

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 9 February 2016

(Extract from book 1)

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HANSARD¹⁵⁰



1866–2016

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

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

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

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

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

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

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

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Deputy Speaker:

Mr D. A. NARDELLA

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Ms Kilkenny, Mr McCurdy, Mr McGuire, Ms McLeish, Mr Pearson, Ms Ryall, Ms Thomas,
Mr Thompson, Ms Thomson, Ms Ward and Mr Watt.

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The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

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

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

Leader of The Nationals:

The Hon. P. L. WALSH

Deputy Leader of The Nationals:

Ms S. RYAN

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

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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¹Elected 31 October 2015

²Resigned 3 September 2015

³Resigned 3 September 2015

⁴Elected 14 March 2015

⁵Elected 31 October 2015

⁶Resigned 2 February 2015

PARTY ABBREVIATIONS

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

Legislative Assembly committees

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

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(*Council*): Ms Bath, Mr Purcell and Ms Symes.

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

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

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

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

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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, 9 February 2016

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

ACKNOWLEDGEMENT OF COUNTRY

The SPEAKER — We acknowledge the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, to their culture, to their elders past, present and future, and to elders from other communities who may be here today. We recognise the elders, community members and representatives from the Victorian Aboriginal Heritage Council, the Federation of Victorian Traditional Owner Corporations and Native Title Services Victoria, who are seated in the lower gallery today, witnessing this historic occasion.

On behalf of the Premier, the Leader of the Opposition and members of this house, I am honoured to welcome to the Parliament of Victoria elders and distinguished members of the Aboriginal community. Today we start a new tradition in the Legislative Assembly that recognises the ancient traditions of Aboriginal peoples, the custodians of the land on which we meet.

Last year the house unanimously passed a resolution to introduce the acknowledgement of country at the start of each sitting week. In doing so we acknowledge the rich heritage of the first peoples of this nation and recognise their enduring connection and contribution to this place. In September last year we raised the Aboriginal flag to permanently fly on top of Parliament House. Today we take another step on the road to recognition and reconciliation.

BLACK SATURDAY

The SPEAKER — Order! I remind the house that Sunday marked the seventh anniversary of the devastating 2009 bushfires, which affected communities across the state. We will take a moment to pause and think of those communities and the lives lost during those devastating fires. I invite all members to stand in their places and join me in a minute's silence.

Honourable members stood in their places.

ABSENCE OF MINISTER

Mr ANDREWS (Premier) — I rise to inform the house that the Minister for Police and Minister for Corrections will be absent from the house for the next three months, and the Minister for Finance and Minister

for Multicultural Affairs will answer for him in this place.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Level crossings

Honourable members interjecting.

The SPEAKER — Order! The Deputy Premier will come to order. The Leader of the Opposition is warned. The Leader of the Opposition, on a question without notice.

Mr GUY (Leader of the Opposition) — I am glad we have set the theme, Speaker.

My question is to the Premier. Why did the Premier lie to the residents along the Dandenong rail corridor — some of whom are in the gallery today — before the election when he promised to replace level crossings as road-over-rail, when he is now going to build a 9-metre-high sky rail just metres from their family homes?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. This has got to be the only elevated structure that the Leader of the Opposition was not quick to support. Normally the taller the better for this little one!

Honourable members interjecting.

The SPEAKER — Order! Members will be warned. I warn the Leader of the Opposition. When the Chair is on his feet all members will remain silent.

Mr Guy — On a point of order, Speaker, on the issue of relevance, I did not support powerlines in Waverley Park like he does in his own electorate. I did not support them.

The SPEAKER — Order! There is no point of order. The Leader of the Opposition will resume his seat. The Leader of the Opposition, I understand, had a good holiday; so did the Chair. We all have a lot of energy, and so does the Chair, as I remind members. The Premier, to continue.

Mr ANDREWS — It was clearly not a holiday spent drafting questions, Speaker. Is that the best the Leader of the Opposition has got — shout a lot and throw around a bit of abuse?

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Hawthorn, and I warn the member for Warrandyte. The Premier is entitled to silence.

Mr ANDREWS — I simply point out to the Leader of the Opposition that this government made a commitment to remove nine deadly, congested level crossings — every single level crossing between Caulfield and Dandenong — and that is exactly what this government is doing. Who knows how many lives will be saved, because we do not talk about removing crossings; we get on and do it.

Honourable members interjecting.

The SPEAKER — Order! Members of the government will come to order.

Mr ANDREWS — We are not removing four level crossings, leaving five in place, and privatising the line, making it almost impossible to ever get rid of those five, which was the proposition that the Leader of the Opposition supported. That is what he supported — not nine but only four of those level crossings, leaving five deathtraps in place. We made a commitment to get rid of those level crossings, and that is exactly what we are doing.

What is more, we are creating 11 MCGs worth of parkland, space for thousands of extra car parks, 2000 jobs and room, capacity, for 11 000 extra passengers in the morning peak. And do you know what they will be riding on? It is trains made in Victoria, not the offshore stuff that those opposite put forward. We have made commitments, and we are honouring them.

Supplementary question

Mr GUY (Leader of the Opposition) — I refer to the following statement by a planning identity that concrete flyovers — —

Honourable members interjecting.

Mr GUY — You'll come to that! We'll get to that!

The SPEAKER — Order! The Chair is unable to hear the question as advanced by the Leader of the Opposition. The Chair must be able to hear the question in order to adjudicate subsequently.

Mr GUY — I refer to the following statement by a soon-to-be-named planning identity that concrete flyovers like that in a sky rail will, and I quote:

... cause irreparable damage to (residents) quality of life, loss of amenity, noise intrusion and inevitably erosion of their property values.

Given these 2014 comments were made by the now Minister for Planning — —

Honourable members interjecting.

Mr GUY — Do you want to hear it again?

The SPEAKER — Order! The Leader of the Opposition will continue.

Mr GUY — Given those comments made by the now planning minister, is the Premier confident that his minister will approve the necessary planning controls given the minister's clear opposition to flyovers?

Honourable members interjecting.

Mr ANDREWS (Premier) — The inconvenient fact for the Leader of the Opposition is that we made a commitment to remove nine deadly level crossings, and if the Leader of the Opposition spent a bit of time in the corridor and knew just how bad and dangerous those crossings are, maybe he would get on and support not removing four of them and leaving five in place forever but doing what this government is doing.

Mr Guy — On a point of order, Speaker, half the Premier's answering time is over and he has not referred to the question once, which is whether he has confidence in his own minister to implement a policy that his minister opposes.

The SPEAKER — Order! Raising a point of order is not an opportunity to repeat the question.

Honourable members interjecting.

The SPEAKER — Order! The Premier to continue and to respond to a question.

Mr ANDREWS — Well, fancy the Leader of the Opposition talking about confidence in a planning minister, of all people! The planning minister is doing an outstanding job, and he will continue to. While the Leader of the Opposition is playing games, we will get into removing those nine crossings, creating 2000 jobs, creating open space, space for thousands of extra car parks, and making sure that instead of those gates being down for an hour and a half every single morning they will be consigned to history, where they belong.

Ministers statements: asylum seekers

Mr ANDREWS (Premier) — I am pleased — indeed proud — to rise to inform the house that this

government, on behalf of all Victorians, has made the necessary arrangements to provide resources and support to each and every one of those refugees who are, as a result of the High Court's decision, facing the inhumane prospect of being returned to Nauru. We have made that commitment — and I update all honourable members — to house, to educate, to provide healthcare and welfare services to these just under 300 refugees. Of that number, around 90 are children, and of that number, 37 of those kids, of those little ones, were actually born here.

I reject the notion that we cannot together, across the political divide, across different levels of government, find a point of difference, find a special circumstance to say to those families, 'We will put our arms around you, and you can call Victoria home' instead of sending them back to the torture, the trauma and the horror from which they in essence fled, which is not the right thing to do.

I urge the Prime Minister, in light of this government's support and the support from New South Wales, from Queensland, from South Australia, from the ACT — from pretty well every government across this nation — to do the right thing and join with us in giving these people a second chance, because I reckon that if they are given that precious chance, they will repay Victoria and Australia in spades. That is the story of our multiculturalism, it is the story of migration, it is the story of humanitarian response. It is the Victorian way, and I would urge the Prime Minister to join with us in this.

Level crossings

Mr HODGETT (Croydon) — My question is to the temporary Minister for Public Transport. After advising the Lendlease consortium that its sky rail option had been chosen over the promised road-over-rail option, how long did the government wait before bothering to inform the thousands of residents who live along the Dandenong rail corridor of this backflip?

Ms ALLAN (Minister for Public Transport) — I thank the member opposite for his question, because this is an opportunity to clearly put on record some of the information about what has gone on and what will go on into the future as the Andrews Labor government delivers on its election commitment to get rid of nine level crossings along this corridor, the busiest rail corridor in Melbourne.

We are getting on with that election commitment. The member opposite asked about consultation. Those opposite are latter-day converts to this notion. I am very

pleased to inform the house of the extensive consultation that was undertaken throughout 2015 — —

Honourable members interjecting.

The SPEAKER — Order! Government members and opposition members will come to order. I am unable to hear the answer from the minister. The minister, to be heard in absolute silence.

Ms ALLAN — Thank you, Speaker. I am very pleased to put on the record some of the activities that went on in 2015, where there were extensive consultations at each of the nine locations — not four locations but nine locations along the corridor.

Mr Hodgett — On a point of order, Speaker, on the issue of relevance, the question was about the time lag between telling Lendlease and telling the thousands of residents, and I ask you to bring the minister back to answering the question.

Ms ALLAN — On the point of order, Speaker, the question went to consultation — —

Honourable members interjecting.

The SPEAKER — Order! The minister will continue and not allow distractions to get in the way of her contribution.

Ms ALLAN — The consultation that went on previously — perhaps if the member holds his horses a little bit, he will be able to hear the information he is seeking.

Honourable members interjecting.

The SPEAKER — Order! The member for Sunbury, the member for Essendon and the Leader of the Opposition will come to order and allow the manager of opposition business to make a point of order in silence.

Mr Clark — On the point of order, Speaker, the minister claimed that the question referred to consultation. The question did not refer to consultation, and I am sure your notes will bear that out. I ask you to uphold the point of order raised by the Deputy Leader of the Opposition.

Honourable members interjecting.

The SPEAKER — Order! Both the Deputy Premier and the Leader of the Opposition will desist. They can engage privately, but they will allow the Deputy Premier to make a point of order in silence now.

Mr Merlino — On the point of order, Speaker, the question from the Deputy Leader of the Parliamentary Liberal Party was in relation to consultation in regard to this project and the time lines. The Leader of the House, the Minister for Public Transport, was being directly relevant to the question that was asked. They may not like to hear about how we are delivering on our commitment to remove nine level crossings, not four — —

Honourable members interjecting.

The SPEAKER — Order! The Deputy Premier will resume his seat. The Leader of the Opposition will come to order. The Chair does not uphold the point of order at this point. I call on the minister to continue.

Ms ALLAN — In 2015 the Level Crossing Removal Authority went to each of the nine locations, and in consultations and in hundreds of hours of community feedback sessions, in opportunities for people to put their views forward online, every single option was considered for these rail locations. Indeed a newsletter that went out along the corridor — to tens of thousands of homes along this area — talks about all the different options that were examined, including rail-over-road. It included diagrams about how those different rail-over-road options could be undertaken.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition will resume his seat. The Chair is unable to hear the minister as a result of interjections from both sides of the house. I ask all members to be silent and to allow the minister to continue respectfully and in silence.

Mr Guy — On a point of order, Speaker, again respectfully, the question when asking — and I will not repeat it — about Lendlease having been informed asked specifically about the time lag in then informing residents. It did not ask about the consultation that preceded that. The minister has not addressed that part once in her answer. I ask you to bring her back to answering the question, which was the difference in time between telling Lendlease it had the job and telling residents what was going to happen.

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

Ms ALLAN — The question was wrong in the notion that this idea was not canvassed before the announcement that the government made on Sunday. As this newsletter to thousands of properties involved indicates, the rail-over-road option was flagged. Indeed

one of the quotes we got from the consultation was ‘It can’t happen soon enough’. On Sunday the government made its public announcement about its preferred design option. On Saturday evening, as is entirely appropriate and respectful, hundreds of people who directly live along this corridor were doorknocked by the Level Crossing Removal Authority. That was appropriate to make sure that they were provided with the information before the government made its announcement.

It is entirely appropriate that once government has finalised its options that it then goes out into the corridor and provides — —

Honourable members interjecting.

Ms ALLAN — So that is an entirely appropriate way to communicate to people who are directly affected.

Supplementary question

Mr HODGETT (Croydon) — Can the minister inform the house what advice she has received or requested detailing the impact of Labor’s sky rail project on property values of local residents along the Dandenong rail corridor, given they now face continual vibration, increased noise, loss of natural light and major visual amenity losses as a result of its 9-metre-high sky rail?

The SPEAKER — Order! Members will come to order, including the Minister for Roads and Road Safety. The minister, to respond to a supplementary question put by the Deputy Leader of the Opposition in silence.

Ms ALLAN (Minister for Public Transport) — I would appreciate a noise wall around the Deputy Leader of the Opposition. There are so many inaccuracies that the time available does not allow us to go through the issues that have been identified. Can I say that through that process that we have announced, where there will be an engagement face to face with local residents, each resident who wishes to engage with a case manager will have those face-to-face opportunities to talk about this project and to talk — —

Mr Guy — On a point of order, Speaker, two-thirds of the minister’s time has now gone for her answer. The question was around advice she has received. It was not around a process that might be for an external statutory authority. It was around advice that the minister has sought or received, and she has never brought any part of her answer back to that of the question.

Mr Merlino — On the point of order, Speaker, the minister was directly relevant to the supplementary question, particularly highlighting the inaccuracies in the question that was asked. You should rule this point of order out.

Honourable members interjecting.

The SPEAKER — Order! From now on the Chair will not hesitate to have members withdraw, and that includes the Minister for Roads and Road Safety, who has been warned before. The Chair will not warn members and the minister again. The minister, to continue.

