speedy passage through the chamber.

Mr HIBBINS (Prahran) — I rise to speak on behalf of the Greens for the Medical Treatment Planning and Decisions Bill 2016. The Greens support the bill because we believe there is a clear need for these laws to come into place, particularly around a person's end of life, to create these legally binding advance care directives, and I will go into just some of the detail of the bill because it is important that these advance care directives can include instructional health directives which will replace the refusal-of-treatment certificates and allow for the specific refusal of or consent to a particular medical treatment in specific circumstances. It will also allow for, as other speakers have indicated, a broader values directive which will be a more generalised statement about a person's wishes, which will only come into effect once a person no longer has the capacity to make decisions for themselves.

In regard to medical decision-makers, the bill makes a clear and simplified framework for establishing medical treatment decision-makers who can act on a person's behalf to interpret these values and directives, or in the specific circumstances when a person is no longer capable of making the medical decisions themselves. It allows for the nomination of a support person who can support a person with their care, especially when they

do have decision-making capacity, and where no person can be located it provides for the Office of the Public Advocate to be a decision-maker of last resort for those significant medical treatment decisions.

The bill will oblige health practitioners, whether it is doctors, nurses, paramedics or other health professionals, to seek out a person's advance care directive and act in accordance with it, even if the person no longer has capacity, and a failure to comply with these requirements will constitute unprofessional conduct, with a penalty attached to it. Having said that, it does not prevent health practitioners from providing treatment in emergency situations when there is no time to locate the directive. The Greens will support the bill because there is a pressing need for this clear obligation on healthcare providers to adhere with a person's advance care directive, where in the past that has not been the case. The bill will enable people to exercise choice and also express values that can be interpreted by trusting people when new and unforeseen circumstances arise with a person's medical care.

Today approximately 85 per cent of Australians are dying after a chronic illness, not a sudden event, and up to 50 per cent of people will be incapable of making their own decisions at the end of their life, and that is why these legally binding advance care directives are so important. There are many people with a very serious illness or injury that will have times when they are incapable of making their own decisions. It is so important to have these clear directions for healthcare providers, particularly at a time when very few people have advance care directives or refusal-of-treatment certificates.

Currently there is no legislative framework supporting advance care directives, meaning that even if you write one, there is no obligation on doctors to adhere to it, and that is why this bill is important. It ensures that Victorians have more control and more say and get the health care that is true to their wishes. To do this, it is important to get the legislative framework in place and ensure that we have got a good culture regarding end-of-life choices when someone is critically ill. That is why we strongly support these reforms.

As we know, there has been an inquiry into end-of-life choices, and that inquiry made a number of recommendations. One of those recommendations is where this legislation comes from, but there are also a number of other recommendations that are not legislative in nature but go really to, I think, changing the culture in hospitals and other healthcare settings to integrate advance care planning and conversations about end-of-life choices into their core business. It

goes to the need for education and awareness campaigns. We would certainly be very interested in knowing how the government intends to enact those recommendations.

As I said, we are supportive of this bill, but there is one area where we do have some concerns, and we would certainly be open to discussing and rectifying that with the government. It is in relation to clause 17, and we understand there are some amendments to clause 17. In my understanding the creation of a new advance care directive or a revision of an existing advance care directive must be witnessed by two adults and they must be in the presence of the person giving the advance care directive and each other, and one of those witnesses, as I understand from these amendments, must be a registered medical practitioner, or a doctor in this instance.

Where that might be a problem is where a person wishes to die at home with the support of palliative care and a palliative care nurse. In these circumstances a person might be weak or unable to travel, they might decide that they want to change their instructions of their advance care directive and they might decide that they want to withdraw life-prolonging treatment. They might require an advance care directive specifically because of the time, because of pain relief drugs or for whatever reasons. They might be ebbing in and out of consciousness and not have the ability to make those decisions.

At this point, as the legislation stands, to change the advance care directive the person would have to call a locum doctor. In these circumstances, particularly in regional instances, this could be difficult, unaffordable, impractical and possibly impossible. In this instance a locum doctor would have no knowledge of the patient, their values or their circumstances, which again creates a challenge in itself. We would be very concerned that this could lead to some people getting unwanted treatment at the end of their life and be a barrier to getting the advance care directive that they want to actually put in place.

We believe that there is a simple solution to this: that when someone is receiving home-based palliative care where district and palliative care nurses are making regular home visits to provide care and are familiar with that person — that in those circumstances, and only in those circumstances — a registered nurse would be able to witness the advance care directive in the place of an authorised witness or, as the government's amendment says, a registered medical practitioner. It is a pretty narrow issue we have with the bill, and certainly I think there would be a pretty simple solution

for those sorts of instances to make sure that everyone in all the circumstances would be able to get the advance care directive that they so desire.

Of course in looking at this issue we need to look at the issue of assisted dying, and certainly that is something that is a longstanding policy of the Greens, as it has been for many years, back to when we were not represented in this place and only had one senator, Bob Brown, up in the federal Parliament. It is certainly something that we have been pushing for a long time and something that has the overwhelming support of the community, who want to be able to have a dignified, peaceful death without suffering.

We have seen the inquiry into end-of-life choices by the upper house Standing Committee on Legal and Social Issues, which did recommend implementation of a framework for assisted dying. Of course this area is complex and potentially problematic, but I think in that inquiry and that report we have seen that laws can be devised in ways that are fair, workable and evidence based and that it is possible to have a system that relieves suffering but also protects the most vulnerable.

Assisted dying works in other jurisdictions, and it certainly can work in Victoria. I welcome comments made by members of the cabinet and other government members that they are supportive of assisted dying, and we look forward to legislation being introduced. We have indicated that if the government does not put forward legislation, we will be putting forward legislation. We certainly hope that we can work with members of all parties to put this legislation in place and get assisted dying legislation within this term of Parliament.

We will be supporting this bill. As I said, we have one issue with this bill, which we believe has a simple solution, so we would like to work with the government to address that particular issue. We certainly look forward to working with all members of Parliament to address the issue of assisted dying as well.

Mr BROOKS (Bundoora) — It is certainly an honour to be able to contribute to this debate. As I understand it, there are a number of speakers who wish to contribute on this important piece of legislation. I will try to keep my comments as brief as possible. Firstly, I would like to commend the Minister for Health and all of those people who have assisted her, including the Parliamentary Secretary for Health and the former Parliamentary Secretary for Carers and Volunteers, for crafting this piece of legislation after thorough consultation with the sector and with a whole range of people in the community to ensure that when

this bill was brought to this place it covered all of the issues that have been raised by people in the community, both in the medical fraternity and outside of it.

For me this bill provides two central things. It provides certainty for people who are likely to have medical treatment, their families and the people who love them. It also provides choice for those people and certainty for the medical profession. This piece of legislation fully implements recommendations 47 and 48 of the Standing Committee on Legal and Social Issues inquiry into end-of-life choices, which has been mentioned in this house before. I commend members of that committee from all sides of politics who produced that report.

This bill is not an insignificant piece of work. It pulls together a range of legislative instruments and ways of doing things in the medical system at the moment. It repeals the Medical Treatment Act 1988, it repeals and amends relevant provisions of the Guardianship and Administration Act 1986 and the Powers of Attorney Act 2014 and it creates an entirely new framework for advance care directives. Importantly it creates a definition of 'medical treatment' to provide clarity. It sets out very clearly that this new law will apply to all health practitioners who are registered under the Health Practitioner Regulation National Law, and that includes paramedics.

It introduces a single test for capacity in relation to medical treatment, and I think this is a very important part of the bill. I remember participating in an inquiry on the then Law Reform Committee of the Parliament into powers of attorney. The issue of a clear understanding of capacity and when people have capacity to make decisions about their own health is vital. This bill provides a four-part test of capacity that is consistent with the Powers of Attorney Act 2014. One, people have to understand the information relevant to the decision and the effect of the decision; two, they have to retain that information to the extent necessary to make the decision; three, they have to use or weigh that information as part of the process of making that decision; and four, they have to communicate the decision and the person's views and needs as to the decision in some way, including by speech, gestures or other means. I think it is really important that there is that clarity around capacity, because there has been in the past, in my experience, a level of confusion about when a person does or does not have capacity to make the sorts of decisions that we are talking about.

When the lead speaker of the opposition, the manager of opposition business, rose to make a contribution and raised a series of concerns, I have to say I was interested to listen to his contribution. Whilst we differ in our political views, I do respect in many ways his grasp of the law. But I have got to say I was somewhat disappointed in the list of issues that he had with this particular piece of legislation. When you look carefully at the issues he raised in his contribution — and I do not have time to go through every single one of them — a number of them I imagine would cause some alarm with people. When you look carefully at the clauses in the bill and how they would be applied, you see that they do not in fact stand up to scrutiny. He raised issues around instructional directives — that there was no requirement for any medical advice prior to a directive — and he raised the issue that witnesses to directives must be satisfied the person understands the information relevant to a decision and the effect of the decision. His concern was that without medical advice from medical practitioners at that point in the process, there would be a lack of information for people making directives. Of course the minister has tabled in the house an amendment which would ensure that, of the witnesses to a directive, one of them would have to be registered medical practitioner. So I would suggest that that takes into account the concerns that the member raised in his contribution.

He also went on to say that a son or daughter might want to 'get rid of Mum or Dad' — in his words — and therefore refusing treatment would be an easy decision for them to make. This ignores the fact that in the first instance a son or daughter does not make a directive about treatment; it would be the person themselves. If he was referring to a son or daughter who might have been appointed as a decision-maker, my question would be to the member for Box Hill and those opposite, quite genuinely: why would we seek to stop someone appointing a loved one, whether it be a son or a daughter or someone that they trust and know well and love, as a decision-maker of their medical treatment for them? Is it the role of the state to say that people should not be able to place someone they trust and love in that particular role? I am not discounting at all for a moment the fact that there is always an opportunity with any law or piece of legislation for people to do the wrong thing, but I think in this particular case the advantages and benefits for people of being able to utilise these advance care directives far outweighs the concerns that have been raised by the member for Box Hill.

The other issue that he raised — and it is a sensitive one — is in relation to his interpretation of, I think it was, clause 53(2). He suggested — and I think it would

have been better if this was not raised in this particular way — that a medical practitioner, due to this particular clause, would not be able to provide medical treatment to someone who had attempted to commit suicide. My reading of that clause and the advice that I have indicates that there is no way that a suicide note could be interpreted in a way that would preclude medical treatment by a paramedic or a medical practitioner. So it is unfortunate that that has been raised in the debate in this way. I think it is alarming people unnecessarily about the operation of this bill.

I am sure there are members in this place who have had their own experiences of having to support people that they love through difficult health problems or terminal illnesses and who would understand how important it is for people to have the ability to choose their medical treatment options in advance and to have some control over how they are treated in hospitals and so on.

I am reminded of a speaker at a Palliative Care Victoria briefing; I think it was last year. I will not mention this man's name. He is the father of a young boy who had a terminal illness, and he spoke about the value of that child being able to be with family through the process of him passing away and the tragic circumstances where the family also lost the mother of that child. The key thing that struck me out of that was the way in which certain things about being at home and the way in which that child was treated were important to that child and that family.

I think that brings out the fact that we all have different fears and different strengths and weakness, and some medical treatments and some ways of continuing to live with a lesser quality of life will be acceptable to some people and will strike fear into the heart of other people. That is why it is important for people to be able to have a say in how they receive medical treatment and why it is important that people are prompted to have these discussions before it is too late — that they are prompted to have these discussions early on with family and other people that they trust so that they are able to receive the treatment that they want and do not receive the treatment that they do not want.

I think the Minister for Health and her team have produced a very significant piece of legislation, one that I am very proud to support and one that I am very proud to be associated with as part of this Andrews Labor government — again, producing a piece of work it developed, out of opposition, by listening to the community, and that it is now delivering in government. I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — I am pleased to rise to contribute to this debate on the Medical Treatment Planning and Decisions Bill 2016. As previous speakers on this side of the house have said, there are a number of concerns with the bill before the house, and I too support the reasoned amendment put forward by the member for Box Hill.

It is imperative that we get legislation like this right. This development of providing advance care directives with statutory recognition is a very significant issue. When dealing with people's end-of-life issues and when considering the provision of clear directives for what level of treatment people receive when they come to the end of their life, it is imperative that we get this right. I think government members themselves have acknowledged that they have bungled it, because we have amendments before the house already, circulated by the government.

There are aspects of this bill which are very important and there are aspects of this bill which will receive support from within the community, but there are also aspects of this bill about which there are great concerns.

An issue was raised before in regard to end-of-life issues, particularly around the area of suicide and whether or not a person would be provided with treatment if they had left a note and also around the ambiguity that could arise for the public advocate or the Victorian Civil and Administrative Tribunal (VCAT) in interpreting these directives or justifications in regard to attempted euthanasia. Both of these are very, very important issues. When a paramedic comes to the aid of somebody who has sought to take their own life, what will normally happen is our emergency services will provide as much support as they can for that person in order to try to save them. But if a person has left a note, does that mean that that person has in fact left an advance care directive?

I think the comments — and I do not want to be churlish — were scaremongering. But the point of the exercise is that legislation is meant to provide clarity on these types of issues. It is not meant to provide some sort of loose interpretation and leave it up to people in the community to make up their own mind on these sorts of issues. We have got to be very clear on issues like this: if somebody leaves a note when they attempt to commit suicide and if that person is still alive when emergency services come, does that note fulfil the role of an advance care directive? Again, the legislation is not clear.

Issues have been raised in regard to young people. It has been deemed that somebody of any age with

capacity can make an advance care directive, albeit with increased witnessing requirements, but a child's refusal of a blood transfusion can be overturned by the courts. Again, we have seen issues arise where this is meant to provide clarity, this is meant to provide certainty and this is meant to provide consistency, but under the legislation there is none of that.

With regard to residential aged-care facilities we know that these directives will be stored on a medical record by the facility. Again, how do we know if a person's directives are actually going to be seen by the people who are going to make the ultimate decisions? If that person is transferred to a hospital, how do we know that the record is going to transfer with the patient? Clearly in an emergency situation what is at the front of mind of those in an aged-care facility is to get the person into an ambulance and to a health facility. They will probably not be thinking about ensuring that the directive is actually transferred with the patient to the hospital. Again, there is a lack of clarity on how this will apply. There has been strong support for centralised storage and access to directives, but clearly this is not going to be the case for people who are in a residential aged-care facility. Let us be very clear: there are many people in residential aged-care facilities who will require medical assistance and be transferred to a hospital, and their directive will sit in a medical record at the aged-care facility and no-one will be aware of what that person had actually requested.

Issues have been raised in regard to the need for an education campaign to inform people of their rights and responsibilities, but again there is nothing in the bill that is going to deal with this issue.

Let us be very clear: there are certainly important benefits to providing people with statutory recognition of their advance care directive. It will allow a person to appoint a medical treatment decision-maker and a support person to assist them to make or communicate their own decisions. It will also govern when medical research procedures can be performed on people who do not have capacity to consent. But as we know, for many people, when this actually becomes applicable, it will be at a point in their life where there is obviously an emergency and possibly a tragic situation.

I think of my own grandmother. One minute she was walking across a street, the next minute she was in a hospital. She did not have any of this information on her person when she was struck by a vehicle. The next minute she was in a hospital. These things happen very, very quickly, and for people who have made these decisions and put these advance care directives in place,

it is never clear that that information will go with the person.

I think it is very clear from what we have heard that, yes, there is important work that has been done in this area; yes, the former government has done work, and this government has continued that work — that has been acknowledged and recognised. But what we need to do is make sure that this is fixed. The government knows they have not got it right because they have brought in their own amendments to their own bill to get this right. Having been a minister in the former government and having served in both government and in opposition in the past, I know it is imperative that governments get it right by the time they introduce a bill in the Parliament. If the minister was not of the view that the bill was right, then she should not have put the bill before cabinet and she should not have sought cabinet approval for the bill, unless she was of the view that the bill was ready to be put to Parliament and that it met all the appropriate tests.

Clearly, that is not the case. The minister sought cabinet approval, introduced a bill and then as a consequence of the bill being released, concerns have been identified. Well, we recognise that there are more concerns, and it is imperative that we get this bill right. Yes, I appreciate the comments of the government member who spoke before me, who said that people should not draw the conclusion that this bill is going to stop people receiving assistance if they have attempted to commit suicide, but the point is: we do not know. We do not know because the bill is unclear.

As we know, suicide is a blight on our community. We know many people take their lives. We know many people attempt suicide, and we know many people leave notes associated with their suicide. So we need to ensure that we get this right. We need to ensure that we get it right for the families, that we get it right for those seeking help and that we get it right for the emergency services who will be dealing with this situation.

It is not good enough to come into the house and just say that people are scaremongering on an issue like this. As a member of the government, the government member should have been able to explain what the government's position is on the bill and on this issue. It should have been clarified, but we did not get it clarified. It was not clarified, and that goes to the heart of what the opposition has been raising in terms of concerns about this bill.

As I said, it is a very important bill. It involves very important decisions. It builds on the work of both this government and the former government, and that is

acknowledged and that is recognised, but it is imperative that we get this right. The bill in its current form does not do that, and it is imperative that this government ensures, by looking at what the member for Box Hill has said, that we get this bill fixed and fixed properly.

Ms WILLIAMS (Dandenong) — It is my pleasure to rise in support of the Medical Treatment Planning and Decisions Bill 2016. This bill has given me, like many of us, great cause for reflection. As a community and in this place I think we often reflect on our rights at the earliest stages of life and on the way children should be raised and protected, but as we know, every beginning has an end. It feels as though we spend less time reflecting on the end of life and less time ensuring that the experience of end of life meets the wishes, values and preferences of individuals within our community. This is important, even if it is a little uncomfortable for many of us to speak about.

I was fortunate in my previous role as Parliamentary Secretary for Carers and Volunteers to attend a great number of the consultations that informed this government's palliative care framework. This work was broader than what is covered in this bill and had a slightly different focus, but this bill certainly covers off on some key issues that were raised as part of that consultation process. In particular it deals with the issue of advance care directives, which came up at every consultation I attended — every single one.

Related to this was a strong emphasis on the importance of having the discussion. That is always how it was framed, having the discussion — that is, having the discussion about our wishes, our preferences and our values with families and loved ones. And it is a conversation that I think because of our level of community discomfort — even as a culture there is some level of discomfort — often does not happen.

I should say from the outset I am not actually a person who is afraid of talking about death or dying. I have been very open with my family, friends and loved ones about a number of issues about my end of life. Although I hope that is some time away, like many others these conversations with family and loved ones have probably tended to focus on matters that come after death; you know, cremation versus burial, where I would like my ashes to be spread, the sort of funeral I might like, whether I want any record of my existence in a cemetery or not. For the record, my answer on that is not. Like many others I have probably focused less on what treatment and care I would like should I fall terminally ill. I have probably spent much less time thinking or talking about the process of dying or a

situation where I might be faced with a chronic illness or some sort of illness that leaves me with a lack of capacity.

One of the many things I learnt during the consultation process for the palliative care framework is that I am probably not unusual in this regard. I learnt that as a community we are quite reluctant to speak about death and dying, and I think that needs to change. Prior to the last election the now Premier made a commitment to give legal protection to advance care directives. The passing of this bill will fulfil that commitment for the benefit of all Victorians.

The bill before us today is essentially and fundamentally framed around the proposition that every patient should get to make their own decisions about medical treatment. These decisions should include access to quality medical treatment that is delivered in a way that is consistent with a person's preferences and their values. This is especially important when a person loses capacity and may not be able to communicate these wishes and preferences themselves. This is where this bill makes key and valuable changes.

I should note that while much of the discussion about this bill will focus on people's final stages of life, the bill is actually relevant to a broader range of circumstances than just end-of-life decision-making. There are other circumstances, as we can well imagine, where a person may not have capacity but a medical decision may need to be made, for example, where someone has lost capacity or consciousness as part of an accident, which is relevant to all of us because it can happen to anyone at any time.

This bill is complex. It would be impossible to cover all of these complexities in the brief time that I have available, so I will concentrate on some of the key provisions but will by no means cover the full scope and detail of the bill. Currently Victorian laws do not provide people with certainty about their rights and responsibilities in relation to advance care directives. Essentially this is because the current legislative scheme is messy, cuts across a number of pieces of legislation that have been amended bit by bit over time and, as a result, lacks clarity. This bill seeks to rectify that.

For starters the bill will repeal the Medical Treatment Act 1998 and will repeal and amend relevant provisions in the Guardianship and Administration Act 1986 and the Powers of Attorney Act 2014. The bill will introduce a single definition of 'medical treatment'; currently there are three definitions. That is pretty incredible. It will also introduce a single test for

capacity — that is, a test for capacity to make decisions — and it will create a clear and simplified process for appointing and recognising medical treatment decision-makers.