The Chair does not uphold the point of order. The Chair regards the minister's answer as being responsive.

Ms ALLAN — Those issues that local residents will have, amongst those that were raised in the question, will be appropriately dealt with in a respectful way in those face-to-face conversations with local residents. I appreciate the Leader of the Opposition is very interested in how property prices can be increased given that he was an expert at that during his time as planning minister.

Ministers statements: level crossings

Ms ALLAN (Minister for Public Transport) — I am very pleased to provide further and new information to the house on how the Andrews Labor government is getting on with removing those 50 dangerous, congested level crossings across Melbourne. We know that Victorians want these relics of the past removed as quickly as possible, and that is exactly what we are doing. Earlier this week, as we know, the government outlined the preferred design to remove all nine level crossings between Dandenong and the city. These are some of the most congested level crossings where the boom gates are down — —

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte has been warned, and the member for Malvern is now warned. The minister, to continue in silence.

Ms ALLAN — Can I just say, there was one key feature that came back through the community consultation, and I know those opposite are just so green with envy that they did not remove a single level crossing during their time in government. The last time those opposite removed a level crossing was in 1998.

Mr Clark — On a point of order, Speaker, either the minister is showing her ignorance or she is acting deliberately, but either way she is misleading the house and debating the issue, and I ask you to bring her back to complying with sessional order 7.

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

Ms ALLAN — Through this preferred design, with three sections of elevated rail that will get rid of these dangerous deathtraps as quickly as possible, it is a design that the engineers and the experts determined was the best possible solution. And not only is it nine level crossings gone, it is five brand-new stations and 2000 jobs created during construction. Most critically, it is an approach that will avoid the crippling disruption that could have occurred through other approaches by needing to have millions of bus replacement trips and trucks moving through the suburbs.

Can I acknowledge the member for Oakleigh, who has played a terrific role in working with his community. He will continue to consult and work hard, and I look forward to working with him on delivering this project for this community.

Level crossings

Mr HODGETT (Croydon) — My question is to the Minister for Public Transport. Will the minister now categorically rule out future sky rail ever being considered for the Frankston line, yes or no?

Ms ALLAN (Minister for Public Transport) — In answering the question, I think it is transparently obvious to all of us to see that opposition members are not interested in looking at what we can do to address congestion to get rid of level crossings. They are interested in scaremongering to try to stop us — to stop the Andrews Labor government — from removing these level crossings, saving lives, running more trains and reducing road congestion.

I am confident that in our conversations with communities right across Melbourne that want us to get on as soon as possible with removing the level crossings, they will recognise — —

Mr Guy interjected.

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

Ms ALLAN — We will be taking the advice of the experts and the engineers on what is right for each location. Speaker, I would like to read you a quote:

‘Removing level crossings is a good thing’. I think we would all agree with that. ‘The Liberal government did quite a bit of it, and it is the right thing to do’. I cannot find, and Melburnians cannot find, any record of the former Liberal government during its four years starting and finishing one single level crossing. For four long years it did nothing about one of the most important ways that we can reduce road congestion and run more trains.

Mr Hodgett — On a point of order, Speaker, the minister is debating the question. We asked that she categorically rule out whether the future sky rail will ever be considered for the Frankston line, yes or no? I ask you to bring the minister back to answering the question.

The SPEAKER — Order! I understand the minister has concluded her answer.

Mr Pesutto interjected.

Mr Andrews — On a point of order, Speaker, incredibly again I am obliged to ask you to ask the member for Hawthorn to withdraw that disgraceful remark.

Mr Pesutto — I withdraw.

Mr Merlino interjected.

The SPEAKER — Order! The Deputy Premier will come to order. The member for Hawthorn has withdrawn. The Deputy Premier is warned.

Supplementary question

Mr HODGETT (Croydon) — On a supplementary question, what representations has the minister received from the members for Mordialloc, Carrum or Frankston against building a sky rail along the Frankston rail corridor?

Ms ALLAN (Minister for Public Transport) — Today and in just the last few days I have had a number of conversations with those members of Parliament, and they are very much looking forward this year to going out and having a conversation with their local communities about how work will start before 2018 on getting rid of the eight level crossings along the Frankston corridor in addition to the three that are already under construction. They are excited about this opportunity to have a conversation with their communities based on the expert advice of engineers and the experts, not those opposite. Indeed the member for Frankston tells me that people in the last day or so

have been saying to him, ‘Just get on and get rid of these level crossings’.

Honourable members interjecting.

Ministers statements: level crossings

Mr PALLAS (Treasurer) — I rise to inform the house about the economic benefits of the Labor government’s initiative to remove all level crossings — all nine level crossings — between Dandenong and the CBD. This government, the Andrews Labor government, considered all potential design options for this corridor before deciding to proceed. We even examined the complete farce of what was being considered by the previous government — what we affectionately known as the ‘Crapenham project’. In addition to delivering a better outcome for residents and for communities, elevated rail will maximise the economic benefits of removing these nine dangerous and congested level crossings and will also create some 2000 jobs.

Labor’s plan has the advantage that it will actually work. It will remove all nine level crossings on the corridor, not four. It rebuilds five stations, not three. And it will be serviced by 37 new high-capacity trains, not 25; trains that will be built at least 50 per cent out of local content by Victorian manufacturers. It will accommodate 11 000 extra passengers during the peak hour. If those opposite had their way, it would have blown out by half a billion dollars without even delivering the promised improvements.

This is the busiest rail corridor in our state, carrying over 28 200 passengers in the morning. Road congestion has already cost something like \$4.6 billion per year. We will see. Had those opposite designed and delivered this project the way they wanted, there would be massive congestion and a greater freight load on this vital corridor.

Advanced Lignite Demonstration Program

Ms SANDELL (Melbourne) — My question is to Minister for Energy and Resources. Last year the minister announced that the government would review previous government programs which use taxpayer money to support coal developments. However, two days before Christmas, Ignite ALDP sent out a press release saying that it is proceeding with a coal project in Victoria which was given a \$20 million government grant. Can the minister confirm that \$20 million of Victorian taxpayer money has been given to Ignite ALDP for a coal project which will increase Victoria’s greenhouse gas emissions by 10 000 tons per year?

Ms D'AMBROSIO (Minister for Energy and Resources) — I thank the member for Melbourne for her question, and can I just say from the outset that that is absolutely wrong — absolutely wrong in so many respects. The government is very clear. We are committed to growing the diversity of our renewable energy sector — diversity for our future, for our environment, for our climate and for the future jobs that will come from that. We are absolutely committed to that.

What we are very clear about also is that we are a government that has been elected to be a responsible government, to talk to communities, to work with communities and to work out the plans for their future, and we are doing that in a way that delivers real services and real tangible outcomes when it comes to the jobs that come with growing our renewable energy sector.

I would actually caution the member for Melbourne not to believe everything she reads in local papers and the like because a simple question to me to this effect would have meant that the member for Melbourne would have received a very clear answer that she is absolutely wrong in this respect. I am very happy to explain to the member for Melbourne what it means to actually deal with contracts that were put in place by the previous government when it comes to these Advanced Lignite Demonstration Program (ALDP) projects.

Our government's agenda is very clear. We are growing the diversity of renewable energy. We will do that to grow the jobs and to grow the future industries which will underpin our economy into the future. That is what our commitment is, and I am very, very happy to extend an invitation to the member for Melbourne for a briefing on exactly what was reported in the papers at the end of last year.

Supplementary question

Ms SANDELL (Melbourne) — Can the minister then, if I am wrong in the fact that the ALDP has received this money, inform the house exactly how much money it has already received, and if it is none so far, will the minister rule out giving one dollar or more of any Victorian taxpayer money to coal projects that will increase our greenhouse gas emissions?

Ms D'AMBROSIO (Minister for Energy and Resources) — I thank the member for Melbourne for her supplementary question. It is very clear, Speaker, it is no secret: no money has been actually provided to any of the ALDP projects because they have not yet

met the milestones which have required payments to be made. Again, I am very happy to extend a briefing to the member for Melbourne to explain how the ALDP projects that were funded and contracted out by the previous government work. I am very pleased to offer that briefing to her as soon as she is prepared to accept it.

Ministers statements: clearways

Mr DONNELLAN (Minister for Roads and Road Safety) — I rise today to advise the house of a new initiative undertaken by the Andrews Labor government to keep Melbourne moving by introducing 24-hour clearways on Punt Road between St Kilda Junction and Alexandra Avenue. What a great initiative. Those opposite had four years — four years — to introduce 24-hour clearways.

Honourable members interjecting.

Mr R. Smith — On a point of order, Speaker, perhaps the minister can clarify how this is a new initiative, when it has been sitting on the Premier's desk for over a year?

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

Mr DONNELLAN — As I was saying, those opposite had four years to introduce 24-hour clearways but instead chose to sit on their hands. They could have, but they did not. They are very much the could-have-been champions of state politics. They got nothing done in four years. When I got into my parliamentary office I checked the cupboard, and the cupboard was bare — not a moment's action in relation to this vital north-south corridor; just the pipedreams of the former Premier of suggesting that an east-west road would fix a north-south problem. What a joker — what an absolute joker!

In relation to 24-hour clearways between St Kilda Junction and Alexandra Avenue, clearways will also be introduced for up to 100 metres either side of Punt Road on Alexandra Avenue, Toorak Road, Commercial Road and High Street. I very much note the support of the member for Prahran, who welcomed this initiative, and I very much encouraged it, because he understands that 88 per cent of public transport is on our roads, and these clearways will very much help the public transport that we are upgrading so efficiently.

The Hoddle-Punt corridor is a vital strategic link that gets people to jobs, education and health services, and this is another marvellous initiative by the Andrews government.

V/Line services

Mr WALSH (Murray Plains) — My question is to the Minister for Public Transport. On 19 January the Acting Premier told V/Line commuters ‘today should be the worst of it and over the course of the week, services should improve’. How many more ‘worst days’ will regional commuters be forced to endure before the minister finally takes responsibility, stops blaming others and fixes this V/Line crisis?

Honourable members interjecting.

Ms ALLAN (Minister for Public Transport) — In responding to a question by the Leader of The Nationals — the great closer of rail lines — I would like to provide some background information about the unprecedented situation that we have been faced with across the V/Line network over the past few weeks.

I was informed on 14 January by the CEO of V/Line that V/Line had detected an abnormally high wheel-wear rate on the V/Locity fleet, and, in the interests and the priority of passenger safety, it advised that it was withdrawing a number of services because of the significant number of V/Locity trains that needed to be inspected and maintained to have the wheels replaced.

I was advised of this because of that significant passenger impact. Now there has been since then a lot of work that has gone on in terms of both identifying the issue and looking at how we can return services to normal. One of the great constraints we have got in achieving this is a lack of rolling stock, because the former government did not order enough regional trains for two long years.

The member opposite asked about a restoration of services, and there has already been a clear statement provided by the government last week that as a result of the accelerated maintenance program and the work that is being done to bring the wheel-wear rate down, we will progressively start to see an improvement for approximately 20 per cent of train services across the regional network that are currently being replaced by buses, which affects around 10 per cent of the passengers who use the V/Line service. So from April, as a result of the work that has been done to date, that 20 per cent figure will start to progressively improve, and the expectation is that by the middle of the year, based on what we know today, there will be a restoration of the timetable.

Certainly in terms of recognising the impact that this has had on passengers, there has been a period of free

travel across the network. Those free travel arrangements remain in place for where buses are replacing a regular train service. There is no doubt that this has caused significant disruptions to passengers, and I apologise for that. It has been an incredibly challenging time for V/Line and for passengers who rely on this service.

But I can certainly assure regional communities, because this has come up throughout this issue, that we are a government that will not cut funding to V/Line like those opposite did; we will not privatise V/Line like those opposite did; and we will build up this service once again to be the great regional public transport provider it should be, unlike those opposite who took the knife to this organisation and slashed \$74 million from the V/Line budget.

Supplementary question

Mr WALSH (Murray Plains) — That is a lot of ‘worst days’. With the V/Line crisis set to last until at least June, can the minister advise the house how much the taxpayer is paying each and every day to replace V/Line trains with buses?

Ms ALLAN (Minister for Public Transport) — I am happy to provide the information we have at hand today, because of course this is an ongoing situation and the final costs will not be tallied up, if you like, until there is that full restoration of the timetable. It is estimated to be costing between \$250 000 and \$300 000 a week for the buses that are replacing the train services, and we will have that final cost estimation towards the middle of the year.

Can I also add that a lot of buses have had to run on those train lines that those opposite closed. A hell of a lot of buses were needed to move people around country Victoria on those train lines that those opposite — —

Mr Walsh — On a point of order, Speaker, the minister just cannot help herself in debating the issue. This is about information for commuters in regional Victoria who have had worst day after worst day, not the minister wanting to grandstand and debate the question. I ask you to bring her back to answering the question.

The SPEAKER — Order! The minister to continue and resume answering the question.

Ms ALLAN — Perhaps the member opposite did not hear that I gave the answer in terms of the costs of the buses that are replacing trains, and he may not like the facts that are before us. You cannot decouple the

cuts that the former government inflicted on V/Line and some of the great challenges we have got in providing a better, stronger regional public transport service, and that is entirely what I am determined to deliver for regional communities.

Ministers statements: school breakfast clubs

Mr MERLINO (Minister for Education) — It gives me great pleasure to provide the house new information on the rollout of breakfast clubs across the state. One in seven children arrive at school without breakfast. This morning around three students in every single classroom arrived at school on an empty stomach. This is staggering. It is hard to concentrate and learn on an empty stomach. Thankfully Labor is addressing this issue.

I can inform the house that more than 170 Victorian schools have commenced their new school breakfast clubs in term 1, with the remaining schools rolling out their program throughout terms 2 and 3. We delivered \$13.7 million in the last budget. We will deliver this program to 500 schools, feeding up to 25 000 students. We have partnered with Foodbank, the largest welfare food agency in Australia, to deliver this massive program, drawing on its existing storage, warehousing and freight networks.

Those opposite scrapped the education maintenance allowance for our most vulnerable children. Those opposite scrapped Free Fruit Friday. Unlike them, the Andrews Labor government knows how important breakfast clubs — —

Honourable members interjecting.

The SPEAKER — Order! Government members will allow the Deputy Premier to continue in silence.

Mr MERLINO — We know how important breakfast clubs are for kids to attend school, pay attention, learn and do their best, and schools know what a difference it is making.

The member for Frankston, a great advocate for breakfast clubs, visited Mahogany Rise Primary School with Catherine Andrews. The children were excited about the school's breakfast club, and their parents no longer have to choose between feeding their children or providing them with school uniforms. Only the Andrews Labor government will take care of those 130 000 kids who start school on an empty stomach.

Mr Walsh — On a point of order, Speaker, I was wondering if you could allow the Minister for Public Transport to correct the record. It is my understanding

that V/Line said it cost \$300 000 per day for buses, not \$250 000 per week, as the minister said in her answer.

Ms Allan — On the point of order, Speaker, I am happy to clarify and confirm — and of course there is a hearing in the upper house at the moment. I am happy to indicate that I should have said 'day', not 'week', and I am happy to provide that correction to the house. I will advise the member outside of the chamber of the exact clarification.

CONSTITUENCY QUESTIONS

Lowan electorate

Ms KEALY (Lowan) — (Question 6727) My question is to the Minister for Agriculture. I ask the minister to explain to concerned constituents in drought-ravaged communities why proposals to allocate drought funding, which had been announced to be winning ideas, will not be funded. Last year the Premier announced a \$10 million drought relief fund, described by the Premier as a 'drought plan for this community, written by this community'. Up until last week the Agriculture Victoria website invited people to have their say on how best to allocate the \$10 million drought response fund. The 'Responding to drought' page on the Our Say website states:

The Victorian government believes that the communities affected by drought are best placed to inform how the additional funding should be allocated.

This page attracted 84 ideas, with five projects specifically named as winning ideas. By specifically announcing that ideas are 'winning', our people understand that these winning ideas will be funded.

Recent public comments indicate the government has no intention of funding winning ideas. Our people feel misled and are deeply concerned that these winning ideas have been abandoned by a city-centric government. I ask the minister to explain to the people of drought-ravaged communities who took the time to create and fight for these drought relief programs why all winning ideas will not be funded as they were led to believe.

Gembrook electorate

Mr BATTIN (Gembrook) — (Question 6728) My question is for the Minister for Roads and Road Safety. I have a local constituent, James Williams, who drives regularly on Gembrook-Pakenham Road, Pakenham Upper — on most days. Recently a tree fell on his car, damaging the rear windscreen of his vehicle. This was traumatic for Mr Williams because he lost his brother in

similar circumstances back in 2010. I ask the minister to provide information on the maintenance program and any safety audits on Gembrook-Pakenham Road, Pakenham Upper, since 2010 and plans for tree removal or programs to ensure motorist safety along this stretch of road.

Dandenong electorate

Ms WILLIAMS (Dandenong) — (Question 6729) My constituency question is for the Minister for Health, and I ask that the minister provide to me the time lines around when outcomes are likely to be known for the community shade grants program. Last year the minister announced this fantastic \$10 million initiative to assist local groups in providing sun smart infrastructure to communities across Victoria. The latest round of applications to the programs closed in December, and I am aware of a number of local groups in my electorate that applied and are eagerly awaiting an announcement about the outcome. If the minister could inform me of the time lines for the decision, it would be much appreciated by applicants in the Dandenong area.

Evelyn electorate

Mrs FYFFE (Evelyn) — (Question 6730) My constituency question is to the Minister for Environment, Climate Change and Water. Evelyn resident Annette Catania purchased a water tank on 15 June 2015. She was advised at the time of purchase by Yarra Valley Water that she would be eligible for a government rebate under the Living Victoria Water Rebate program. The conditions of the rebate read:

Claims for purchases made within the eligible period
1 July ... to 30 June ... must be lodged by 30 September
2015.

Mrs Catania purchased the tank within the period. She lodged the forms within the period but was subsequently denied the rebate by the minister's own department. Although it is widely acknowledged that this government believes that contracts are not worth the paper they are written on, what action is the minister prepared to take to ensure the government meets its obligations to provide Mrs Catania with her rebate?

Eltham electorate

Ms WARD (Eltham) — (Question 6731) My constituency question is to the Minister for Health. The latest round of applications for the community shade grants program closed last December. This fantastic initiative of the Andrews Labor government, which is highly supported, dedicated \$10 million to assist local

groups to provide sun smart infrastructure to their communities. I know that a number of fantastic groups in my electorate have applied, including the Montmorency senior football club, Wahroonga Preschool and the 2nd Eltham Sea Scouts. All of these groups play a very important role in my community.

These grants will fund important tools for fighting skin cancer. With skin cancer rates being so high in Australia, it is very important that organisations are able to offer safe spaces in the community to participate. I ask the minister to give due consideration to the great community organisations in my electorate in relation to this matter.

Rowville electorate

Mr WELLS (Rowville) — (Question 6732) The constituency question I wish to raise is for the attention of the Minister for Public Transport.

Following the minister's surprising and disappointing decision earlier last year to remove high-speed signalling from the Andrews Labor government's revised Cranbourne-Pakenham rail plan — a requirement which would significantly increase capacity on that line and across the metropolitan network and one which is vitally important to the future Rowville rail line — I ask on behalf of concerned residents of the Rowville electorate: what is the Andrews government currently doing to progress the Rowville rail line to ensure that the project remains a priority and is not left by the wayside? I include whether the government has made, or plans to make, any alterations to the existing planning scheme in order to set aside a land reservation along the Rowville rail corridor?

Macedon electorate

Ms THOMAS (Macedon) — (Question 6733) My constituency question is to the Minister for Health. The latest round of applications for the community shade grants program closed last December. This fantastic initiative of the Andrews Labor government dedicated \$10 million to assist local groups to provide sun smart infrastructure to their communities.

I know a number of terrific community groups have applied, including Macedon Ranges Health in my electorate. Macedon Ranges Health provides fantastic community-based health, welfare and aged-care services to the communities of the Macedon Ranges shire and surrounding districts. To prevent skin cancer we must remember the five SunSmart steps: slip, slop, slap and of course seek shade and slide on some

sunglasses. These grants are a vital part of our skin cancer prevention efforts, and I ask the minister: when will the successful recipients be announced?

Burwood electorate

Mr WATT (Burwood) — (Question 6734) My constituency question is to the Minister for Environment, Climate Change and Water. Recently I attended a community meeting where hundreds of local residents expressed anger and dismay at both the Minister for Planning and the Minister for Environment, Climate Change and Water regarding their decisions around what is known as the Deakin interconnect. I note that the Minister for Planning did not accept an invitation to attend the meeting.

I ask the Minister for Environment, Climate Change and Water on what basis she made her decision to remove the Whitehorse City Council as the committee of management for the parcel of land at Gardiners Creek between Deakin University's two campuses in Burwood. In particular, given the fact that hundreds of people signed a petition calling on the minister to reverse her decision, what consultation was undertaken with the local community and Whitehorse City Council before this decision was made?

Yan Yean electorate

Ms GREEN (Yan Yean) — (Question 6735) My question is to the Minister for Education. Years of neglect by those opposite sees the appalling situation where no government school has opened in Victoria this year. I am pleased to see that the Andrews Labor government is getting on with the job of building much-needed primary and secondary schools to open next year across Victoria. The Mernda central P-12 school is one of the much-needed new schools in Melbourne's north and will bring with it new community facilities for students in the area.

Can the minister update and further inform my constituents about the new community facilities that will be accessible on the new Mernda P-12 school grounds, and in particular what level of community access is planned for the proposed swimming pool and will other local students be able to access it?

Pascoe Vale electorate

Ms BLANDTHORN (Pascoe Vale) — (Question 6736) My constituency question is for the Minister for Health. As we have heard today, the latest round of grant applications for the Community Shade grant program closed in December, and I ask the

minister to give due consideration to the application from the Glenroy Memorial Preschool. This fantastic program is an initiative of the Andrews Labor government — \$10 million is dedicated by this government to assist local groups to provide sun smart infrastructure to their communities.

I know that Glenroy Memorial Preschool has applied for an allocation as part of this program. It is a fantastic preschool that delivers an innovative program which centres on the individuality of each and every child. Its facilities support this objective. As well as beautifully fitted inside learning spaces, the kindergarten boasts, and I quote:

a beautiful, large outdoor play area, including a sandpit, bike area, swings, climbing frames and a vegetable garden, perfect for our indoor/outdoor program.

The Glenroy Memorial Preschool does the vital work of providing quality education to many children within our local community. The Community Shade grant program helps organisations like Glenroy Memorial Preschool to provide those services.

Mr Watt — On a point of order, Speaker, I refer to *Rulings from the Chair — 1920–2015* under the heading 'Must not seek action', which reads:

The purpose of constituency questions is to seek information ... not an opportunity to seek action of ministers ...

I will not continue. I am sure you understand that ruling, Speaker. I refer to the member for Dandenong, who asked the minister to provide a time line. I submit that that would be not in order.

I also refer to the member for Eltham, who asked the minister to give due consideration to a number of community groups. I would submit that that is an action and not a constituency question.

I refer also to the member for Pascoe Vale, who asked the minister to give due consideration to a community group, which is therefore an action and not a question.

I leave it up to the Speaker to make a determination on all of these, but particularly I would question the member for Yan Yean, who started by asking for an update and further information, therefore asking for an action.

The SPEAKER — Order! The Chair will take the member's submission into consideration, review the constituency questions and report later on.

VICTORIA POLICE AMENDMENT (MERIT-BASED TRANSFER) BILL 2016

Introduction and first reading

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

That I have leave to bring in a bill for an act to amend the Victoria Police Act 2013 in relation to the transfer of certain police officers and for other purposes.

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

Mr SCOTT (Acting Minister for Police) — The Victoria Police Amendment (Merit-based Transfer) Bill 2016 will provide a legislative basis for the Chief Commissioner of Police to conduct merit-based transfers of police officers to country general duties positions and related appeals to the Police Registration and Services Board.

Motion agreed to.

Read first time.

CHILDREN LEGISLATION AMENDMENT BILL 2016

Introduction and first reading

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

That I have leave to bring in a bill for an act to amend the Children, Youth and Families Act 2005 to improve the operation of that act and to amend the Commission for Children and Young People Act 2012 in relation to the disclosure of information under that act and for other purposes.

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

Mr FOLEY (Minister for Housing, Disability and Ageing) — For the benefit of honourable members, this is a bill that seeks to amend the Children, Youth and Families Act 2005 to correct minor and technical errors, inconsistencies and omissions in the principal act. It seeks to amend the rulemaking powers of the Children's Court of Victoria and it seeks to amend the Commission for Children and Young People Act 2012 to authorise the Department of Health and Human Services to share particular personal health records information with the commission.

Motion agreed to.

Read first time.

HEALTH COMPLAINTS BILL 2016

Introduction and first reading

Ms HENNESSY (Minister for Health) introduced a bill for an act to provide for a complaints process and other processes about health service provision and related matters, to establish the office of health complaints commissioner and the Health Complaints Commissioner Advisory Council, to repeal the Health Services (Conciliation and Review) Act 1987, to make minor and consequential amendments to other acts and for other purposes.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion

The SPEAKER — Order! Notice of motion 2 will be removed from the notice paper unless the member wishes their notice to remain and advises the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Cranbourne shared housing development

To the Legislative Assembly of Victoria:

The petition of the residents of the Brookland Greens Estate and the residents of the City of Casey, Victoria, draws to the attention of the house that we, the undersigned, are concerned residents who urge our leaders to act now to stop the proposed development of two boarding/shared homes in Concord Place, Brookland Greens Estate, Cranbourne, Victoria. This development has no council approval for proper planning for the area including guide design, parking, traffic, social, environmental, economic and cultural impact.

The petitioners therefore request that the Legislative Assembly of Victoria review the planning scheme provisions (clause 52.23) relating to rooming houses and as an interim step, amend the planning scheme provisions to prohibit the establishment of further rooming houses without a planning permit from council, including the property at 5a and 5b Concord Place, Cranbourne, until the completion of the review.

By Mr PAYNTER (Bass) (484 signatures).

Public holidays

To the Legislative Assembly of Victoria:

We, the undersigned citizens of Victoria, call on the Legislative Assembly of Victoria to note the harmful impacts of the decision by the Daniel Andrews Labor government to declare new public holidays in Victoria.

At a time of high and rising unemployment and when many businesses are already doing it tough, Daniel Andrews has imposed a major new cost that will see many businesses close their doors for the day, employees lose much-needed shifts and inflict significant damage on our state's economy.

The Andrews government's own assessment of the grand final eve public holiday put the cost of the holiday to Victoria at up to \$898 million per year.

The impact of these additional costs will not be restricted to businesses, with local government and hospitals also affected leaving ratepayers and the community to foot the bill.

We therefore call on the Daniel Andrews Labor government to reverse its decision to impose the grand final eve public holiday.

By Mr BURGESS (Hastings) (144 signatures).

Police numbers

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly that Premier Daniel Andrews has failed to commit to providing additional police numbers and subsequently, as Victoria's population grows, the number of police per capita goes backwards under Labor every day.

The petitioners therefore respectfully request that the Legislative Assembly of Victoria calls on the Andrews Labor government to commit to providing additional frontline police numbers as a matter of priority.

By Mr BURGESS (Hastings) (18 signatures).

Tabled.

Ordered that petition presented by honourable member for Bass be considered next day on motion of Mr PAYNTER (Bass).

Ordered that petitions presented by honourable member for Hastings be considered next day on motion of Mr WATT (Burwood).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 1

Ms BLANDTHORN (Pascoe Vale) presented *Alert Digest No. 1 of 2016* on:

- Access to Medicinal Cannabis Bill 2015**
- Assisted Reproductive Treatment Amendment Bill 2015**
- Bail Amendment Bill 2015**
- Building Legislation Amendment (Consumer Protection) Bill 2015**
- Gene Technology Amendment Bill 2015**

- Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015**
- Judicial Commission of Victoria Bill 2015**
- National Electricity (Victoria) Further Amendment Bill 2015**
- Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015**
- Rooming House Operators Bill 2015**
- Transparency in Government Bill 2015**

together with appendices.