I would like to return to focus on the broader scope of the bill, which is really about personalised care. This bill creates a contemporary framework that puts individual preference at the centre of medical decision-making, exactly where it deserves to be, and I will come to why that is important a bit later.

One of the questions people might ask is ‘What is an advance care directive?’. Essentially it is a document produced through a process of advance care planning, which usually involves discussions with friends and family or healthcare professionals, and that is certainly something that we encourage. An advance care directive outlines preferences for future medical treatment, and up until now it would guide family, friends and medical practitioners when a person lost capacity, but it would not have legal protection and would essentially not bind a medical practitioner to act in accordance with the preferences that were outlined in it. This bill will give advance care directives legal protection, but importantly it does not make them compulsory, and that is an important distinction.

Under the bill a person can make an advance care directive if they have decision-making capacity, meaning that they understand the information relevant to the decision and the effect of the decision, that they retain that information to the extent necessary to make a decision, that they can use or wait for that information as part of the process of making the decision, and that they can communicate the decision and their views and needs as to the decision in some way, whether that be speech, gestures or other means. A person must understand the nature and effect of each statement they make in a directive for it to be valid. In addition to this test, an advance care directive must be signed by two people, one of whom must be a medical practitioner. I will not go into the details of that provision as other speakers have already covered them.

This bill also provides for medical treatment decision-makers. This person will be the only one who can make medical treatment decisions on behalf of the individual in question. This effectively replaces a person responsible and an enduring power of attorney for medical treatment. An enduring power of attorney for personal matters will no longer be able to make medical treatment decisions. There can only be one medical treatment decision-maker at any one time. A person can appoint another person as their medical

treatment decision-maker but they are not required to do so.

If a person has not appointed a decision-maker and the Victorian Civil and Administrative Tribunal has not appointed a guardian, the decision-maker will be the spouse, primary carer, adult child, parent or adult sibling, whichever of these is the first with a close and continuing relationship with the person. The concept of a close and continuing relationship is what differentiates this from the current regime, which effectively gives a role to relatives who may be quite distant from the patient and who in reality may barely know the patient. These changes are designed to ensure as best as is possible that only someone who actually knows the person will be their medical treatment decision-maker. If there is no one available, the public advocate will act as decision-maker. The purpose of these changes is to clarify the legal hierarchy for selecting medical treatment decision-makers and to remove confusion about the powers of the decision-makers.

I said earlier that I would return to the reasons why I think the core focus of this bill is so important. I again want to reflect on the consultations that I led in my previous role as they highlighted to me why this bill is so important and why its core proposition is so important. If I were to name one key theme that emerged from the palliative care consultations, it was this: each of us craves dignity at every stage of our lives, and choice is an inherent part of dignity.

I heard patients, carers and medical professionals outline a variety of patient experiences, some awful, others as wonderful as you could hope them to be. The awful experiences most often involved situations where a patient felt they were not being listened to or where a carer watched a patient’s wishes effectively being ignored. I heard about people feeling disempowered, people feeling like they no longer had ownership of their own bodies, people who no longer felt like a human being, people who felt like they no longer mattered and their wishes had no currency. It concerned me then, and it still does, that far too many people have this experience, whether as part of a chronic illness or part of their end-of-life journey. Those are not experiences I would want my parents, my siblings or my friends to have, and they are not the experiences that I would like to have.

So when you contrast these awful stories with the good stories, the difference in the experience and the significance of this — not just to the person who is sick or dying but for their loved ones — is brought into sharp focus. In the case of a dying patient, carers and

loved ones were able to move on much more easily if this process had been respectful and person-centred and if the carer or loved one had the comfort of knowing that everything had happened the way that person wanted. To lack capacity is not to lack feeling, and to lack capacity does not mean that dignity no longer matters. We need to remember that. It is precisely why this bill is so important, and on that note I commend the bill to the house.

Ms BRITNELL (South-West Coast) — I rise to speak on the Medical Treatment Planning and Decisions Bill 2016 and to support the opposition's stance of an amendment to the second reading for the bill to be redrawn and redrafted.

As the statement of compatibility says, the bill's intent is to establish a new scheme of medical treatment planning, to consolidate the law relating to medical treatment decision-making and to take into account contemporary views about personal autonomy and how people participate in decisions about their own health care.

In my view this bill should help to eliminate the position some medical professionals find themselves in when it comes to end-of-life care and planning. The legislation is to provide clear guidelines and a framework for medical professionals, nurses and doctors, who often find themselves lacking clarity around medical intervention when caring for people who are dying, which unfortunately leaves the medical professionals vulnerable. However, this legislation is just too scant in detail and may create more uncertainty in its current form. In fact, I think it is probably opening a can of worms.

Medical professionals want to do what is right for their patients. I do not think anyone can deny that, but often they are hamstrung. They face legal hurdles and many feel compromised because the laws surrounding this area are confusing and fragmented. I had hoped this bill would clear up that confusion, because we have reached a point where this type of care needs clarity. Most importantly I had hoped that it would put the decision-making power into the hands of supported individuals who are professionally counselled, which would allow a person of sound mind to decide how they want to spend their final moments of life and how they want to see those moments played out. People should not be making decisions on a whim. There should be extensive consultation with doctors and other medical professionals and there should be counselling. This actually does happen now, I understand that, but we can improve on it, particularly when people are diagnosed with terminal illnesses.

The legislation also aims to better support and provide clarity for people who are making medical decisions on behalf of others. The legislation will not prevent them from changing their minds on their position. In fact, whilst a person remains of sound mind and has the capacity to articulate their wishes, I had hoped the legislation would be clear enough that they are able to change their directives and the care plan they have designed only comes into play if they lose that decision-making capacity. I think this would alleviate the fear that many people have shared with me around this legislation.

The legislation allows people to make instructional directives that are legally binding on how they wish to be treated for current or future medical conditions or to make values statements which can be used as guidance.

Many patients or their families during my nursing career made these directives, such as a not for resuscitation — or NFR, as we called it over the years. I had hoped that this legislation would put more clarity around that already established practice and improve the clarity. I have personally had this discussion with my 83-year-old mother. She is a nurse as well so this is something we are both very familiar with. But at this point in time this legislation does not clarify this for me. A values directive is a directive that allows a patient to give guidance so that the medical staff can work with those values while still using professional judgement, which is probably the discussion my mother and I had around NFR. I think this concept is good, but there is no clarity in the legislation.

This is something I have been involved in for many, many years. Prior to joining this place I worked for 30 years as a nurse, many years spent on wards giving patients treatment and support as part of managing their end-of-life care. I sat with many dying patients and cried with many families. Hence the discussions here today are very, very important to me.

Legislation with the right amendments would allow for people to make decisions so they can die with the least distress. I have seen on too many occasions families struggling and confronted when having to make decisions that are in the best interests of their loved ones. The pain and suffering when they have not been able to manage the situation has been prolonged. We can improve this if we get it right, but this legislation is not the right piece of work to achieve that.

If amended, the legislation would also give medical professionals the confidence they have been looking for to provide the best care that fits with the patient's wishes. The bill should outline what a medical

practitioner can and cannot do in terms of treating a patient with a care directive. It should outline when a doctor can refuse to comply with a directive, which allows a doctor or medical practitioner to exercise their professional judgement without fear of being reprimanded or prosecuted.

That is why I think this is really more of a can of worms. It does not actually enhance the ability of a professional to use their judgement; I think it actually hinders it further. I do have some concerns over how the terminology used in this legislation is defined, particularly when talking about significant and routine treatments and reasonable efforts. There must be absolutely no ambiguity about what these terms mean and how they can be interpreted because it will defeat one of the main purposes of this bill — to simplify and streamline Victoria's laws around medical treatment. It is absolutely vital that we get this right. There is no point putting this in place if it is going to confuse the laws and the rights and obligations of medical practitioners further. If it is not clear, we run the risk of not improving the situation.

I do take issue with an authorised witness to directives not having to be a medical professional. I believe there must be strong safeguards in place to ensure that those making advance care directives fully understand the implications, especially with vulnerable patients like the elderly and children. There are other unanswered questions. For example, I do not know where organ donation fits into this legislation. Currently if you are a registered organ donor, your family can override that decision. Will this legislation change that?

Giving people the right to make decisions about their treatment does not affect life's journey. It simply ensures that when the end is reached it is done with dignity and how the patient wants it to be done. However, this bill does not do that for me. It does not provide clarity, it does not have consistency and it does not appear to have improved outcomes. It is all very well for the member for Dandenong to talk about idealism, but at the end of the day this is a very complex area. I absolutely urge the Parliament to make sure we get this 100 per cent right. As a person with a 30-year history in practical nursing, I implore us to make sure we put this bill aside and take the time to do it exactly right. Unintended consequences have no place here.

Mr CRISP (Mildura) — I stand here to make my contribution on the Medical Treatment Planning and Decisions Bill 2016. The purposes of the bill are to provide for a person to execute an advance care directive that gives binding instructions or expresses

that person's preferences and values in relation to their future medical treatment; to provide for the making of medical treatment decisions on behalf of persons who do not have decision-making capacity; to provide for a person to appoint another person to make medical treatment decisions on their behalf when they do not have decision-making capacity or another person to support them and represent their interests in making medical treatment decisions; and to provide for a process for obtaining approval and consent for medical research procedures to be administered to a person who does not have decision-making capacity.

Those are some of the purposes of the bill as it is laid out. However, there are a number of provisions in this bill that I need to run through before I make some brief but important comments about the repercussions of the bill. The bill allows a person to execute an advance care directive and give instructions in relation to their current and future medical treatment. These can be instructional directives, which are binding, or values directives, which are for guidance, about existing and future medical conditions. The current refusal of treatment certificate only allows a person to refuse medical treatment for a current condition.

Instructional directives are express instructions on how a person wishes to be treated or not treated; for example, 'I do not consent to being resuscitated when my dementia has progressed to a point where I no longer recognise my family'. Values directives are broader statements that are indicative of a person's values and may be interpreted to apply to a vast range of situations. An instructional directive that is not directly relevant to a person's condition can still be considered as a values directive and provide guidance on treatment approach. The bill allows a person to appoint someone to make medical treatment decisions on their behalf when they no longer have decision-making capacity, and it allows a person to appoint a person to support them and communicate their medical treatment decisions while they have decision-making capacity.

I have laid out the intent of this bill. We would all agree that the principle of advance care directives is widely supported. However, the wording in this bill is not satisfactory, and that will further complicate the issue. Although the bill is supported in principle, it needs to be widely understood. That is going to be a challenge in providing for these advance care directives. Therefore I support the reasoned amendment, which says that we need to withdraw the current bill and get the wording tightened up. Let us get this right, because this is a really big decision and many people will struggle to be

aware of the consequences unless the implications are fully explained.

I note some house amendments have been circulated, particularly around the person who signs off or gives advice about this advance care directive. I think that is very wise. However, this is patching up the bill on the run. I am always worried when we start to do that because when you do these things on the run inevitably mistakes are made. Yes, we can come back and correct them, but that could be difficult for people who have made advance care directives within the framework that we will have laid out. They may well need to amend them, but more likely than not they will not, and this will cause problems later.

We need to hasten carefully with this. The member for Box Hill went through the many issues in great detail. I like the example he used: if the wording of the bill is too loose, a patient could miss out on getting a saline drip and die of dehydration. That is a very valid example, and it shows the complexity of this legislation.

My advice is that you would be better to do your advance care directive later in life. However, you do not want to leave it too late, and that is very much the challenge. You should do this while you are competent and while you are able to discuss it fully. You should receive the professional advice you need and discuss it fully with your family. However, in my case, under this legislation I will not be doing an advance care directive soon because I do not think it is worth the risk at this stage.

As I have said, this is an issue that is worthy of legislation in principle. However, we do need to take this bill away and do some more consultation. In particular we have some house amendments before us. There are rumoured to be more house amendments that will come to the house. A large amount of construction has been done on this particular bill, and to push it through without allowing all those people who have contributed to the formation of the bill an opportunity to comment on it I think is foolhardy. This bill does not solve problems for families. It does not solve problems for older people. This issue is far too important to be treated hastily. Let us hasten with caution and have this bill go back and be redrafted where it needs strengthening.

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the bill before the house. I listened to the member for Ferntree Gully's contribution being quite critical of the fact that we are introducing house amendments in relation to this bill,

and I seem to recall that when we debated the long-term lease of the port, the government was attacked then by the opposition because of not seeking to make changes to that legislation at that time because of having a hostile upper house. If we were to pursue a bill without making changes and run the risk of it not getting through the Council, we would be criticised for being arrogant. We make changes — reasonable house amendments — and we are being attacked for this being botched or rushed, which I think is a very unfortunate argument to have.

The member for Ferntree Gully also, for example, was quite critical of the fact that there is nothing in the legislation about having a communications strategy. I have not been in this place as long as the member for Ferntree Gully, but my understanding of legislative instruments is that a piece of legislation is like the skeleton of the human body, the regulations are like the flesh and the actions of the body are like the actions of the government, so in terms of a communications strategy, you would expect that would be delivered by a department. You would not expect a communications strategy to be appendix A of a piece of legislation. I just make those brief comments.

I am not going to speak for long. I suppose I just want to talk about a personal story from my perspective. One Saturday afternoon in 1994 my mother complained about having a pain in the head. She asked to have a shower and she collapsed. My father, my brother and I ended up in intensive care half an hour later, and your world just falls out from under you. It was a deeply traumatic experience for all of us, and thankfully my mother survived, but you go through the whole range of emotions when they say, 'We don't think she is going to survive. We think she might survive but she is likely to be in a vegetative state. What do you want us to do?'. We said, 'Please operate, we just want her back, we will do anything we can to get her back', but you are thrown into a set of circumstances where, in this particular case, we did not see it coming, because it was a cerebral haemorrhage and you do not know if someone has a weakness in a blood vessel. It just pops, and you live with the consequences. It was a very sudden and traumatic event. You are completely lost and you do not know what to do.

I suppose the benefit of this legislation is that if we had had an advance care plan and, for example, if my mother had said, 'Look, I don't want to have an acquired brain injury. I never want to live life like that', or, 'I don't want to end up for the rest of my life in a nursing home', then I guess, as a family, you have got something as a reference point. You have got something to point back to and look back to, to help

guide you through what is a very challenging, stressful and difficult time.

I hear the criticisms of those opposite, but I think we need to start having a conversation in our families and in our communities and, as the member for Dandenong said, having very clear instructions so that people understand and appreciate what you want and what you do not want, because the reality is there are a range of opinions. Some people turn around and say, 'Look, never turn off the life support system, because I know they're going to find a cure for brain injury and I'm going to come back in 30 years time', and there will be people who think that in the community.

I think the bill is important because it is about us trying to have a conversation and about all of us as a community trying to understand what we feel, what we think and what we want for ourselves. It is about having that conversation with our family members, our nearest and dearest, because they are the ones who are going to be with you if this terrible set of circumstances were to occur. I do not want to make a long contribution. Many others will speak on this legislation. I think it is an important bill, and I commend it.

Mr GIDLEY (Mount Waverley) — I rise this afternoon to make a short contribution on the Medical Treatment Planning and Decisions Bill 2016. I am conscious that there are other members of this Parliament who want to make a contribution to what is a very significant bill. This is not a bill about privatisation. This is a bill about end of life, and it is a significant bill and it needs to be right. It cannot be done in a sloppy manner. It cannot be done with so many questions unanswered. It needs to be redrafted, and that is why I support the reasoned amendment.

There are a number of areas that greatly concern me with this bill. First is the fact that there is not a requirement for any medical input when making instructional or value directives — no requirement to ensure that a medical practitioner can go on the record and verify that their patient understands the consequences of any advance care directive, such as the risks of what a directive may mean and when it applies — and that could result in confusion in relation to when it does apply. Does it just apply in some circumstances or does it apply in other circumstances? Does it apply with a terminal illness or does it apply in relation to an unexpected car accident? It also does not give any certainty that all the knowledge bases are covered so there is not a lack of knowledge from the patient, which can lead to ill-advised outcomes.

In particular I refer to the Victorian Supreme Court decision in relation to what medical treatment is, which very clearly includes hydration and artificial nutrition, and therefore if somebody is not aware when making an advance care directive to refuse all medical treatment that that includes any form of hydration or artificial nutrition, then that is a life-changing decision that is a form of passive euthanasia. If they are not informed of the consequences of that decision as covered by the medical treatment in Victoria, then it will result in an incredibly poor outcome for them, and that is just not fair to that patient.

It also goes against the progress that should be made by parliaments for informed consent. For a Parliament — and as a member of Parliament I am a strong supporter of informed consent — to have a scenario where there is not a requirement for a medical practitioner to verify that a patient understands what they are doing is a massive step backwards for informed consent. I understand that at 5 minutes to midnight the minister has now come up with some scenario where a medical practitioner might be part of a witnessing process. That is not the same as verifying that a patient understands the consequences of their decision. I note the advice provided by Cancer Council Victoria, which has also indicated its great concern that there may be an unintended consequence by not having a strong enough safeguard in place.

I am also concerned in relation to conscientious objection. If there is an advance care directive that includes refusal of all medical treatment, what does that mean for people who are employed in the health sector if they are in a faith-based organisation? Does it mean that they are required to comply with an advance care directive in relation to the refusal of treatment? The bill does not talk about conscientious objection. It does not talk about it at all. It does not mention it. Why is that the case? Why not put that forward? In short, the protections in this bill are just not sufficient. When you look at elder abuse as well, they are not sufficient. As an example of that, clause 14 provides for an offence of inducing the giving of advance care directives. However, that prohibition only applies to inducing the making of advance care directives rather than to general dishonesty. Given the significance of advance care directives, again it falls well short of the mark as to what should be in the bill as a safeguard against elder abuse. We need to ensure that is there because there will be some people who will take advantage of that.

I am also concerned that there is not a requirement to refer to the public advocate if a doctor believes a decision-maker does not know the patient's real wishes. That is absent. In addition to that I note that Cancer

Council Victoria points out that doctors should refer to the public advocate if they believe a decision-maker is not acting in accordance with the patient's interests.

Clause 70 is of concern. It allows the Victorian Civil and Administrative Tribunal to deliver an advisory opinion, but there is no reference in the bill as to what happens to that advisory position. Again the bill is silent and creates uncertainty and confusion. Other models allow for the concerns to be referred to the public advocate. I note as well that in other jurisdictions there is exclusion of some witnesses if they have an interest in a person's estate, for example. That is absent here and creates potential conflicts of interest. Regardless of what the member for Bundoora has put forward there is no question that there is significant uncertainty now in relation to clause 53. When paramedics or doctors attend a scene, they may not be able to try and revive an attempted suicide patient if a suicide note is found. Is that the intended consequence of the bill? Other organisations have also raised that concern around whether a suicide note is found or is not found. Will they be able to intervene to save a life if there is an advance care directive there or if it is the clear intention of the patient to end their life? That is certainly another aspect.

I am concerned that Victoria will be the only state in the country, and possibly the only jurisdiction in the world, where children can give an advance care directive at any age. The consequences of that may involve children refusing blood transfusions where a medical practitioner understands that that is the intention of the child — of any age. That is very, very concerning. There are a number of areas of concern. The Australian Medical Association have indicated a number of concerns with a number of clauses. The Mental Health Legal Centre have raised a number of concerns with a number of clauses. The Royal Australasian College of Surgeons have raised a number of issues with a number of clauses in this bill. The list goes on and on.

Given that this is such an important bill, given that this is a sensitive bill and given that this is dealing with end-of-life choices, it should not be being passed by this Parliament when all of these queries, all of these concerns, are being put forward. It is clear that the minister has not drafted the bill with the correct clauses to ensure that that uncertainty is resolved. Therefore I support the reasoned amendment before the house today.

Mr J. BULL (Sunbury) — I am also very pleased to contribute to the debate on this very important bill, the Medical Treatment Planning and Decisions Bill 2016. Before I go to some comments from those opposite I

just want to commend the Minister for Health on her bravery in outing the keyboard warriors that continue to attack her on vaccination legislation and regulation. The minister last week showed that this government will not be bullied and will not be derailed or hide in the corner when those nasty attacks happen. This is a government that relies on science, on evidence and on facts, and we know that vaccinations save lives. Vaccinations work, and they are here to stay. I just want to commend the minister on her work and the strength of the cabinet in dealing with these attacks. I have got no problem with differing points of view, but I do have a problem with vile, nasty and aggressive personal attacks. That is no way to prosecute an argument. I just wanted to put that on the record.