Tabled.

Ordered to be published.

DOCUMENTS

Tabled by Clerk:

Border Groundwaters Agreement Review Committee — Report 2014–15

Cancer Council Victoria — Report period ended 30 September 2015

Crown Land (Reserves) Act 1978 — Order under s 17B granting a licence over Knox Community Gardens and Vineyard Reserve

Duties Act 2000 — Report period ended 30 November 2015 of Foreign Purchaser Additional Duty Exemptions under s 3E

Education and Care Services National Law Act 2010 — Education and Care Services National Amendment Regulations 2015 under s 303

Health Practitioner National Law (Victoria) Act 2009 — Report 2014–15 of the National Health Practitioner Ombudsman and Privacy Commissioner

Inquiries Act 2014 — Royal Commission into Trade Union Governance and Corruption Volumes 1 to 5

Interpretation of Legislation Act 1984:

Notices under s 32(3)(a)(iii) in relation to Statutory Rules 136, 167/2015

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

Land Acquisition and Compensation Act 1986 — Certificates under s 7 (two documents)

Land Tax Act 2005 — Report period ended 30 November 2015 of Land Tax Absentee Owner Surcharge Exemptions under s 3B

Melbourne City Link Act 1995:

CityLink — Tullamarine Corridor Redevelopment Deed Second Amending Deed

Melbourne City Link Thirty-fifth Amending Deed

Parliamentary Committees Act 2003 — Government response to the Environment, Natural Resources and Regional Development Committee's Interim Report on the inquiry into the CFA Training College at Fiskville

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

Ballarat — C185
 Bayside — C146
 Boroondara — C200, C209
 Brimbank — C105
 Cardinia — C161
 Casey — C197, C199
 Frankston — C99, C110 Part 1
 Glen Eira — C123
 Greater Dandenong — C183
 Greater Geelong — C315
 Greater Shepparton — C92, C170
 Kingston — C175
 Knox — C74, C144
 Latrobe — C86
 Macedon Ranges — C96
 Maroondah — C95, C125
 Melbourne — C269
 Moreland — C157
 Mornington Peninsula — C184 Part 3
 Mount Alexander — C74
 Moyne — C48 Part 1
 Port Phillip — C115, C124, C131
 Stonnington — C183 Part 1
 Victoria Planning Provisions — VC121, VC126, VC127
 Warrnambool — C78 Part 1
 Wellington — C94
 West Wimmera — C32
 Whitehorse — C167, C210
 Whittlesea — C73, C179, C195
 Wyndham — C194, C210
 Yarra — C195, C207
 Yarra Ranges — C150

Project Development and Construction Management Act 1994 — Nomination orders under s 6, application orders under s 8 and statements under s 9 of reasons for making nomination orders (six documents)

Statutory Rules under the following acts:

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — SR 146/2015
Building Act 1993 — SRs 152, 157/2015
Child Wellbeing and Safety Act 2005 — SR 168/2015
County Court Act 1958 — SR 162/2015
Country Fire Authority Act 1958 — SR 148/2015
Dangerous Goods Act 1985 — SR 156/2015
Domestic Animals Act 1994 — SR 165/2015
Human Tissue Act 1982 — SR 171/2015
Infringements Act 2006 — SR 166/2015
Land Tax Act 2005 — SR 161/2015
Liquor Control Reform Act 1998 — SR 155/2015
Magistrates' Court Act 1989 — SRs 154, 163, 164/2015
Marine Safety Act 2010 — SRs 153, 158/2015
Mineral Resources (Sustainable Development) Act 1990 — SRs 149, 150/2015
Non-Emergency Patient Transport Act 2003 — SR 151/2015
Public Administration Act 2004 — SR 160/2015
Public Health and Wellbeing Act 2008 — SR 170/2015
Retirement Villages Act 1986 — SR 147/2015
Road Safety Act 1986 — SR 159/2015
Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 — SR 169/2015
Victorian Energy Efficiency Target Act 2007 — SR 167/2015

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 133, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171/2015

Documents under s 16B in relation to the:

Cemeteries and Crematoria Act 2003 — Southern Metropolitan Cemeteries Trust's Scale of Fees and Charges
City of Greater Geelong Act 1993 — Greater Geelong City Council — Mayoral and Deputy Mayoral Allowances — Alteration

City of Melbourne Act 2001 — Melbourne City Council — Lord Mayoral, Deputy Lord Mayoral and Councillor Allowances — Alteration

Education and Training Reform Act 2006 — Ministerial Order No 858

Livestock Disease Control Act 1994 — Notice of the fixing of fees

Local Government Act 1989:

General Order Setting the Average Rate Cap

Mayoral and Councillor Allowances Adjustment

Senior Officer Remuneration Threshold Increase

Victorian Energy Efficiency Target Act 2007 — Notice of Declaration of a Discount Factor

Water Act 1989 — Abolition of Diamond Creek Water Supply Protection Area Order 2016.

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

Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 — Whole Act — 1 January 2016 (*Gazette S426, 22 December 2015*)

Children, Youth and Families Amendment (Aboriginal Principal Officers) Act 2015 — Remaining provisions — 4 January 2016 (*Gazette S426, 22 December 2015*)

Corrections Legislation Amendment Act 2015 — Divisions 6, 7 and 9 of Part 2 — 9 December 2015 (*Gazette S389, 8 December 2015*)

Education and Training Reform Amendment (Child Safe Schools) Act 2015 — Sections 4(2) and 5(1), (2), and (4) — 9 December 2015 (*Gazette S389, 8 December 2015*)

Education Legislation Amendment (TAFE and University Governance Reform) Act 2015 — Whole Act — 1 January 2016 (*Gazette S403, 15 December 2015*)

Energy Legislation Amendment (Consumer Protection) Act 2015 — Whole Act — 1 January 2016 (*Gazette S403, 15 December 2015*)

Fisheries Amendment Act 2015 — Whole Act — 16 December 2015 (*Gazette S403, 15 December 2015*)

Mineral Resources (Sustainable Development) Amendment Act 2014 — Sections 4(3), 16 and 27 — 8 December 2015 (*Gazette S389, 8 December 2015*)

Public Health and Wellbeing Amendment (No Jab, No Play) Act 2015 — Whole Act — 1 January 2016 (*Gazette S403, 15 December 2015*)

Prevention of Cruelty to Animals Amendment Act 2015 — Whole Act (except ss 31, 32, 34, 35, 37, 38, 40 and 42 and Part 7) — 23 December 2015 (*Gazette S426, 22 December 2015*)

Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 — Whole Act — 23 December 2015 (*Gazette S426, 22 December 2015*)

Victims of Crime Commissioner Act 2015 — Whole Act — 3 February 2016 (*Gazette S10, 2 February 2016*).

ROYAL COMMISSION INTO TRADE UNION GOVERNANCE AND CORRUPTION

Report

Mr CLARK (Box Hill) — I desire to move, by leave:

That the house take note of the report of the Royal Commission into Trade Union Governance and Corruption.

Leave refused.

RELATIONSHIPS AMENDMENT BILL 2015

Council's amendment

Returned from Council with message relating to amendment.

Ordered to be considered later this day.

ROYAL ASSENT

Message read advising royal assent on 15 December 2015 to:

Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015

Education Legislation Amendment (TAFE and University Governance Reform) Bill 2015

Terrorism (Community Protection) Amendment Bill 2015.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Access to Medicinal Cannabis Bill 2015

Building Legislation Amendment (Consumer Protection) Bill 2015

Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015

Judicial Commission of Victoria Bill 2015

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

BUSINESS OF THE HOUSE

Program

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

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 5.00 p.m. on Thursday, 11 February 2016:

Aboriginal Heritage Amendment Bill 2015

Access to Medicinal Cannabis Bill 2015

Building Legislation Amendment (Consumer Protection) Bill 2015

Consumer Acts and Other Acts Amendment Bill 2015

Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015.

In making a few remarks on the program before us today, can I welcome everyone back for another exciting year in the Legislative Assembly, where the government will be working very hard to put to the Parliament and have passed legislation that is delivering on its important election commitments and progressing the state of Victoria. This suite of bills is a good indication of that intent, being a combination of supporting the community and delivering on our election commitments.

Can I commend you, Speaker, for the work that you have done in introducing into our program this year the acknowledgement of country, which was undertaken for the first time today — a very appropriate way to start our parliamentary year.

The only other comments I would wish to make are that members of the house should note that on the program that is before them today is the return of a bill. The Relationships Amendment Bill 2015 has been returned from the upper house with an amendment that we are asked to consider. The plan at this stage is to have that debate later today in a break of business. Also we will be desiring to accommodate, should it return to this house, any progress on the port of Melbourne legislation. With those few comments, I commend the program to the house.

Mr CLARK (Box Hill) — The opposition has concerns about how the government is continuing to handle or rather mishandle the business of this house. I have made the point on numerous prior occasions that the government is in flagrant breach of its election commitment that it would make consideration in detail a standard feature for bills in the Assembly. The Leader

of the House has given no indication in the remarks that she has just concluded that she has any intention of changing that. The opposition has certainly had no approaches from the government indicating that there are any bills on this program that it believes should be omitted from the standard consideration of bills in detail, and a number of the bills that are on the program before the house would benefit from such consideration.

The Aboriginal Heritage Amendment Bill 2015 deals with the issue of Aboriginal heritage and it is important that this legislation operate effectively to protect that heritage well and to do so fairly. To achieve that objective it is highly desirable that the operation of the bill can be examined in detail to make sure that the government has got it right and to see whether there are any opportunities to improve it.

The Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015 has two significant changes proposed in it: one important change relating to better protection of the community and another relating to the composition of the institute of teaching. Again this is a matter that would benefit from consideration in detail so that both of those aspects of the bill can be examined and decisions made regarding them.

The Building Legislation Amendment (Consumer Protection) Bill 2015 is a large and complex bill on a very difficult and important subject — that of how to protect consumers of domestic building works and to ensure that, as far as legislation can achieve, consumers are protected from being ripped off by shonky builders or builders who are otherwise unable to deliver on what they have promised to deliver, and also to ensure that we have a strong and efficient building industry here in Victoria. This complex bill is one that deserves extensive consideration in detail to examine the extent to which those objectives have been achieved and indeed to look at what those on this side of the house at least believe are some significant omissions from that bill.

There is also the Access to Medicinal Cannabis Bill 2015, which deals with providing the best possible medical care and treatment to persons in need of treatment while also ensuring that there are adequate safeguards in place. Again it is very important that we get the detail of such legislation right, and that is best achieved if bills such as this are examined in detail and the government is able to respond to the many questions that deserve an answer and need to be placed on the record in relation to this legislation.

Finally, the Consumer Acts and Other Acts Amendment Bill 2015 is an omnibus bill that addresses a wide range of legislation. Again it is important to ensure that that legislation is correct, and it is equally important to seek answers from the government as to why a number of other areas of potential consumer protection, such as in relation to debt collectors, for example, have not been included in the bill.

Regrettably the government is continuing to renege on its own election promise in relation to consideration in detail and this house is suffering as a result of that and the community is suffering as a result of that broken election promise. The opposition believes that in accordance with the government's promise bills should be considered in detail, unless the government has approached the opposition and proposed why a particular bill should be omitted from consideration in detail. The government has certainly not done that and for that reason the opposition will be opposing this business program.

Mr McGUIRE (Broadmeadows) — The government begins the parliamentary year with a business program that continues to deliver on election promises and builds on its values for the benefit of Victorians, from establishing a better system to coordinate Aboriginal heritage and education reforms to protect our children from possible abuse; introducing consumer protections for most people's biggest asset, the family home; and providing access to pain relieving medicinal cannabis in exceptional circumstances. These are significant reforms in the public interest.

I am perplexed by the opposition's declaration that it is going to oppose the government business program. Just in the chamber during a quick conversation with the Leader of the House she made it clear that the opposition has not requested that there be a detailed approach to these bills, so I do not know how the accusation can be levelled that there has been a broken election promise when there was no request. The logic stands, is simple and is particularly relevant. We do not want to have opposition members saying that yes, they see the public benefit in these bills and then just making an oppositional response. I hope they are better than that.

On that point in particular I hope the upper house looks at the port of Melbourne bill and realises how significant this initiative is for Victoria's economic development so it can proceed and deliver its full value and that the bill returns to this house before the end of the week so this matter can be resolved. It is clearly in the best interests of all Victorians that we unlock the maximum amount of value from that proposition.

I will go to the bills that we will be looking at this week. The Access to Medicinal Cannabis Bill 2015 is important because it specifically looks to legalise access to cannabis for people in Victoria in exceptional circumstances. The safeguards are there. It will provide the necessary heads of power to implement access in Victoria. It builds on this state's international leadership and excellence in medical research and builds on a whole series of initiatives — even when the Christmas and New Year break was involved — that have been announced by the Premier and the Minister for Health and furthers our international recognition. The scheme will provide broader patient access than clinical trials, with eligible patient groups to be expanded over time. This is an important piece of legislation in the public interest, and any reservations that opposition members have should be put in their contributions.

Then we look at the Building Legislation Amendment (Consumer Protection) Bill 2015. This bill is the first tranche of reforms to improve protections for consumers from home building malpractice and it improves the dispute resolution process. Again, there can be nothing more significant to most people in their financial circumstances than to make sure their homes are well built and, if there are conflicts, that these are resolved at the lowest possible cost.

In relation to consumer affairs and liquor regulation we have the Consumer Acts and Other Acts Amendment Bill 2015. Again, this demonstrates the government's commitment to a responsive, robust and effective consumer protection framework with a focus on consumer rights and protections for vulnerable consumers as outlined in the Victorian Labor Party platform of 2014.

The other critical issues of course are for the protection of our children, including the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015. This specifically goes to empowering the Victorian Institute of Teaching (VIT) to suspend the registration of a teacher or early childhood teacher pending police, employer or VIT investigations. It aligns with the views of the commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse and the reports of the Victorian parliamentary inquiry into the handling of child abuse by religious and other non-government organisations — that is, the *Betrayal of Trust* report. This is again another important reform in a whole tranche. This has had bipartisan support, and I hope to see that continue in the best interests of the public and particularly of our children.