This bill is one of great importance, as we have heard this afternoon. I am certainly aware that there are a number of speakers on the list. The bill goes to what is one of the toughest areas of public policy. It is tough on individuals, tough on families and tough on healthcare professionals. The opposition have taken a very strange tack on this bill, not really wanting to commit one way or the other and not really respecting the wishes of Victorians. They have chosen to emphasise time and time again a straw man argument, catastrophising and hypothesising about suicide notes. Really this bill is about the broader policy question.

The opposition has said during debate this afternoon that clause 53 would allow an instruction or directive to take the form of a suicide note, unwitnessed by a doctor and not in the correct form. It would not. The intention of this clause is to ensure that doctors cannot ignore the wishes of a patient just because the patient has lost capacity. Like many members, I have also had personal experiences of losing those that are close to me. There is certainly no easy way for a member of your family or a loved one to go. From those personal experiences I have taken a number of things away, and they include that families are at their strongest when tragedy strikes, that our hospitals and our healthcare professionals are world class and that we need to ensure that they stay this way. Saying goodbye is never easy, and these times are often the most difficult times that people will ever face.

The laws around the end of life and medical treatment certainly need to be addressed, reviewed and constantly analysed to ensure that we are getting the very best balance. I think this bill before the house today certainly sends a very strong message to all Victorians that this government stands with them. The bill, as we have heard, is centred on a simple and fundamentally important idea of modern medical treatment, and that is that every patient should get to make their own

decisions about medical treatment. Their decisions should include access to quality medical treatment that is delivered in a way that is consistent with their preferences and values. We know that the Medical Treatment Planning and Decisions Bill, this bill, will help to ensure people's preferences and values direct decisions about their treatment, even if they lose those decision-making capacities.

This is undoubtedly a complex piece of legislation, as we have heard. That is why I want to take a bit of time to talk about the importance of what the legislation will actually do. Currently we know that Victorian law does not provide people with certainty about their rights and responsibilities in relation to advance care directives. This is because, as we have heard, existing legislation is complex and does not give sufficient recognition to documents that outline people's preferences for future medical treatment. I think that if you draw on your own experiences, and hopefully many people will reflect on their own experiences of people in very difficult situations, you realise that these are emotive times. They are tough times. They are difficult for family and difficult for friends. There is much stress around seeing someone in dire medical circumstances, and it is very tough and confronting for families and friends of individuals.

We know that the bill has been strengthened and will be a better law because we have asked people about their views. It is that broad consultation that many members who have spoken this afternoon have mentioned. We have spoken to doctors, nurses, health workers and most importantly patients and carers. I am sure that many members on both sides of the chamber will have members of their family or friends or constituents that work in a hospital as doctors or nurses. I can draw on my own experiences and think about my sister, who has been in the emergency department at the Northern Hospital for over 10 years now. Certainly many of the circumstances that she speaks about are very tough. She will often say that there is so much grey in this area. It becomes incredibly difficult for the hospital to make decisions that the family are happy with and vice versa. I certainly believe that this bill will enable that to happen in a much clearer way, and I think that there is a whole range of additional legislation that will come about as a result of it.

I am conscious of the time and that there are a number of speakers, as I mentioned, but I want to commend the Minister for Health on her record and the Parliamentary Secretary for Health as well. I believe the government has created a fairer health system, a better health system and a stronger health system, and I commend the bill to the house.

Mr ANGUS (Forest Hill) — I rise this evening to make a brief contribution on the Medical Treatment Planning and Decisions Bill 2016. I note that the member for Box Hill moved a reasoned amendment to the second-reading motion, which was as follows:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to ensure there are adequate safeguards and clear and effective procedures in relation to the making and implementation of advance care directives and the appointment of and decision-making by medical treatment decision-makers'.

I certainly support that reasoned amendment. The member for Box Hill, the lead speaker for the coalition, in his contribution comprehensively outlined many of the concerns that were identified in relation to this bill.

We can see that the purposes of the bill cover a range of things — six things in fact — which include to provide for a person to execute in advance a directive that gives binding instructions or expresses the person's preferences and values in relation to the person's future medical treatment, and to provide for the making of medical treatment decisions on behalf of persons who do not have decision-making capacity. It then goes on to outline a range of other matters. There is certainly some merit in a person being able to make provision in advance for what sort of medical care they would or would not like to receive in various circumstances should they not have the capacity to make a decision at the time.

However, the bill before the house raises many unanswered questions, and that is indeed evidenced very clearly by the fact that the government itself submitted amendments to the bill at the start of this debate. It is not quite sure what it is doing in the first place. It is essential that a legislative regime that deals with the very important issues surrounding medical treatment with potential life-changing or life-ending implications is right. However, the piece of legislation that is before the house at the moment is deficient in a range of areas. The government needs to withdraw the bill and get it fixed. Trying to fix it on the run will not result in a good outcome for Victorians.

One of the significant areas of concern for me is the issue of elder abuse. This is a serious problem in our community. I note that clause 14, headed 'Offence to induce giving of advance care directive' attempts to deal with this. Subclause (1) states:

A person must not, by dishonesty or undue influence, induce another person to give an advance care directive.

Then it goes on to state the penalties.

I note that in my former professional work I saw many criminal offences committed that were motivated solely by greed. Greed is an extremely powerful motivator, and vulnerable people in our community need to be adequately protected from anyone who could financially benefit from their demise. This especially applies to the old and vulnerable in our society. As legislators in this place we have an obligation to protect the old and the vulnerable in our society as well as other members, indeed all members, of our society.

Another area of concern to me is in relation to children. Clause 13, headed 'Who may give an advance care directive?' deals with that. It says:

Any person (including a child) may give an advance care directive ...

Then it goes on with a number of points underneath that. This is an area of concern because again we have got the issue of minors and their capacity to make decisions around life and death, and that needs to be further explored.

Other opposition members have eloquently outlined the complicated and unclear situation that surrounds someone who has attempted suicide, particularly if they have left a note. Clause 53 of the bill is relevant to this. As I said, others have dealt with this at some length, particularly the lead speaker, the member for Box Hill. In his contribution the member for Box Hill also outlined the significant issues surrounding clause 63 of the bill, which concerns a person who does not have an advance care directive. Again he raised matters and concerns I share in relation to the uncertainty that surrounds what medical treatment may or may not be provided to someone who finds themselves in that particular position.

As I said, I will keep my comments very brief, but in conclusion I support the reasoned amendment as proposed by the member for Box Hill.

Ms COUZENS (Geelong) — I am pleased to rise to speak on the Medical Treatment Planning and Decisions Bill 2016. As we know, this is an election commitment that many people in my electorate are very pleased to see fulfilled in this place today. I congratulate the Minister for Health for her hard work and her commitment to modernising laws to meet the current and future needs of all Victorians.

I want to acknowledge the great amount of work that has gone into this bill, but I will keep my contribution brief, given that there are many other speakers today. There are a few points I want to make today. As I said, the bill is about modernising medical treatment and it

ensures that every patient should get to make their own decisions about medical treatment. The decisions should include access to quality medical treatment that is delivered in a way that is consistent with their preferences and values. The bill will help to ensure that people's preferences and values direct decisions about their treatment even if those people lose the capacity to make those decisions.

I know that in my electorate this bill will be seen by many Geelong people as a great step forward. I have met with many constituents who have followed the end-of-life debate with great interest, and they want to see the measures in this bill applied for a variety of reasons. One of those reasons is around quality of life and the difficult situations families often find themselves in. I know of a particular circumstance a couple of years ago where a friend of mine was dying of cancer and he had very clear wishes about not being treated at a certain point. Unfortunately there was a division in the family, so when he was incapacitated those decisions that he wanted to be made were not made. I remember thinking at the time how devastated he would have been to know that his wishes were not being respected by his family. I will not go into too much detail because I do not want to identify the family. I think it is a very difficult circumstance for many, many people.

Whether you make those decisions depends on your values and it often depends on your religious beliefs, but I know for me I would want my wishes respected. If I chose to have treatment withdrawn at some point when I was not able to make the decision clearly myself, my family knows now what I would want them to do, and members of my family have expressed what they would like to do. My view is regardless of whether I agree with that or have the same values as them, those are their wishes and I would like to see them followed through.

As I said, we all have different values, and the emotion and fear and impact of a loved one being in that circumstance where they are dying renders it very difficult for people to make decisions with a clear head. This is a great opportunity for people who know what they want to do to actually have those wishes in place before they reach that situation. So let us call the opposition's issues exactly what they are: evidence yet again of the dominance of the most conservative elements of the Liberal Party over the rest. This bill does not allow for any illegal activities. The fact that those opposite cannot understand that and oppose the bill just because of what they fear it could do shows how out of touch they really are.

Every public hospital has advance care planning in place. Hospitals like the Mercy Hospital and St Vincent's know that advance care planning is integral to patient care. These matters are about allowing Victorians to make choices. Victorian health services want this. Victorians support it, and these conservative forces and the Liberal Party should stop standing in the way. As I said, in my electorate people have come to me as part of this whole debate about end-of-life care, about euthanasia, about all those things like dying with dignity. They are all important debates that we are having in our community at the moment, and I know that in Geelong people are very clear about what they believe. I am proud to be part of the Andrews Labor government that has brought this legislation forward. Our minister has done an amazing job in putting it all together. It is a huge amount of work, and I commend the bill to the house.

Ms RYALL (Ringwood) — I rise to speak on the Medical Treatment Planning and Decisions Bill 2016. I refer to the member for Geelong's contribution in which she made some comments in relation to the position of this side of the house. What we actually want is this bill made right. The bill needs to be tightened up. I am a former health professional with a number of years of experience under my belt. I am for advance care planning in principle, but what I do know is that this becomes an issue of ethics. Vulnerable people can be taken advantage of when things are not tight and certainly when legislation is poorly or loosely drafted. What I do not want is poor and loosely drafted legislation. In terms of what we do not want, we do not want to have to come back into this chamber and revisit this legislation because unintended consequences have eventuated and a person's will has not been complied with, either through elder abuse or through abuse or greed of some nature causing the will of a person not to be complied with.

One thing I am concerned about is that 'incapacity' and 'capacity' are not clearly defined. When is a person incapacitated? Is it from their perspective or from somebody else's perspective? A whole range of issues need to be tightened up in relation to the bill. I will give an example of a situation I encountered when I was working in one of our major public hospitals. I resuscitated a patient who had come in for a procedure. She did not come in to die. I resuscitated her. She did eventually pass away, but upon resuscitation I was asked by someone in a more senior position why I resuscitated that woman. What we do not want as health professionals is to ever be asked or challenged as to why we resuscitated somebody or why we did not resuscitate somebody, whether it be why we did allow them to pass away or why we did not allow them to

pass away. That instance left me very uncertain as to what I might do the next time.