Mr HIBBINS (Prahran) — The Greens will not be opposing the government business program in this instance. We have not made any requests for consideration in detail or sought amendments to the bills at the moment, even though I am very sympathetic to the desire of the opposition to go into consideration in detail and have the government fulfil its pre-election commitment of making it a standard feature of bills. There are a number of bills listed on the business program this week. The Access to Medicinal Cannabis Bill 2015 is certainly one that many Victorians will welcome, and I look forward to the debate and the contributions of all members on that bill. The Relationships Amendment Bill 2015 has come back from the upper house with a modest but important amendment in relation to the provision of ceremonies when registering a relationship. I look forward to that debate as well. But, as I said, the Greens will not be opposing the government business program in this instance.

Mr PEARSON (Essendon) — I am delighted to make a brief contribution in relation to the government business program. What is before the house is a solid workload for the week ahead, which is a very good thing. As you would expect, we are coming back to a new year with a bit of a bang, which is a very good thing indeed. I have had a look at the speaking list for the government side and it is overflowing with speakers, I think it is fair to say. Everyone has had a fantastic break and has come back well rested and is looking forward to getting back into the cut and thrust of debate.

I note the manager of opposition business's contribution when he indicated his concern about the fact that consideration in detail has not been allowed on any of the bills. Well, if the member for Prahran, who is new like I am, understands that you need to make a request of the Leader of the House, I would have thought that a man of his standing — being the manager of opposition business — would understand that you need to ask. If you wish these things to occur, then you must ask. It is only fair and reasonable. I think that the government is very happy to look at working with and accommodating those reasonable requests that come from those opposite, but they really must be made in the first instance so that we can consider them and then make a call on them.

I would also like to mention — and I acknowledge that the Speaker is now no longer in the chair — the acknowledgement of country today. I think this is a fantastic way to start the sitting week, and I think that it builds on this Parliament's credentials and stands us all, as members, in very good stead to have the

acknowledgement of country and to have the Indigenous flag flying over Parliament House permanently. These are very, very good and welcome initiatives.

So it is a good solid work program before us. It is that nice healthy mix of a government getting on with doing the things it said it was going to do and implementing the promises from the election, as well as dealing with those more regular, day-to-day operational matters that any government must confront and face up to. So it is a great program. I would encourage the manager of opposition business, if he does wish, or if the opposition wishes, in the future to look at considering bills in detail, that they do seek out and make those approaches through the appropriate channels in advance of this house sitting. It is only fair and reasonable that the government be given notice to that effect. On that basis I commend the government business program.

Mr KATOS (South Barwon) — I rise to make a contribution to the debate on this week's government business program. As outlined by the manager of opposition business, we will be opposing the government business program primarily on the grounds of consideration in detail not occurring. The government's commitment when in opposition was that scrutiny would be enhanced, with consideration in detail made a standard feature for bills. When you read that, that means that each bill would go into consideration in detail as a standard feature. Some bills in this place are more complex than others; some are quite straightforward. If there is a very straightforward bill, then come to us and say, 'Look, we don't want to do that one in consideration in detail. It's a very simple bill — very standard'.

But the government's commitment made when in opposition implies that every bill will go into consideration in detail as a standard feature. Can anyone enlighten me as to what that means, a standard feature? To me that would mean that each bill would go into consideration into detail unless advised otherwise. As the member for Box Hill has outlined, the Building Legislation Amendment (Consumer Protection) Bill 2015 is very complicated. There are questions we would like to have answered, particularly about the Aboriginal Heritage Amendment Bill 2015 and the Access to Medicinal Cannabis Bill 2015. That is what we are about here. We are opposing the government business program on that basis.

Now, if the government does not want to go into consideration in detail on a bill, it should let us know. But the commitment was made by the Labor Party to do this, so it is incumbent upon those opposite to start

doing it. With that, Acting Speaker, I will finish my contribution there.

House divided on motion:

Ayes, 48

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

Noes, 37

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

Motion agreed to.

MEMBERS STATEMENTS

Pauline Burren

Mr MORRIS (Mornington) — I rise today to recognise the life of the late Pauline Burren, who sadly passed away during the recent recess. I had the pleasure of knowing Pauline and her late husband, Keith, for many years. I valued greatly the intellectual rigour

which she brought to any discussion and the wise counsel she graciously provided, but only when sought.

A leader in numerous fields, Pauline graduated with a Bachelor of Arts in Western Australia and began her Victorian teaching career at Melbourne Girls Grammar School. In the 1970s Pauline and Keith established their home in Mount Eliza, and quickly became part of the community. Professionally, Pauline moved to Mentone Girls Grammar School as vice-principal, eventually writing a history of the school. She undertook a bachelor of education at Monash University, followed by a master of business administration (MBA).

The MBA took her out of education to a series of roles, including executive director of the Australian Physiotherapy Association; membership of the Medical Practitioners Board of Victoria and the Social Security Appeals Tribunal; 13 years on the Methodist Ladies College board; and the presidency of the Royal Dental Hospital of Melbourne board. Pauline was a commissioner of the City of Casey. She was a member of the Lyceum Club, an active and highly regarded member of the Liberal Party and a long-serving member of the Rotary Club of Melbourne, of which she was president in 2008–09. She was a Paul Harris Fellow, and as Rotary members noted in their tribute in the *Age*:

Pauline was the essence of the professional woman: organised, steady, ethical and persistent.

And I add: she was the epitome of service above self. I extend my sympathy and best wishes to Christine, to David and to their families.

Bushfires

Mr EREN (Minister for Tourism and Major Events) — I rise to inform the house of some recent events that affected many in the Geelong region and my community of Lara. The Christmas Day bushfires along the Great Ocean Road have left many coming to grips with the devastation that was caused. I would like to give special thanks to the firefighters and all other emergency services personnel who sacrificed their Christmas to keep us safe.

Fires might have tested the nerve of some in our most treasured tourist destinations, but the message is simple: they are open for business and ready to offer an unforgettable experience. If you want to support these communities, a simple but valuable way to help is to pay a visit and see for yourselves that they have the best of everything.

The Victorian government has been assisting with dedicated emergency service workers and volunteers. We have offered assistance and financial help to people in need and help for people as they view their properties and the damage that has been caused. My thoughts are with the families who lost their homes and the communities that are now looking to rebuild.

Following this devastation, my electorate of Lara and the wider Geelong region was hit with a severe freak storm. We received 62 millimetres of rainfall, and the storm lasted for about 2 hours. A massive thank you goes to the State Emergency Service (SES) crews and other volunteers who responded to more than 650 calls for help and rescued nine people from cars. Thanks also go to the Minister for Emergency Services, who met with the member for Geelong and me the day after the storm at the SES incident control centre and visited Geelong suburbs to see firsthand the damage caused by this freak storm.

Nagambie ambulance services

Ms RYAN (Euroa) — Almost 500 residents from Nagambie and nearby communities have signed a petition calling on the Premier to place paramedics in Nagambie permanently. I suggest that the Premier and the Minister for Health pay careful attention to this petition. It is not 1 or 10 or even 100 people pushing for an ambulance in Nagambie; it is the entire town. The government implemented a trial following my calls for an examination of response times in Nagambie. The minister must now release the data from that trial so that we can evaluate its success, how many call-outs were attended over the period and what the local response times were during the period the ambulance was based in town.

We are approaching the end of summer, but that does not mean the risk to the local community or visitors to Nagambie has come to an end. In the coming weeks Nagambie's calendar is full of major events: the Nagambie on Water Festival; the Associated Public Schools Heads of the River rowing regatta; the regular Music at the Bridge evenings; and, later in the year, the Nagambie Lakes Opera Festival. The time has come for Labor to stop spinning on this issue. The government owes it to the community to match the coalition's pledge to base two full-time paramedics and an ambulance community officer in the community — even the ambulance union says so.

Refugees

Mr McGUIRE (Broadmeadows) — My call is for a new era of Australian enlightenment. We need a

paradigm shift to better coordination and collaboration between the three tiers of government, business and civil society to confront critical challenges for jobs, growth and national security. The Australian government must end the secrecy over its resettlement plans for refugees from war-torn Syria. No matter where these refugees are designated, experience has proved that many will inevitably move to the electorate of Broadmeadows to connect with families, friends and established faith communities.

Today I disclose the plea from the City of Hume to the federal Minister for Immigration and Border Protection, Peter Dutton, the Minister for Social Services, Christian Porter, and the Department of Immigration and Border Protection to immediately engage with the local community on their plans for a targeted response, including access to maternal and child health services, community hubs, education, training and jobs.

I also call on the Australian Industry Group, the Business Council of Australia and other business leaders to contribute to Broadmeadows, which settles more than 800 refugees and asylum seekers annually, to help deliver practical results. The convergence of coalition governments at a state and federal level has meant that access to almost \$1 billion has been denied to this community that the Australian Security Intelligence Organisation has identified as being a terrorist recruitment hotspot, where unemployment has been equal to that of Greece, where youth unemployment is more than 40 per cent and where twice as many Muslim families as any other state district already live side by side with Christian refugees from Syria and Iraq seeking one of Australia's greatest gifts — a new future beyond the burden of history.

United Firefighters Union

Ms ASHER (Brighton) — I wish to draw to the house's attention an article in the *Age* dated 29 January. The article referred to the fact that the Metropolitan Fire Brigade is desirous of recruiting more women into its ranks. The article also reported that a lot of opposition to this was coming from the firefighters union; in fact the union had lodged a grievance with the Fair Work Commission.

Any student of history will know that the union movement has been — and in this instance still is — one of the greatest obstacles to equal participation of women in the workforce. Many of us who are of my vintage will remember vividly the opposition of the tramways union to allowing women to become conductors in the first instance and then drivers. The union movement is carrying on with its history of

preventing women's equal participation in the workforce.

I note that the Minister for Emergency Services made a reference to this union, saying:

To suggest that increasing workplace diversity would lower standards is a view that belongs in another century.

I agree with her that this union's views do belong in another century, and I call on all women in this chamber to condemn this trade union for being the troglodyte that it is.

Nada Cahill and Karen Dedadic

Ms WARD (Eltham) — I congratulate two outstanding locals, Nada Cahill and Karen Dedadic. Together these two women have devoted nearly 80 years of service to my community. As a former brownie and with two girls involved in the guiding movement, I know firsthand the tremendous and often tiring work these two women undertake.

Nada Cahill is one of the kindest women you will ever meet. She cannot go anywhere in Eltham without being caught by someone she knows through her extensive volunteerism, which includes 33 years devoted to the guiding movement. She has selflessly worked to provide the best guiding experience she can for local girls. Nada also volunteers at Judge Book retirement village and with the scout band.

For 44 years Karen Dedadic has been a member of the Eltham 1st Brownie Guides and is well known throughout my community. Her outstanding efforts as a leader of youth have helped girls develop leadership skills and self-confidence. She is also a very kind and supportive woman who is well respected by all.

This year the volunteerism and community service of Nada and Karen were recognised by the Honourable Jenny Macklin, MP, federal member for Jagajaga, at her 2016 Jagajaga Community Australia Day Awards, and I cannot think of two women more worthy of receiving this award. The guiding movement is a great place for girls to pick up a great many skills, and I thank Nada and Karen for all they have done for my community and for my two girls.

East–west link

Mr WELLS (Rowville) — This statement condemns the Andrews Labor government for totally misleading Victorian voters prior to the November 2014 state election in claiming that a Labor government would not pay a dollar more in compensation for axing

the east–west link, with the Auditor-General finding that the total amount of taxpayers money wasted on cancellation of the east–west link project, including compensation to the financiers and construction consortia involved, is a massive \$1.1 billion, which is approximately half of the total estimated state government funding contribution actually required to build the link.

State Labor's claims continue to ring hollow and are now in complete tatters. Not only has the Andrews Labor government been caught out misleading Victorians with its financial recklessness and irresponsibility; it has now totally trashed Victoria's reputation and standing with the international investment community. Despite its false claims prior to the election that no compensation would be paid in ripping up the east–west link contract, the Andrews government has exposed the state to a massive compensation and cancellation bill. Further, the state Labor government has demonstrated to the Victorian community that, like Labor of old, it simply cannot be trusted with taxpayers money. The bottom line is that the Andrews Labor government has failed all Victorians, leaving taxpayers with a huge bill, paid for by a blowout in state debt and with nothing at all to show for it. Victorians deserve better.

Stephen Elder

Ms BLANDTHORN (Pascoe Vale) — I rise to congratulate Stephen Elder, known to many in this place, on receiving the Medal of the Order of Australia in the Australia Day honours for his service to the Catholic Church in Australia and the community of Victoria.

Steve was a community worker and a teacher. He is a former member of this Parliament and a former Parliamentary Secretary to the Minister for Education. He is now executive director of Catholic Education Melbourne. Steve has also made, and continues to make, invaluable contributions as a member of the National Catholic Education Commission of Victoria, a member of the senate of the Australian Catholic University, a director of Catholic Network Australia, a director of the board of management of Church Resources, a director on the board of the Mercy Health Foundation, a member of the board of the Catholic Development Fund and a member of the board of the Victorian Registration and Qualifications Authority.

At home Stephen is a husband and a father. To me, he has been an employer, a mentor and a friend. Whilst Steve's departure may have ultimately been a great loss to this Parliament, it was to the immense gain of

Catholic education, in particular the hundreds of thousands of students and their families who have attended and continue to attend Catholic education both in Victoria and across Australia. He has been instrumental in achieving fair funding arrangements for Catholic education, particularly for small parish primary schools and regional Catholic secondary colleges.

Personally I will always be grateful for the support and encouragement that Steve has shown to me and for the words of wisdom he continues to share with me. Congratulations to Steve and his family on this remarkable achievement.

Gippsland Lakes Coordinating Committee

Mr T. BULL (Gippsland East) — In recently announcing that the Gippsland Lakes Ministerial Advisory Committee will now be known as the Gippsland Lakes Coordinating Committee, the Minister for Environment, Climate Change and Water missed the perfect opportunity to announce a further three years of funding for the group, again leaving all those involved with this program uncertain about its future.

While it was disappointing that local representation on the board from my electorate was halved, with replacements being departmental members from outside my electorate, it is the funding I wish to focus on. Here we are, just four months from the current funds expiring, and the minister announces a new name for the group but does not commit the ongoing funding that is needed.

To provide some background, \$10 million was provided over four years under the coalition, and a further four-year commitment was made pre-election. Despite similar pleas to the minister last year, she announced one year of funding only and waited until within weeks of the funding expiring to do so. Leaving it until the 11th hour creates too much uncertainty; we saw that last year, with staff resignations as a result. This funding supports many great programs and draws on both paid and volunteer work from dedicated contributors from my community, all of whom have the best interests of the Gippsland Lakes at heart. To leave it until budget time is simply too late for those involved, so I urge the minister to make the commitment sooner rather than later.

Sophie Molineux and Aislin Jones

Mr T. BULL — I have told this chamber before of the achievements of two of our young superstars from my electorate, Sophie Molineux and Aislin Jones. They

have been at it again on the national stage. Aislin won two national women's skeet titles at the age of 15 and in just year 10, a remarkable achievement.

The ACTING SPEAKER (Ms Halfpenny) — Time!

Dr Nigel Toussaint

Mr PEARSON (Essendon) — It gives me great pleasure to acknowledge the great work of Clinical Associate Professor Nigel Toussaint, who is a nephrologist with a special interest in chronic kidney disease and is also a resident of Moonee Ponds. Nigel works at the Royal Melbourne Hospital as a consultant nephrologist. He is also the physician in charge of clinical research in the department of nephrology at the Royal Melbourne Hospital and is an all-round top bloke.

Recently Associate Professor Toussaint played an instrumental role in Australia's largest ever paired kidney exchange, which involved six hospitals across two states. This operation occurred as a result of a decision by Paul Bannan, a maintenance fitter from regional Victoria, who decided to donate a kidney to a friend. Once this donation was not required, Mr Bannan decided to donate a kidney to a stranger who needed it. This incredibly generous gift by Mr Bannan resulted in seven kidney transplants which will clearly have a profound influence on the recipients and their families.

I have gotten to know Nigel over the last few years. I never appreciated just how critically important well-functioning kidneys are to a person's quality of life as well as their longevity. While dialysis helps to keep a patient with chronic kidney disease alive, it cannot provide the quality of care to a patient that a functioning kidney can. Often patients on dialysis suffer from heart disease through a thickening of their artery walls.

This operation was an outstanding success, and I would like to congratulate Nigel and the team at the Royal Melbourne Hospital on achieving these tremendous outcomes for the patients but also, I think, in educating us all about the vitally important role that kidney health can play in the lives of all of us.

Finally, there are nine things we can all do to improve the health of our kidneys. They are to exercise regularly, control our weight, follow a balanced diet, quit smoking, drink only in moderation, stay hydrated — —

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

Goulburn Valley Health

Ms SHEED (Shepparton) — The Goulburn Valley Health community advisory group that I chair recently toured Eastern Health at Box Hill to gain an understanding of up-to-date infrastructure that Shepparton district patients might expect to have once the redevelopment of Goulburn Valley Health occurs. What we viewed in Melbourne's eastern suburbs was in stark contrast to the outdated and inadequate facilities at Shepparton.

It came as no surprise that the release of the *Victorian Health Services Performance Report* shortly after that visit showed that in Shepparton patients are not treated within benchmark time and that the benchmark has dropped to 50 per cent. This means every second person who presents at emergency at GV Health will not receive care within an appropriate time frame. That is simply unacceptable.

The report showed that compared with the previous quarter, there was a 4 per cent increase statewide to 76 per cent of patients treated within time. Shepparton, however, reported the opposite experience, dropping by 1 per cent on the previous report to the lowest figure in 12 months. At the same time, some 425 more emergency cases presented at GV Health in the same quarter.

The efforts of the Minister for Health in coming to Shepparton and visiting our hospital have been much appreciated, as was the \$1 million for redevelopment planning, but this recent report highlights that the time for action is now. There is a critical and demonstrable need for dollars to be spent to redevelop Goulburn Valley Health.

Narre Warren South electorate student achievements

Ms GRALEY (Narre Warren South) — Each and every year it is my great pleasure to present awards to students from schools right across Narre Warren South. I am always so very impressed by these outstanding young people and their achievements, and 2015 was no different.

The worthy recipients of my Community Spirit and Leadership Award included Sophie Skarlatis from Berwick Fields Primary School, Hanna Smith from Brentwood Park Primary School, Emma Martin from Berwick Chase Primary School, Anderson John-Britto and Keya Dogra from St Kevin's Primary School, Sharni Rangitonga from Coral Park Primary School, Merric Gardner from Kilberry Valley Primary School

and Alicia Munn from Narre Warren South P-12 College.

The Joan Kirner AC Memorial Education Award went to Jayne McLucas from Hampton Park Secondary College. Jayne was nominated for the award by her teachers as she is a conscientious student who has achieved exceptional grades and high standards in all of her Victorian certificate of education subjects. She has also been involved in the year 11 peer support program.

Special mention must also be made of Hampton Park Secondary College's dux Shrirajh Satheakeerthy, who achieved an incredible Australian tertiary admission rank (ATAR) score of 98.5 and is off to Flinders University to undertake a bachelor of clinical science and doctor of medicine.

Georgia Knight from Narre Warren South P-12 College received the prestigious Denese Bartlett Memorial Scholarship. Georgia is an exceptional student who has achieved excellent results in all of her subjects and can always be found supporting and encouraging her classmates. Her teachers also tell me that she is often the first to arrive in the morning and the last to leave.

I have no doubt that these extraordinary young people will continue to excel and inspire us all as they become future leaders within our community. Again my heartfelt congratulations and best wishes to them for a successful, prosperous and healthy future.

Australia Day

Mrs FYFFE (Evelyn) — It was a pleasure to once again be involved in this year's Australia Day celebrations. In the early morning I attended the Australia Day breakfast at Wandin Public Hall before heading off to the Yarra Ranges council Australia Day citizenship ceremony. More than 150 people attended Wandin Rotary's breakfast, testament to the welcoming good humour and delicious food. All joined in with gusto to sing the national anthem and toast Australia. Once again, congratulations to Wandin Rotary on a terrific start to Australia Day.

Visitor Economy Ministerial Advisory Committee chair

Mrs FYFFE — The Minister for Tourism and Major Events's lack of knowledge and interest in the tourism industry has been well noted. The lack of direction and the turmoil created since he became minister has stalled any advances, so it was a very welcome move by the government to appoint John

Pandazopoulos to chair a new tourism advisory committee. He was a well-regarded and effective tourism minister. It is symptomatic of a poorly performing government that it has had to bring John and the committee in to do the current minister's work.

Seville Township Group

Mrs FYFFE — Congratulations to Seville Township Group on being awarded \$20 000 from the Anzac centenary community grants program. The project is towards the construction of the George Ingram VC memorial. This memorial will help residents of Seville and indeed the broader Yarra Ranges community to stay connected to the veterans from the First World War and help keep their stories alive.

Lynbrook Primary School

Mr PERERA (Cranbourne) — Some 160 preps began at Lynbrook Primary School in my electorate in 2016, including four sets of twins who have joined the school's 980 students.

Lynbrook Primary School, a modern environmentally friendly school set in extensive landscaped gardens, commenced in 2005, with 175 students from the Lynbrook area. The school's outstanding staff, together with its outstanding facilities and educational programs, has seen this number rise to 980 students. Lynbrook Primary will receive \$302 237 in equity funding in 2016 from the Andrews Labor government, an increase of \$110 919 compared to 2015.

Kindergarten funding

Mr PERERA — Labor is getting on with the job with better educator-to-child ratios introduced this year, meaning more individual attention and care for children in the year before school. Introduced on 1 January this year, the new ratios will mean 1 educator for every 11 children — down from 1 per 15 — giving kids more individual care and attention.

The Labor government is also getting on with the job of building and upgrading new and existing kindergartens under its \$50 million kinder improvements commitment, including upgrading the playground area at Rangebank Pre-School in Cranbourne West. The Andrews Labor government is investing —

The ACTING SPEAKER (Mr Carbines) — Order! The member's time has expired.

Australia Day

Mr GIDLEY (Mount Waverley) — I rise in the Parliament today to congratulate Susan Alberti on being awarded the Companion of the Order of Australia on Australia Day 2016 for eminent service to the community, particularly through philanthropic and fundraising support for a range of medical research, education and sporting organisations, as an advocate for improved health-care services for the disadvantaged, and to young women as a role model and mentor.

Today in the Parliament I rise to congratulate June Lawrence on being awarded the Medal of the Order of Australia on Australia Day 2016 for service to veterans and their families. I rise in the Parliament today to congratulate Reginald Lawrence on being awarded the Medal of the Order of Australia on Australia Day 2016 for service to veterans and their families. Today in the Parliament I rise to congratulate Ken Ong on being awarded the Medal of the Order of Australia on Australia Day 2016 for service to local government and to the Chinese community of Victoria. I rise in the Parliament today to congratulate the late John Shute on being awarded the Medal of the Order of Australia on Australia Day 2016 for service to the blind and those with low vision.

On 26 January our country commemorated the British settlement of Australia on 26 January 1788. Commemorating Australia Day, and everything that British settlement brought to Australia, is of incredible significance for our state and our country. It was great to see so many again commemorate this day in so many different ways. During the day I took the time to join local residents to commence Waverley's celebrations with a flag-raising ceremony undertaken by members of the Royal Australian Navy and hosted by Monash City Council. Special thanks to members of the Oakleigh Brass band for their musical contribution throughout the morning.

Australia Day

Mr RICHARDSON (Mordialloc) — It gives me great pleasure to rise and acknowledge the Australia Day award recipients for the City of Kingston and pay tribute to those who received recognition. The City of Kingston, like so many municipalities across the south-eastern suburbs, has an array of people who are willing to go over and above in support of their community, volunteering hundreds and hundreds of hours of time to make our region better. It is worth mentioning that the 4th Mordialloc Sea Scouts was one of those organisations that was acknowledged as Young

Community Group of the Year. Up to 100 members are now participating in the scouts.

I also want to put on the record mention of Kingston's Beach Patrol Australia groups. Together they have collected an average of 1500 kilograms of rubbish and waste from our bay. That is an incredible amount of work, effort and time they have put in, and I want to acknowledge them. There are three special people I want to mention on the record. One is our Young Citizen of the Year, Gemma Shea, who at the age of 14 started volunteering and working at the Mordialloc Community Centre. The Outstanding Citizen Award went to Greg McMahon, who as principal of Parkdale Secondary College led it through significant growth and development. A special mention goes to Mairi Neil, who is our Citizen of the Year. She has been at the Mordialloc Neighbourhood House, is part of the Mordialloc Writers' Group and is an absolutely outstanding advocate for our community.

Australia Day

Mr NORTHE (Morwell) — I rise to congratulate Traralgon resident Greg Samson for receiving a Medal of the Order of Australia (OAM) in the recent Australia Day awards. Greg was recognised for his service to youth through scouting and to the community and joins his wife, Lorrel, as a deserving OAM.

Morwell paramedic Neil Akers was awarded an Ambulance Service Medal for his 46 years of exceptional service to the Victorian community. In particular Neil's dedication was acknowledged during significant emergencies such as the Black Saturday bushfires.

Congratulations also to Don Di Fabrizio for being awarded Latrobe City Citizen of the Year. Don has been an extraordinary role model in his pursuits across business, sport and community service and was a very popular winner of Citizen of the Year. To our inspiring Young Citizen of the Year, Maneesha Nambirajan, I also say well done for her dedication in supporting and assisting those persons less fortunate in life within our local community and beyond.

Congratulations also to Isis Tyler from Lavalla Catholic College, who was successful in her application for the 2016 Premier's Spirit of Anzac prize along with 21 other secondary school students across Victoria, and to Lily van Berkel from St Paul's Anglican Grammar School for being selected as a regional finalist for the 2015–16 program.

Latrobe Valley fuel prices

Mr NORTHE — On a less positive note, I wish to express concerns on behalf of local motorists and businesses in the Latrobe Valley with respect to fuel price discrepancies that strongly suggest Latrobe Valley residents are paying much higher fuel prices than communities to the east, west and south. Quite rightly, locals are feeling very ripped off.

Black Saturday

Ms GREEN (Yan Yean) — As always on this worst of anniversaries I reflect on the many friends lost in 2009 and those who have had to rebuild their lives without their loved ones beside them, with scars seen and unseen, and also on those who lost homes and businesses too. Please keep in your thoughts the first responders: firefighters, paramedics, police, the State Emergency Service volunteers and many more who struggle to keep terrible memories at bay. To all of you, please go gently on yourselves and remember: we are all stronger together. My love and peace to you all.

I want to single out dear friends in Kinglake and Strathewen, who I spent time with on Sunday and who continue to inspire and live their lives with courage, despite their loss. Mary Avola bravely read a poem in memory of loved ones lost in Strathewen, especially her soulmate husband, Peter. Deini Shepherd draws strength from the kinder children she teaches in Hurstbridge after 40 years and vows that her 16-month-old grandson will know all about the grandfather Joe and Uncle Danny he never met. Bec Buchanan, who lost her brother Danny and children Macca and Neve, led the organisation of a truly beautiful remembrance service in Kinglake. We are indebted to her musician husband, Ross, who found his voice again to sing for all his beautiful songs — *Salty Tears* and *Beautiful Creation* — that he wrote with his late daughter Neve. It is storytellers like Ross who tell the story not only of the pain endured but also the possibility that through the tears joy is achievable again.

There are no words of comfort that can hope to ease the pain
Of losing homes and loved ones the memories will remain
Within the silent tears you'll find the strength to carry on
You're not alone, we are with you. We are Australian!