As I said, the person did not come in to die; that person came in for a procedure. The fact that they had a past history contributed perhaps to the cardiac arrest that they had. In terms of the liability side of it, as a health professional in any instance we will always err on the side of making sure the health professionals cover themselves. In the instance where they are in doubt, they will err on the side of caution, and this bill, as it stands, I say as a former health professional — there are a number of health professionals on this side, and I am not going by emotion here, I am going by practicalities of the issue — needs tightening up. I do not want there to be unintended consequences, I do not want my former colleagues to be in a situation where they are not sure and not absolutely clear on whether a person has, because of elder abuse or whatever the circumstances, been forced into a situation.

If we get this right, we will not have to revisit this because of unintended consequences. If we get it wrong, we will find ourselves back in this place debating the unfortunate circumstances of somebody's life where they have not been treated in a dignified manner, where vulnerable people have been taken advantage of and where health professionals have found themselves in a situation where they may doubt themselves or they may try and protect themselves where something is not absolutely crystal clear.

In terms of the reasoned amendment, I think it is absolutely important that we take this bill back and get it right. As a former health professional and someone who has a bachelor of nursing, I say get it right. It is absolutely vital that we do this, that we do not rush it through and say, 'Okay, near enough is good enough'. The intent is there and I get that. I agree with the intent. What I do not agree with is pushing this forward on the basis of 'Let us just get it out there'. What I want is it tightened up and for us to make sure it is absolutely crystal clear and gives the health professionals the clarity they need, gives individuals the clarity they need in making these advance care directives and gives family members and everybody the clarity they need in making decisions about lives and, when it comes to it, making decisions based on what the needs are and desires of their loved ones. On that basis I will hand the opportunity to speak over to my colleagues.

Mr DIMOPOULOS (Oakleigh) — It gives me pleasure to speak on the Medical Treatment Planning and Decisions Bill 2016. This is yet another Andrews government election commitment being delivered, obviously in the early stages because we are debating

this still only in the lower house. As other speakers have said, the bill seeks to create a consistent definition across the statute book of 'medical treatment', which includes prescribed pharmaceuticals and treatment for mental illness. It seeks to apply to all health practitioners registered under the health practitioner regulation national law and to paramedics. It also seeks to introduce a single test for capacity in relation to medical treatment decision-making, because one of the things we have found in the consultations is that there is a lot of inconsistency and a lot of confusion in this area of public policy and law.

The bill also seeks to provide safeguards and protections for people making advance care directives and for health practitioners who comply with an advance care directive in good faith. It seeks to clarify the legal hierarchy for selecting a medical treatment decision-maker and remove the confusion about the powers of medical treatment decision-makers, as other speakers have noted. It seeks to expand the role of the public advocate and show clear dispute resolution mechanisms, including provisions to apply to the Victorian Civil and Administrative Tribunal. It seeks to allow advance care directives for current and future conditions so adults and children with decision-making capacity can do a whole range of things about instructional directives and values directives and things that other speakers have already spoken about.

I just want to knock on the head some of the wishy-washy criticism of the opposition, particularly in relation to the bill being rushed through and there being a lack of consultation. As the minister said in her second-reading speech and other speakers have said, this bill has been a long time in the making. It is not just this bill. The area of public policy and the area of law that this relates to have been developed over decades. As part of the government's development of this legislation specifically, almost 700 people were consulted across Victoria following the release of the discussion paper 'Greater say for Victorians — Improving end of life care', and there was a whole bunch of feedback from that. Also of course, as we have heard, the Legislative Council Standing Committee on Legal and Social Issues inquiry was pretty comprehensive and allowed Victorians to have a big say. It analysed the issues quite robustly.

Within days of the election in 2014 the Premier recommitted his government to the course that we are taking today with this bill. It was further publicly discussed by him in June 2015. The Minister for Health has also publicly discussed it many times, and there was the release of the discussion paper I spoke of.

I think this criticism of the bill being rushed through with no consultation is just really a fig leaf to hide what is effectively not a liberal party but a conservative party. Whenever it comes to decisions that allow Victorians to consider their humanity and their lives and take the bull by the horns, rather than getting the state to interfere, they squib the opportunity. They are meant to be a liberal party, but when it comes to issues, whether it be the birth certificate changes we sought to make the other week or this bill giving people the power to decide their own medical treatment or the adoption equality bill, they always default to the long arm of the state reaching out and grabbing people and saying, 'No, you can't do that'. You belong in Communist China; you do not belong in the Liberal Party. This is a party that defaults to the long arm of the law and the long arm of the state saying, 'No, no, no. How dare you be an individual. How dare you exercise civil liberties. How dare you. The state should control all of that'.

Then what they do is grab the most extreme examples, as we have heard across the opposition benches, because on the odd occasion there could be someone who is corrupted and will affect the entire framework. Of course it is going to exist in every area of law. On that basis you would not have democracy. Because you have got some corrupt politicians does not mean you do not have democracy. That is why what you do in a good public policy response is actually cater for disagreements and cater for conflict resolution. I absolutely think this bill is an outstanding bill; I support it wholeheartedly. I commend the Minister for Health, and I commend the member for Dandenong and the member for Macedon for their preparation work in relation to this bill.

I think it is of key importance to the people of Victoria and to those families and patients who were consulted in the process over the last two years. This bill principally helps families who until now have never had any guidance really, unless they have had a conversation with somebody in their family ahead of an accident or ahead of a terminal disease. They are left unguided to take care of the medical treatment needs of their family member. While you feel confident when the family member is alive, you do not feel so confident when they are not alive. You second-guess yourself, and I think the member for Geelong and the member for Dandenong made some good points about that. This bill helps not just the patient; it helps the family members.

There were a couple of highlights for me when the minister noted — this is really important, and I am quoting from her second-reading speech:

Nothing in the bill will require a health practitioner to provide treatment or care they assess to be non-beneficial for a person. The professional judgement of health practitioners about which medical treatment would be beneficial will continue to be recognised —

as is appropriate. Those on the other side pick small holes where they can, yet there are no holes because there is always something catered for. If you read the minister's full second-reading speech and you read the bill in its entirety, you will understand that we have looked at the pitfalls, we have been informed by the people who are impacted and we have tried to cater for them in this comprehensive framework.

The other highlight for me, as I mentioned earlier, is the single definition for 'medical treatment' and the single test for capacity to assess medical treatment. This establishes a framework which for me is fundamental to civil liberties and fundamental to the responsibility and the rights we each have to assess what medical needs and treatment we should have.

There is another element that is really key to this, and it fills a gap that has not up to this point been filled. I have mentioned briefly the establishment of a framework to assess who should be considered the medical treatment decision-maker if one has not been nominated. As the minister said in her second-reading speech, the bill also provides a framework for determining who should be a medical treatment decision-maker if no-one has been appointed. The majority of people will never formally appoint a medical treatment decision-maker and assume that if they lose capacity the law will allow their domestic partner or a close family member to make decisions for them. The bill provides that the first person listed with a close and continuing relationship who is available and willing will be a person's medical treatment decision-maker if they lose capacity. If no-one has been appointed, this will be the first of the person's spouse or domestic partner, primary carer, child, parent or sibling. This ensures that only someone with a close and continuing relationship who understands a person's preferences and values will make medical treatment decisions on their behalf.

There are a whole range of elements to this bill that are comprehensive, long overdue and very much sought after by the community and by those on this side of the chamber. Hence the bill is before us today. It makes me enormously proud not only that the Labor government is in the process of delivering on this commitment but also, in terms of health, that our commitments in health are extraordinary. In my community alone we have the Monash Children's Hospital, with the addition of a helipad that those on the opposite side saw fit to remove from the scoping of this project. We have Australia's

first-ever cardiac hospital, a heart hospital that will be built on the Monash University site. We put a down payment on that in the budget before last.

We have also allocated significant funds towards the reduction of the elective surgery waiting list. The elective surgery waiting list in my community has already reduced, and ambulance response times have also improved. This is in the short two years that we have been in government. This is yet another commitment. I endorse the bill. I support the minister and the parliamentary secretaries involved. I commend the bill to the house.

The SPEAKER — Order! The time has arrived for this house to meet the Legislative Council in this chamber for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Stephen Conroy.

Debate interrupted.

Sitting suspended 6.45 p.m. until 6.51 p.m.

MEDICAL TREATMENT PLANNING AND DECISIONS BILL 2016

Second reading

Debate resumed.

Mr THOMPSON (Sandringham) — In contributing to debate on the Medical Treatment Planning and Decisions Bill 2016 I advise that I support the reasoned amendment moved by the member for Box Hill, whereby he moved:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to ensure there are adequate safeguards and clear and effective procedures in relation to the making and implementation of advance care directives and the appointment of and decision-making by medical treatment decision-makers'.

I also note from a perusal of the *Alert Digest* that there are a number of letters that have been sent to the minister requiring clarification. So in an alternate view of the bill, there are outstanding questions that still need to be resolved so that the house has the relevant information in determining its approach to the legislation that is before it.

I note some very good contributions have been made to debate on the bill, and there have been thoughtful reflections by members of the house. I note the contributions by the member for Box Hill, the member

for South-West Coast and the member for Ringwood, the latter two of which having strong nursing backgrounds and acute understandings of some of the issues that are required to be addressed.

In terms of my own perspective of the bill, I note that Dr Ruth Redpath, one of the pioneers in palliative care, has been a constituent and has made a good contribution to palliative care in the state of Victoria. Also, as a former legal practitioner I am aware of many of the difficulties that people facing end-of-life decisions confront and some of the difficult judgements and different motivations that guide people in their last days of life and later years. Therefore I support the reasoned amendment.

Ms SHEED (Shepparton) — I rise to speak on the Medical Treatment Planning and Decisions Bill 2016. I think it is a great pity that there has been party politicking in relation to this matter, because from what I can see there is a general agreement that the purpose of this bill is being welcomed by all; the community is ready for it. It is really about the devil in the detail; that is the problem.

An advance care directive may be the most important document a person ever signs. I am concerned that there does not appear to be a set form, a document that has already been articulated in detail, and in the absence of this I think it could lead to serious misunderstandings of interpretation. A formal document that has been explained to a person by a medical practitioner and certified by that medical practitioner is, I think, essential, and it should be made clear that the explanation has been given as part of that certification.

It is common practice in our community to require a person obtaining a mortgage to obtain a solicitor's certificate and have that certified by a solicitor. A will is a document that requires a high level of formality, as is an enduring power of attorney. These documents deal only with financial matters. An advance care directive deals with matters of life and death.

I have heard debate on this matter from both sides. In particular I would refer to the member for Box Hill's clarity in relation to a number of the problems with it. As I said, the devil is in the detail. I think there will be continuing amendments to this bill, which will ultimately lead to a good piece of legislation, but we do not need to be coming back to this Parliament time after time to debate those amendments. I must say as a new member of Parliament it really surprises me that most of the legislation we deal with in this place is amendments to previous pieces of legislation. I think

there is a good argument to be had for actually getting it right in the first place.

My experience as a practising lawyer has been that some of the worst disputes you come across happen within a family context. Whether that be family law, whether it be about the care of an elderly person or whether it be about the final distribution of a deceased estate, these can turn into some of the most bitter and horrible disputes imaginable. I anticipate that if we do not have real clarity in this piece of legislation, all we are doing is opening up another field of very active litigation for people, not only before the Victorian Civil and Administrative Tribunal, which will be overwhelmed by applications to it, but later on perhaps in the Supreme Court while this legislation has to be bedded down and interpreted because the clarity was not put there in the first place.

So while I respect the government's decision to support its election promises by introducing this legislation, I do say that we should spend the time now to get it right, even over the next few days. Let us get the clarity in it that we need. Let us get it right, and let us all see a piece of legislation that we want to see passed go through this house.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Blackburn rail project

Mr CLARK (Box Hill) — (11 863) I raise with the Minister for Public Transport the ongoing chaos and destruction with the Blackburn rail project, and I ask the minister to get in contact with the Level Crossing Removal Authority (LXRA), Public Transport Victoria (PTV) and her ministerial colleagues to get these problems resolved, get the needless destruction halted and get the best possible outcome for the community that can now be achieved.

The Blackburn rail project was funded by the previous coalition government in 2014, but its implementation is being appallingly mishandled by the current government. As with other rail projects across Melbourne, there has been massive and often avoidable destruction of magnificent well-established trees and vegetation right along the rail reservation and along South Parade. There seems to have been no effort made to save even iconic, decades-old native trees. The

approach seems to be: chainsaw first, sort out the consequences later. The destruction and desolation has caused a huge loss of trade for South Parade traders, with locals saying they just cannot bear to go there anymore because the devastation is too painful to see.

The government has refused to widen the Blackburn subway, making it increasingly cramped for commuters and leaving the community and Blackburn village divided between north and south of the railway line. Residents along Glen Ebor Avenue have had the LXRA use dubious legal arguments to force residents to have trees removed from their own premises, while numerous security failures at the works site and the clearing of vegetation from the rail reservation land behind their premises have seen intruders entering residents' properties, creating ongoing fears for the safety of their families once the works have been finished.

Time and time again promises made to residents by the community engagement arm of the project alliance have not been delivered on by the contractors, and residents complain bitterly that Shaun Leane, a Labor member for Eastern Metropolitan Region, refuses to speak to them or return their emails or phone calls, with his office doing nothing more than forwarding all communications to the LXRA.

Last but not least, the government have rejected the community's call for the bike path route through Blackburn to be built on the north rather than the south of the railway line, which has involved massive vegetation loss and threatens even more devastation and loss along South Parade west of the railway station and along Elmore Walk as well as the loss of car parking spaces and/or danger for cyclists along and crossing Laburnum Street and the loss of parkland next to Laburnum station.

In a last-ditch effort to minimise the damage, a group of locals have developed a proposal for the bike path instead to be taken across the railway line at grade to the north side from part way along South Parade, a proposal that they have presented to Whitehorse Council and to VicRoads, and about which I have spoken to the Minister for Roads and Road Safety. I ask the Minister for Public Transport to make sure that PTV talks to VicRoads and, if necessary, to the LXRA urgently about this proposal to see if it can at least make some improvement to the very poor outcomes the community is facing.

Geelong RSL Anzac stories project

Ms COUZENS (Geelong) — (11 864) My adjournment matter is for the Acting Minister for Veterans. The action I seek is that the minister considers the Victoria Remembers Grant program application from the Geelong RSL. The Geelong RSL Anzac stories project will film Anzacs telling their remarkable and moving World War II stories for the benefit of all Victorians. These interviews will allow future generations to understand and appreciate the courage, sacrifice and incredibly unique experience our soldiers had, enabling our freedom and the Australia we know today.

This project is a great way to share Anzac history, particularly with young people. There has been a noticeable increase in the numbers of young people attending the Anzac Day dawn service in Geelong. The stories project will give them easier access to this historical information.

Mallacoota Medical Centre

Mr T. BULL (Gippsland East) — (11 865) My adjournment matter is for the Minister for Health, and the action I seek is for her intervention to prevent the closure of the Mallacoota Medical Centre.

Mallacoota is one of the most remote locations in Victoria and has a population of about 1000 people, which can increase to 5000 or 6000 people over peak holiday times. Two GPs recently left the practice at Mallacoota, leaving only one GP in the centre, Dr Sara Renwick-Lau, and she has advised that it is not possible under current cost pressures to remain open. This will result in over 5000 people being left without a health service for between four to six weeks over the holiday period, with the nearest medical assistance being in Bega in New South Wales, or Orbost.

Dr Renwick-Lau and another representative from the Mallacoota community have met with the federal Assistant Minister for Rural Health, Dr David Gillespie, and Darren Chester, the federal member for Gippsland. The community has also sought support through the Rural Workforce Agency Victoria, but the agency was unable to provide locum doctors. Other items of discussion have been whether the Gippsland Primary Health Network can play a role in the solution.

As a short-term solution, Dr Renwick-Lau has restructured the office and made staff redundant. Her husband has also been volunteering in the role of acting practice manager, but this is unsustainable. Dr Renwick-Lau and the Mallacoota community

representative, Robin Bryant, who I have been liaising with closely — and I know the minister has also — state their first priority is emergency funding to keep the practice open. This will allow time for recruitment of a GP, or GPs, to allow the practice to return to viability.

As the minister is well aware, this is a private practice, but due to its remote location it is in a unique circumstance as it services a large community over the holiday period with no other medical centres or hospitals within any reasonable time frame. The cost of running the practice as a full-service medical clinic has been costed at about \$300 000 per year, covering staff wages, superannuation and other overheads. While only one GP remains, the centre requires \$13 000 per month to meet its operational shortfall.

I seek the minister's assistance in ensuring the Mallacoota Medical Centre remains open to support the local community, at least in the short term over the holiday period until a longer term option can be considered. I have spoken to the minister about this today. I do know that she is aware of the situation confronting the people of Mallacoota and all those that will be holidaying there over the upcoming summer period. I again stress that we seek the minister's support in trying to find a solution to this very unfortunate problem.

Riddells Creek Tennis Club

Ms THOMAS (Macedon) — (11 866) The adjournment matter I wish to raise is for the attention of the Acting Minister for Sport. The action I seek is for the minister to fund a much-needed court redevelopment at the Riddells Creek Tennis Club. Sport is a vital part of the Riddells Creek community, which boasts a vast array of successful clubs, with the Riddells Creek Tennis Club being one of the most popular, with a membership of 113 people.

Due to the driving force of the tennis club's secretary, Andrew Nicoll, I have been made aware that for participation to increase and continue a redevelopment of the club's courts is vital. As part of this redevelopment, state government funding would be used to increase the footprint of the courts, which will enable the Riddells Creek Tennis Club, the Riddells District Football Netball Club, the Riddells Junior Football and Netball Club, the Riddells Creek Netball Association and the Riddells Creek Junior Mixed Basketball Association to accommodate increasing membership and competition demands.

Due to the mixed use of these facilities, it is also worth mentioning the tireless work of volunteers from other clubs that I have mentioned who have worked with the tennis club to bring this project to my attention, including Deb Mitrevics, coordinator of the Riddells Creek Junior Mixed Basketball Association; Nichola Coultish, president of the Riddells Creek Netball Association committee; and Shane Reardon, president of the Riddells Creek Junior Football and Netball Club, a club that I am very proud to sponsor.

My federal parliamentary colleague and friend Rob Mitchell, MP, has been promoting the cause of the Riddells Creek Tennis Club in the federal Parliament, where I suspect it will fall on deaf ears. Acting Minister, can you demonstrate once again that it is Labor that will listen to and invest in our local community sporting clubs in regional Victoria?

Mornington pier

Mr MORRIS (Mornington) — (11 867) I raise a matter this evening for the Minister for Ports. It relates to Mornington pier. The action I am seeking from the minister is that, in his capacity as the minister responsible for local ports — although in practice Mornington harbour is managed by Parks Victoria — he ensure that immediate action is taken to carry out the necessary repairs to the wave screens which have recently been dislodged from the pier and their reinstallation as a matter of urgency. As many members will know, Mornington pier is located at what is probably one of the most difficult locations in Port Phillip Bay. It is a combination of deep water close in, and its highly exposed position means that the impact of any adverse weather conditions is often felt harder at Mornington than in any other locations around the bay.

There has been a pier on this site for more than 160 years, and the wooden piers have needed almost constant repair. Indeed the Brumby government reconstructed the inner section of the pier. Unfortunately there was a gross underestimation of the cost, and the project ran out of money. That left the harbour more exposed than it had been since World War II. The wave screens that were part of the original design were not fitted, and in fact the rock that had been dumped by US marines during World War II had been removed.

In 2012 the coalition announced funding to replace the balance of the pier, plus the wave screens on the new section of the pier, plus the path in the first project. The pier reopened last year, and it was quickly restored to its place as the second busiest pier in the state. Yes, the conditions at Mornington are extreme, but the fact that

they are extreme is extremely well known. Indeed both the port authority and Parks Victoria, which oversaw the design of the new pier and managed the works, are aware of the challenges. There is a problem with the wave screens. During a storm in July a number of them failed. It is not yet clear to me what caused the failure, but I understand Parks Victoria has some idea. Whatever the cause of the failure it has taken way too long to fix. The wave screens should well and truly have been fixed by now.