Ruth de Fegely

Ms STALEY (Ripon) — Over the summer the Liberal Party lost a great warrior and worker for our cause. Ruth de Fegely, OAM, nee Beggs, died at Point Lonsdale on 23 January 2016. Today I stand to remember Ruth. Ruth de Fegely was the widow of Dick de Fegely, a member of the other place for Ballarat

Province. Together they made a formidable political team with, as their son Philip said in a poem at Ruth's funeral, Dick in the house and Ruth wielding power at 104 — a reference to Ruth's long involvement at organisational level with the Liberal Party. Ruth held many leadership positions, including as chairman of the women's sections and as country vice-president. On a personal level, Ruth was one of my preselection referees and was delighted when I not only at last won the preselection but also went on to win back the seat of Ripon for the Liberal Party.

Ruth and Dick lived and farmed at Quamby, outside Ararat, where they raised three sons: Charlie, Robert and Philip. At Ruth's funeral last week the three men, individually and collectively, gave us Ruth's life's work: a life of community and politics, yes, but above all a life of family, where good manners — from table manners through to the importance of welcoming conversation — were paramount, where hard work is its own reward and where one can achieve anything if one sets one's mind to it. Ruth's legacy shines through her sons and her grandchildren — her warmth, her humour and her rules. Vale, Ruth de Fegely.

Lalor Secondary College

Ms HALFPENNY (Thomastown) — I am so proud to stand here to congratulate the very talented students from Lalor Secondary College: Nathan Burns, Jaylan Chaaban, Rasha Fayrooz, Clare Freeman, Christine Lam and Sasho Lumakovski, all winners of the Premier's Spirit of Anzac Prize 2015.

A staggering total of six students from the school have been selected for awards. This is the highest number of successful entries from any one Victorian government school entered for this prestigious award. This is a great achievement for the students and indeed their teachers. It is also a testament to the ability of the bright young people we have in the north.

Clare, Nathan and Rasha will travel to Gallipoli, where they will follow in the footsteps of our World War I veterans as they visit places of national significance at Lemnos, Gallipoli and the Western Front. Sasho, Jaylan and Christine won the prize to travel to Canberra, where they will be representing Victoria on a national study tour, visiting the Australian War Memorial.

Students selected a number of different media to explain what the spirit of Anzac means to them and its place in a modern, diverse and multicultural Australia. Their work was a combination of written essays, artwork and poems. I think this is a fantastic achievement by both the students at Lalor Secondary

College and the school itself, and I look forward to meeting all the students during my visit next week to the school. Congratulations, and we are all so proud of you.

Deakin interconnect

Mr WATT (Burwood) — I recently attended a meeting in my electorate of Burwood regarding the Deakin interconnect, where many residents were upset and angry at the current government for overruling council and overruling the local community in decisions around the university's attempts to build a bridge across Gardiners Creek at Burwood. I call on the ministers to reverse those decisions.

ABORIGINAL HERITAGE AMENDMENT BILL 2015

Second reading

Debate resumed from 11 November 2015; motion of Ms HUTCHINS (Minister for Aboriginal Affairs).

Ms VICTORIA (Bayswater) — I rise to speak on the Aboriginal Heritage Amendment Bill 2015 on behalf of the coalition as the shadow Minister for Aboriginal Affairs in this place and want to place on the record that we will not be opposing this bill. I would like to firstly, of course, acknowledge the people of the Kulin nation, the traditional owners of the land on which this Parliament sits, and note a very positive step forward this afternoon. We as a Parliament now include every Tuesday — every first day of the sitting week — an acknowledgement to country. I want to pay my respects to the elders that came in to hear that groundbreaking first acknowledgement of country and thank them for coming in. I want to pay my respects not only to them but to their elders and to future elders who will join us over the years in this place.

I am pleased to be able to speak on the Aboriginal Heritage Amendment Bill 2015, as I say, in my capacity as shadow minister, but also as a very proud member of the former coalition government that did so much work in this area, and I am pleased that that work has continued on. I commend the minister for her initiative, and I will go to more information on that in a moment.

Aboriginal culture and heritage plays a vital part in the Aboriginal way of life. We do know that the Aboriginal people of Australia are the oldest continuous living culture in the world, and for generations they have walked this place, centuries before we arrived. They place a very significant importance on their culture and

their heritage, and for them it represents a way of life, whether it be through song or dance or art or storytelling. Language is also incredibly important. These are all vital means by which Aboriginal people have conveyed and communicated their heritage over thousands of years. It is a very valuable, unique and precious thing, Aboriginal heritage, and all Victorians should know about it and should certainly embrace it.

As a result of that I guess what I am saying here is that any attempt to regulate Aboriginal culture and heritage needs to be very carefully assessed. We need to pay a lot of attention, so I am very pleased that a minister in the former government, the member for Gippsland East, is at the table. He did a phenomenal amount of work in this area and of course was the minister who started this legislation in the form of an exposure draft. I commend him and his predecessor, Jeanette Powell, for the work they did in this area.

Having said that, governments of all persuasion and also non-government departments have not necessarily been as successful as we have wanted them to be over the decades, and this is an area we can build on as each successive government comes to the table. The need for protection of Aboriginal culture and heritage is vital if we want the Aboriginal people to have a sense of belonging to country. We need to make sure we do everything we can to protect their culture and their heritage. That is absolutely paramount. We have a collective responsibility to ensure that their heritage can be appreciated by all. Not just us now, but also for many future generations to come, and I hope that these new amendments will be a positive step forward in protecting and further strengthening Aboriginal cultural heritage.

As I say, I would really like to place on the record my thanks to the former ministers and the role they played and the enormous work that they did. I also thank bodies such as the Victorian Aboriginal Heritage Council (VAHC) and the Office of Aboriginal Affairs Victoria, which has now had a name change to Aboriginal Victoria, for their involvement. I also want to place on the record my thanks to their former executive director, Angela Singh, who did an amazing amount of work and was universally respected, I think it is fair to say, and certainly extremely dedicated to her role. So to Angela we say thank you for the hard work she put in on this.

As I said, there was an exposure draft put forward by the coalition in 2014. I wanted to say 'last year', but it is the year before now. That was a review that was undertaken into the Aboriginal Heritage Act 2006. There was also a parliamentary inquiry into the

establishment and effectiveness of registered Aboriginal parties. Of course this has been a great step forward, especially for the Victorian Aboriginal population.

As a coalition we consulted far and wide, and a really great, broad cross-section of individuals and organisations were involved in this consultation. As a member who is having some major infrastructure work done in their electorate at the moment — that is all I am going to say — where there was no consultation, I would like to think that what we did was world's best practice. Certainly the practice that happened at the time was commended by interested parties.

There were traditional owner groups, there was industry, there were cultural heritage advisers and there were land management interest groups, and of course all three levels of government were very much included in that process. There were over 140 written submissions that came back as a result of the consultation process. There were more than 30 workshops that were held and consultation meetings, and there was very generous feedback given by stakeholders, who had a great depth of experience working with the act and certainly knew what was not working smoothly and what could be improved upon. We thank them very much for their input. A lot of what we found in this consultation process has been replicated in the bill before us, and again I thank the minister for taking the work that had been done and carrying that through.

As a coalition we made a profound impact, I would say, on Aboriginal affairs in just four years. I want to talk about some of those achievements because I think we need to be very proud and acknowledge that those achievements happened. We initiated the Victorian Aboriginal Cultural Heritage Strategy. We were left with a largely underfunded system for managing Aboriginal cultural heritage. It was underfunded by some \$5 million a year. We went ahead and made sure that that was done properly. We were certainly very conscious of recognising Aboriginal culture, history and achievement. It is a vital component in ensuring strong, resilient people, so we had to make sure that all of that was in place.

We established the Victorian Indigenous Honour Roll to honour those who had gone forward and excelled in so many different areas, and that was the first of its kind in Australia. That recognises the contributions and achievements, as I said, of outstanding Aboriginal Victorian men and women. We allocated \$80 000 a year in the state budget, back in 2014, for the honour roll in schools, which provided curriculum materials for

schoolchildren from across Victoria to be able to know more about what we were doing with the honour roll and so they could recognise the achievements of some great Aboriginal Victorians.

We delivered the Victorian Aboriginal Heritage Council strategic plan 2014–19. The VAHC recommendations for change document, *Bringing our Ancestors Home: We will not be well until this is done*, outlined the council's recommendations for change to the Aboriginal Heritage Act in relation to ancestral remains. Obviously I am going to talk about that a little bit more as there are provisions within the bill for that.

Also of great significance was our achievement of a nation-leading settlement under the Traditional Owner Settlement Act 2010, recognising the Dja Dja Wurrung as the traditional owners of approximately 266 000 hectares of public land in central Victoria. This included a substantial \$9 million commitment to support economic development opportunities for the Dja Dja Wurrung along with the transfer of two properties to them as well.

We ended almost a decade of state administration at Lake Tyers Aboriginal Trust by establishing a committee of administrators, and that was on behalf of the community. It was fair to say that they had needed some extra help out there. In July last year the trust was expected to transition back to community self-management, and I am very much looking forward to hearing news about that and how that is progressing in the very near future.

We also supported the work of the Koorie Heritage Trust. The former Minister for Aboriginal Affairs, who is at the table with me, was there with me when we did that. The Koorie Heritage Trust was situated on the outskirts of Melbourne's CBD, on King Street. It was very hard to find, and it was certainly an obscure spot if you were a tourist wanting to know what Victorian Indigenous life looked like and have a look at the trust's beautiful collection of items, some of which are thousands of years old. We helped to relocate it to Federation Square, which is a fantastic and obvious home for the people of the Kulin nation — a traditional meeting place — but it is also a great place where they can gain exposure to people who are visiting the centre of the city.

We also invested about \$100 000 per year towards building up the invaluable Aboriginal oral history collection. It is incredibly important that we do not lose those languages.

We also proudly restored funding to Reconciliation Victoria — about \$200 000 a year. We wanted to make sure that Reconciliation Victoria gained its rightful place, and we are looking forward to seeing if further funding will be forthcoming for that particular body.

We declared ongoing protection for the historically significant Aboriginal heritage site at Point Ritchie. We were also the initial government to seek world heritage status for the Budj Bim Cultural Landscape. If you have been over that way towards Warrnambool, it is just so striking and beautiful.

There was so much that we did. We invested almost \$62 million in Aboriginal health. We delivered nearly \$9 million to protect Aboriginal cultural heritage. We initiated the Victorian Aboriginal affairs framework, which I have talked about. We did all of that in just four years. I am very pleased to say that I was a part of the government that helped achieve all of that. We did very, very well.

If we look at the bill before the house, it is going to amend the Aboriginal Heritage Act 2006 to improve the reporting requirements in relation to Aboriginal cultural heritage. It is also going to include for the first time bits about intangible heritage. I will come back to that in just a moment. There is the establishment of an Aboriginal Cultural Heritage Fund, and we are going to empower traditional owners to be the protectors of Aboriginal cultural heritage. I think that is an incredibly important step forward. The bill strengthens the ongoing right to maintain the very distinctive spiritual but also material and economic relationship traditional owners have with the land, water and other resources, and it recognises that they have an undeniable connection to the land under their traditional laws and customs. We want to promote respect for Aboriginal cultural heritage.

I am going to go through a couple of the clauses to touch on some of the things that I think are certainly moving in the right direction. If we have a look at clause 5, in the definitions, some of the things we are going to be talking about are things like Aboriginal ancestral remains. There has been a very clever change and a very important change of wording here. It was 'Aboriginal human remains' in the original act; it is now 'Aboriginal ancestral remains'. That is intended to promote greater respect for obviously what is very culturally sensitive material. It is people's remains, and we need to show the greatest respect for that.

There is a definition of what the cultural fund will be, and there is a definition of cultural tradition. The definition of Aboriginal tradition has been amended to

include knowledge, and that comes down to that intangible side of things, which is so very important. If we look at clause 9, which talks about the definition of intangible heritage, the bill says it is intended to be 'owned collectively by traditional owners of the area, region or culture from where it is reasonably believed that intangible heritage originates'.

It is really important to note that this is not intended to be something that individuals can own, because it is talking about what people did or what a group of people did in a certain location. There are a number of positive amendments in the bill, and I certainly think that that is one of those.

In clause 12 — and I want to go back to ancestral remains for a moment — new section 14 requires public entities and universities which may hold Aboriginal ancestral remains to examine their holdings and, importantly, to report back to the Victorian Aboriginal Heritage Council on what their holdings are within two years. It is almost unthinkable now that in generations past people could look at non-European, if you like, people as curiosities. You can see that if you look at the Mummymania exhibition at the Ian Potter Museum of Art. It is a very academic exhibition and features some magnificent parts of the collection, but there are some very interesting and telling stories about what the remains had been taken for. In the case of mummies, for example, obviously they were adorned with jewels and they were taken for that. In other cases, they were taken by very rich people, as I said, as curiosities, and they were put on display for their friends to see.

Thank goodness we have moved on from that period of a hundred years ago and that people's remains are no longer considered oddities, regardless of who they were. It shows the greatest respect that it is now considered important that the VAHC knows where all of the remains are and that nobody has them in personal collections. In fact it will be illegal to hold such remains in a personal collection rather than have them go back to a traditional owner group or a registered Aboriginal party and not be known of by the heritage council.

Section 20, which is substituted by clause 18, places obligations upon the VAHC around what they can do with those remains, how they are transferred and what happens to them. It was very interesting talking with elders around the state about this and understanding how important it is for them to make sure that they are buried on country, in the right part of Victoria and that their remains are not just taken and put into a European cemetery. In so many cases the remains cannot be buried on the land where, for example, the traditional

owners know those remains should go, because that land is now private property. If they were interred there, what would happen to them in future generations?

It is very interesting to hear all of the perspectives as to what happens. Of course where there is a dispute as to where the right country is, it is now up to Museum Victoria to hold onto those remains for safekeeping until such time as a resolution is discovered, if one is possible, and the museum will certainly look after them with the greatest of respect. I am not sure what sort of quantity of possible sets of remains we are talking about. We certainly need to be mindful of the fact that the museum has limited storage capacity, and I am hoping, according to the intention of this bill, that most remains are in fact returned to country where they rightfully belong.