Unfortunately the wild weather we had on Sunday just a bit over two weeks ago did further significant damage, apparently largely because of the absence of the wave screens that were damaged in July. That should not have happened; they should have been back in place, but they were not. I understand Parks Victoria is working on the issue, but pier and harbour users simply cannot afford to wait for months and months and months. The pier is a considerable tourism asset, and of course local businesses rely on it, but more importantly the failure of the wave screens means that the harbour is now compromised. Safety is compromised under certain weather conditions. So we need the Minister for Ports to make sure the problem is fixed — and fixed as a matter of urgency.

Duncan Mackinnon Reserve, Murrumbeena

Mr DIMOPOULOS (Oakleigh) — (11 868) I wish to raise a matter for the Acting Minister for Sport. The action I seek is for the acting minister to give favourable consideration to an application from Glen Eira City Council for a grant under the Community Sports Infrastructure Fund to provide a new surface and associated works at the Duncan Mackinnon Reserve athletics track in Murrumbeena. As part of this action I also seek for the acting minister to visit the track to see the council plans for the facility.

The Duncan Mackinnon sports facility is one of the gems of the south-eastern suburbs. Thousands of people use this facility. It is home to the Glenhuntly Athletic Club and many other clubs including Little Athletics, and next door there are a number of local netball clubs, as well as other nearby sporting grounds and the local 'tan', where you see hundreds of people walking and running every day.

The track is a public facility too, used by local schools and the wider community. In fact I understand it was home to the English athletics team during the Commonwealth Games in 2006. It is also the venue for the Relay for Life every year, which raises important money for cancer research. I was pleased to attend the

Relay for Life over the weekend, which gave me a great opportunity to inspect the track again.

Just over 12 months ago I know the Minister for Sport was very pleased to open the brand-new stadium and associated facilities at Duncan Mackinnon Reserve, together with my colleague the member for Bentleigh. This was made possible with a \$500 000 grant provided under the previous Brumby Labor government. It is an amazing state-of-the-art facility.

In keeping with the spirit and tradition of Labor governments, investing in community-based infrastructure — this is something I have mentioned here previously — in 2013 the federal Labor government pledged over \$280 000 to assist with the resurfacing of the track at Duncan Mackinnon Reserve. Of course upon coming to government the federal coalition under Tony Abbott cancelled that commitment.

As part of the plans for this track I understand there will be a range of works which will increase running lanes, create more activity spaces and provide for a much longer lasting surface. On behalf of the community I know that government support for upgrading this facility would be very well received. I would be happy to assist the acting minister to facilitate any meeting or provision of any further information he may require regarding this much-needed project, and I thank the minister for his time previously provided on this and other projects in my community.

Bus route 788

Mr DIXON (Nepean) — (11 869) I wish to raise a matter for the Minister for Public Transport, who has just left, regarding the 788 bus which runs from Portsea to Frankston, and the action I seek is for the minister to upgrade the 788 service and the 887 service as well. This has been an ongoing matter in my electorate since 2002, when I first raised it in this place, and obviously thousands of locals through petitions, public meetings and emails have talked to me about the lack of service and the need for a better service. In fact I remember that between 1996 and 1999 the then shadow Minister for Education, Peter Batchelor, railing at the Kennett government for not doing anything about that bus service. Unfortunately when Peter Batchelor became minister he did not do much about it either.

Under the last coalition government in 2013 a review was done of that bus service with a view to improving it. Also in the coalition's last budget in 2014–15 there was a \$6 million allocation for public transport infrastructure to facilitate a better service. A recent FOI

document I obtained from the minister's office shows that her departmental people advised her in 2015 to fund those improvements to the bus service in, to use their words, a \$100 million plan for Victoria's bus network. From what we can gather, the only money spent out of that \$100 million has been spent in her own electorate of Bendigo East.

On 19 July this year the minister said that she would consider the frequency improvements to the 788 bus service, and I welcome that, but the upgrades that are needed are to increase the frequency of the 788 to a 20-minute service, to extend the service to Frankston Hospital and Monash University and to combine the 788 and the 887, known as the PenBus. That PenBus service needs to be properly replaced instead of us using the Clayton's model we were given, which does not fulfil the needs of the students who move to that area.

There has been a 25 per cent increase in the patronage of the bus service over the last few years. It is the only direction Mornington Peninsula residents can go — because it is a peninsula. Many of the residents need to access Frankston and further on for medical services, shopping and social events, and it is also part of the tourism network. We have got very low car ownership in my electorate and a great degree of poverty, so many, many people rely on that bus service. Once again I ask the minister to please, once and for all, upgrade the 788 service. We have been waiting for 20 years.

Bendigo tourism

Ms EDWARDS (Bendigo West) — (11 870) My adjournment matter is for the Acting Minister for Tourism and Major Events, and the action I seek is for the minister to undertake a review and to update my community and the house on the economic and employment effects of the events and tourism sector on my electorate. New data shows that Bendigo's latest cultural showstopper, Bendigo Art Gallery and Twentieth Century Fox present Marilyn Monroe, attracted thousands of visitors and pumped millions into the local economy. The exhibition, the fourth instalment of the renowned Bendigo international collections series, attracted more than 140 000 visitors. Nearly 50 per cent were from Melbourne, and almost all of them travelled to central Victoria just to see the blockbuster show.

Major events like Marilyn Monroe are key drivers of the local economy, and the figures prove it. The exhibition delivered \$13.2 million in economic impact for Bendigo, higher than the \$11.2 million forecast. Visitors to the exhibition generated nearly 47 000 bed

nights for the region, which is a big boost to local hotels, restaurants and small businesses, and means more jobs for locals. There is something for everyone and the best of everything in regional Victoria, and we want visitors to come and see it for themselves. Tourism contributes \$11.4 billion to the regional economy each year and employs 114 000 Victorians. That is why we want to grow the sector. We have rolled out Wander Victoria, the new tourism marketing campaign aimed at encouraging Melburnians to see for themselves the wonders of regional Victoria, and a new \$20 million Regional Events Fund is helping rural and regional communities stage the great events that drive visitation. A review of the economic and employment effects of these events will give a clearer picture of their benefits to the region.

Beaumaris secondary college

Mr THOMPSON (Sandringham) — (11 871) The matter I wish to raise is for the attention of the Minister for Education, and the action I seek is for him to direct the Victorian School Building Authority and the school working group for the new Beaumaris high school to meet with the Bayside council, the Beaumaris Conservation Society, adjoining residential and community group neighbours and members of the wider Beaumaris community, including local members, to consult on the new school. Reinvestment in the Beaumaris high school site is supported by everyone and must carefully balance the interests of the school, the Melbourne Cricket Club as the sporting co-investor, philanthropic purposes and the local community. Beaumaris is defined by its trees, and it is argued by many that no tree should be removed without specific justification for works to proceed or an independent analysis of the arborist's report.

Last week I also posed a number of questions to the government: one, which trees are being removed; two, is the arborist's report available for independent review; three, have abutting property owners been consulted; and four, where is the final landscaping plan available for inspection? I also posed the question of whether representatives from the department and the government would meet with members of the local community last Thursday. What scope is there for wider local community input into site development and access? What community access is planned? Finally, will the government, the school building authority and the school working group commit to there being no tree removal by chainsaw until more detailed community consultation has taken place with the wider Beaumaris community and other community groups aforementioned?

At the last election the coalition committed to the greatest level of capital investment in the site for education and sporting purposes. The hard work of many good people in the community and the bipartisan support for reinvestment ought be acknowledged in order to take the project strongly forward.

The action that I seek, again on behalf of members of the Beaumaris community, is for there to be detailed consultation. I note that a number of years ago there were community group discussions, but the final proposals have not been clearly presented to stakeholder groups. There are unique environmental features that start with the Balcombe Park precinct and a watercourse that flows down through the school in which there are some self-sown red gums and also, according to the advice of the Beaumaris Conservation Society's arborist, a 200-year-old red gum. It has been commented by a member for Southern Metropolitan Region in the other place that you cannot buy a 200-year-old red gum at Bunnings. There are many values that need to be preserved within the precinct to realise the dream of many.

The DEPUTY SPEAKER — Order! Or at Masters for a very short period of time!

Ballarat Legacy

Ms KNIGHT (Wendouree) — (11 872) I wish to raise a matter for the attention of the Acting Minister for Veterans. The action I seek is for the acting minister to favourably consider Ballarat Legacy's grant application. Ballarat Legacy has recently applied for funding from the Anzac Day Proceeds Fund, and I could not think of a more worthy organisation to receive this funding.

Legacy is a unique Australian organisation born out of the trenches, where a promise was made to a dying mate that someone would look after the missus and kids. Currently Ballarat Legacy supports more than 900 families of veterans. Legacy helps the families of deceased and incapacitated veterans to live rich and meaningful lives. It is a voluntary organisation supported by veterans, servicemen and women and volunteers drawn from all walks of life, and their work continues. Ballarat Legacy is a great local organisation, and I appeal to the acting minister to show his support for a community group that cares for those who have sacrificed so much for our country.

Responses

Ms NEVILLE (Minister for Police) — A number of members have raised a number of issues for a number

of ministers, and I will refer those matters on to those ministers.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 7.23 p.m.

Tuesday, 25 October 2016

JOINT SITTING OF PARLIAMENT

Senate vacancy

**Honourable members of both houses met in
Assembly chamber at 6.47 p.m.**

The CHAIR (Hon. B. N. Atkinson) — Order! The ringing of the bells was to convene a joint sitting to conduct an affirmation of the Labor Party's nomination for a Senate vacancy, a vacancy rendered by Senator the Honourable Stephen Conroy's resignation. I now invite, therefore, proposals from members for the appointment of a person to hold the place in the Senate rendered vacant by that resignation by Senator the Honourable Stephen Conroy.

Mr ANDREWS (Premier) — I propose:

That Ms Kimberley Kitching hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Stephen Conroy.

Ms Kitching is willing to hold the vacant place if chosen; of that I am certain. In order to satisfy the joint sitting as to the requirements of section 15 of the commonwealth constitution, I can also advise and declare that I am in possession of advice from the ALP Victorian state secretary that the nominee, Ms Kitching, is the selection of the Australian Labor Party, the party previously represented in the Senate by Senator Stephen Conroy.

Mr GUY (Leader of the Opposition) — I second the proposal.

The CHAIR — Order! Are there any further proposals? There being no further proposals, and as only one person has in fact been nominated, I therefore declare that Ms Kimberley Kitching has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Stephen Conroy. I will advise the Governor accordingly.

I now declare the joint sitting closed and congratulate Ms Kitching.

Proceedings terminated 6.51 p.m.