I want to talk a little bit about the effect that talking about this has on some Aboriginal people. I met with a group last week, and I will not be specific because I do not want to identify the person, but when we were talking about repatriating remains, this great man, a middle-aged man — and I hope he does not mind my saying that — broke down in tears. He said, 'Heidi, do you realise that this is as important to us, if you want to put it in terms that all Victorians can understand, as bringing an Anzac soldier home or bringing another war veteran home?'. We have been doing that for decades, and in fact there are some people who have done great work around that, especially to do with the Vietnam veterans. He said, 'This is equally important'. He was so affected by this. He sat there and he said, 'I'm sorry I am crying', and I said, 'Don't be sorry. Thank you for explaining how incredibly important this is'. To him I say thank you very much.

The Victorian Aboriginal heritage register was established in 1972 and has over 36 000 places and objects as part of its current records. The idea is that it securely stores information about cultural heritage, and traditional owners will now be able to nominate information that they deem to be culturally sensitive and can restrict access to some of that information according to their beliefs. They will get written approval for that access restriction from a registered Aboriginal party or the VAHC. Cultural heritage permits, cultural heritage management plans, cultural heritage agreements, land arrangements and those sorts of things now all have to be registered, and that appears in section 145. It is incredibly important that we know what can be done with that information once it has been registered.

There are improved enforcement and compliance measures, as we find in clause 105. New division 1A of

part 11, which clause 105 inserts into the principal act, provides Aboriginal heritage officers with the opportunity to undertake enforcement and compliance activities, including monitoring compliance of cultural heritage management plans, cultural heritage permits and Aboriginal cultural heritage land management agreements, and also allows for the issuing of 24-hour stop work orders. There are various ways those orders can be delivered. They can either be hand delivered, or if somebody is not on site, cannot be found or is not the appropriate person, there can certainly be signage put up at the time to say, 'There is a stop work order on site; you cannot go any further'.

I think that there should be an accreditation program for these heritage officers, and it will be interesting to see if that is a path the government takes and if there is funding for that, because obviously that would provide job opportunities and great skill sets.

One thing that we had when we were in government as a coalition was the certificate IV in Aboriginal cultural heritage management, which was offered through La Trobe University. When I had a look at the budget earlier this year, it was something I specifically looked for, and there was no information on it. There was no further funding. When we inquired about this we were told, 'Hang on, the funding finished in 2015'. Well, just because it ended as part of the budgetary process does not mean it should not be re-funded. So I call upon the government to have a look at that because I think it is certainly a very good step forward to make sure that funding is reinstated for that. Perhaps now that we have this new legislative measure, the government might see that there is some merit in what seemed to be a very, very well respected course with good outcomes.

A stop order, as I say, could be put in place. Clause 65, inserting new section 87(1), says a minister or authorised officer can issue a stop order to a person if they are carrying out or propose to carry out an act that is likely to harm Aboriginal cultural heritage. I think that is certainly a good step forward. There are, as I say, quite a few good initiatives in here.

Clause 32(5) establishes two new grounds on which cultural heritage permits may be granted, especially in areas where, for example, land is to be rehabilitated at an Aboriginal place or burial ground or to make available a permit for the interment of Aboriginal ancestral remains. That goes back to what I was talking about before — the importance of the interment of those remains.

Clause 35 provides a 30-day evaluation period for cultural heritage permits. The 30-day period ceases to

run if more information is needed, so there can be a stop where the proposer or sponsor needs to come back in and give that information over. If they fail to do that or if it is deemed inadequate after the 30-day evaluation period has expired, then it is deemed that the application is refused. The process from there, of course, can be rather lengthy and costly, and that is to go to the Victorian Civil and Administrative Tribunal. I am not quite sure how that is going to flow, and I think that is something we will need to look at over time.

Preliminary Aboriginal heritage tests are a good step forward. They improve certainty for those who might need a cultural heritage management plan. These will be optional but will certainly give people a better insight as to whether they are going to need a full plan and how in-depth that is going to be. I think that is a really good idea.

Clause 50 talks about activity advisory groups, and they will be designed as a response to consult with Aboriginal people in areas where there is no registered Aboriginal party and to streamline the cultural management plan process. Anything that can streamline that is very good. Obviously all of this has remuneration involved in it. How that works out is something we will have to see over time.

There are going to be land management agreements, if you have a look at clause 58. They will be between those who have got public land, so public land managers, and they will be agreed to for a period of time so that on every new bit of ground disturbance, if you like, there will not need to be another permit put in place. They will be able to simply go along, if they are low to medium-impact land management activities.

Intangible heritage — I am going to go into that very quickly in the time that I have got left — is something that I have seen demonstrated to great effect in, of all places, Tibet. I know the Speaker and I had a look at that and explored what the Chinese government was doing with the autonomous region of Tibet. It had spent literally billions of dollars trying to preserve language and culture. It is the singing, it is the dancing — it is all the things that are not written, the things that get passed on from generation to generation. This is going to be interesting from a legal perspective. As time goes on we will see more about that, but this is to do with the collective knowledge of Aboriginal people.

There are plenty of other areas that we could talk about in this bill that are good. There are a couple of things that are of concern that I want to just bring up. On the fee structure, there has been no talk yet about proposed regulations. There will be a number of new fees

introduced, but we have no indication of how those fees will be calculated, the level of indexation or in fact how those funds will be distributed. Those sorts of fees, depending on how large they are — if there are outer urban land developments, for example, new housing estates — will obviously have to be passed on to the consumer, the homebuyer. We need to know that sort of information.

On the Aboriginal Cultural Heritage Fund, the council has some reservations as to whether it is going to have the resources to be able to administer this. It wants to know more information about this, and I think there are a few unanswered questions the council has that certainly the minister and her advisers can go back to it on. The funding and resourcing of the council is another issue for another day, but certainly it is something that I think needs to be addressed in the context of the bill before the house.

To wrap up, this is a very practical and productive piece of legislation. It is a very important step forward for Aboriginal Victorians, for their cultural heritage and for recognition of who they are and where they have come from. There are some good provisions and, as I have said, I do have some queries which I am sure other members will explore. I think any move towards more self-governance is a good thing. We need to find out more about the publication of the new regulations and get some of that information back to the stakeholders and a more detailed explanation of how the fund will be managed and reported. We also need to see if there are some answers on adequate funding and resources that should be available — rightfully so — to the Victorian Aboriginal Heritage Council.

As I have said, the coalition is not opposing this bill. We think that there are some very good, positive steps forward. There are some unanswered questions, and I look forward to receiving those answers in the near future from the minister.

Ms GREEN (Yan Yean) — I would like to begin by acknowledging the traditional custodians of the land on which we meet and where we are privileged to have these conversations in support of Aboriginal heritage. It is a great day to be debating this bill before the house, given that it is the first time that we have now enshrined in our standing orders that we have an acknowledgement of country at the beginning of our sitting day. It was really fantastic to see many Aboriginal elders in the gallery to witness this, just as it was last year when we raised the Aboriginal flag on this Parliament as well. But I would suggest to the Presiding Officers and to the Standing Orders Committee that we review the standing orders. I think that just like we

stand for the Lord's Prayer we should actually stand for the acknowledgement of country in this chamber. I think it was a respectful thing to do, but I felt very uncomfortable personally to have stood for the Lord's Prayer and then sat down for the acknowledgement of country. I think that both those acknowledgements are equally important.

I have spoken on this before. When the original act was proposed by the Bracks government during my first term, I got to speak on that bill. I have been reflecting this morning on what has occurred in my lifetime and why this legislation is so necessary, on how far we have come but also on how far we still need to go. What is proposed in this legislation is light years away from what governments did in my early life. I do not think that I and my sisters are old. We all went to school in the 70s and 80s, and given the birthdates of every single one of us, had we got in the lottery that we were born of Indigenous parents — and who knows whether we had that in our background or not? — we could easily have been forcibly removed. I know that there were people that I went to school with who did suffer that indignity. I grew up in Gunditjmarra country around near Warrnambool and then I moved to Mildura at 16. I know that there were people in my era at school who had been forcibly removed.

Archie Roach, that fantastic Australian, is only a couple of years older than me. He was forcibly removed from his beautiful Gunditjmarra country. We owe him a debt of gratitude for continuing to tell the stories. I want to thank people like him who have told those stories, and in particular Uncle Banjo, who said to him, 'Mate, you know how to tell those stories. You can tell those stories; you can sing them'. It was people like Uncle Banjo that talked to Indigenous kids and white teenagers like me outside the surf club along the beach in Warrnambool and started to raise our awareness and understanding that all Australians were not born equal, that there was a debt in our history that needed to be rectified and to be paid back and that there needed to be some acknowledgement.

It was Uncle Banjo and others that made us understand as surfers. I spoke about this when the Bracks government proposed the first bill. There was a surfing spot near Peterborough called Boneys. We ignorant white kids, who loved our surf, thought that this place was called Boneys because it had the human remains of people who had lost their lives in shipwrecks along the Shipwreck Coast along the Great Ocean Road. Imagine my horror when I discovered that those bones were actually there as a result of a massacre. That massacre was not long ago; it was only a little over a century ago. There were people in my life that actually knew the

truth about that, that women, children and men were driven off those cliffs to their deaths. So for me it is a deeply personal thing and a deeply personal debt.

I feel as a legislator that we must right those wrongs, that we must ensure that there is respect paid to our Aboriginal heritage, not just because of righting wrongs but also because there is such a rich culture that our Indigenous community deserve to have preserved and supported, and they deserve to have a say in how that story will be told. But for the rest of us who have come to this country as migrants in one way or another or in one generation or another, we should know about this, not so much because we deserve to but because we are missing out by not knowing about this rich Indigenous culture, about the stone houses in the villages in Gunditjmarra territory that really give the lie to terra nullius. The British had said that this was a land untouched by human beings or that there was nothing in the built environment. That could not be further from the truth. It was very sophisticated, and there was farming and food production and a shared role in that.

The bill before the house is key to recognising, protecting and celebrating Victorian Aboriginal culture and its cultural heritage as a priority for the Andrews government. The bill ensures that Aboriginal Victorians will have a greater say in the protection of cultural heritage. The bill builds on the \$20.9 million invested in the Victorian Aboriginal cultural heritage strategy through the 2015–16 budget. The bill will reduce red tape and improve the efficiency of Victoria's best practice management system for Victorian Aboriginal cultural heritage.

The bill amends the Aboriginal Heritage Act 2006 to strengthen some key elements of the act, including the role of the Victorian Aboriginal Heritage Council (VAHC) and respectful processes for dealing with Aboriginal ancestral remains. Key changes include improving the act's transparency around determining when cultural heritage management plans are required; reducing red tape and improving relationships between public land managers and registered Aboriginal parties (RAPs); improving the efficiency of RAP appointment processes; improving the enforceability of the act; and increasing the transparency, accountability and effectiveness of RAPs and the VAHC.

For far too long we as a government have spoken for the Victorian Aboriginal community and have told them what to do and when to do it. Listening to the member for Bayswater, she seemed to indicate that the royal we, the coalition government, had done it all and there was nothing more left to be done for our Indigenous people. Well, there is still more to be done

and the royal we should not be what overcomes the debate in this. This is about our Indigenous people, not which government was best — that 30 minutes of FIGJAM that we heard from the member for Bayswater.

The member for Bayswater mentioned issues around the fee structure and concerns that the charges around this may be passed on to new home owners. I represent an area that has an enormous number of new houses being built. I would like to say to the member for Bayswater: there is a great deal of respect within the schools in these communities and a great desire to know about this. If there is a small cost that is passed on to these home owners, it will be a cost that benefits not only Indigenous children but also the children growing up in this area.

I want to thank other Indigenous leaders that have inspired me over time. There is my great friend Mark Grist, who I have been out with on the banks of the Plenty River. He has been educating me about the Aboriginal heritage that is found along the banks of this fantastic river. I want to thank Uncle Ian Hunter, who has told me so much about the Indigenous name of the seat that I represent, about localities like Mernda and Wollert. I commend the bill to the house — and we still have much more to do.

Mr T. BULL (Gippsland East) — It is a pleasure to rise to make a contribution on the Aboriginal Heritage Amendment Bill 2015. I would certainly like to commence my contribution by acknowledging the traditional owners of the land on which the Parliament sits, the Wurundjeri and Bunurong people of the Kulin nation. I pay my respects to elders past, present and also future.

The preservation of our Aboriginal cultural heritage, not only in this state but right across our country, is very important. It was a pleasure in my relatively short time as the Minister for Aboriginal Affairs to release an exposure draft in relation to a bill seeking comment from a lot of agencies and stakeholders within the Aboriginal community.

The very basis of this bill is making sure we not only preserve our Aboriginal cultural heritage in this state and pay it the respect it deserves but also deal appropriately with those people who do not observe that and make sure that they are educated at the same time as being held responsible for their actions. This bill will improve the reporting requirements in relation to Aboriginal cultural heritage. It includes provisions regarding Aboriginal intangible heritage, which I will talk a little bit about later, it establishes an Aboriginal

Cultural Heritage Fund and, as I said, it generally improves the preservation of our cultural history.

This bill is essentially a revised version of the exposure draft that was released in 2014. There are some changes, and I know the previous speaker from this side gave credit and thanks to Angela Singh; I certainly endorse those comments. Credit also goes to all the other members of the departments, some of whom are in the gallery, who did an extraordinary amount of work in what is a very, very sensitive area. I think that what we have before us today, as the member for Yan Yean spoke about, is certainly a step in the right direction, but there is also a lot of educating to be done within our community groups and a lot more to be done to make sure that our Aboriginal cultural heritage receives the respect and recognition it deserves across all elements of the community.

Having said that, there are a couple of elements of the bill that I think require further explanation from the minister in time. Perhaps one that leaps off the page from my perspective is that the Victorian Aboriginal Heritage Council (VAHC) needs adequate resourcing and funding now that additional powers and functions have been placed upon it as part of the bill. I have met with VAHC members on a number of occasions, and I am sure a discussion will take place around the additional resourcing and support they will need to undertake these duties. If that has not already happened, I would certainly like to think it will happen very soon. The minister spoke of these increased duties in her second-reading speech, and I certainly hope that backup resourcing has been a strong consideration.

There also needs to be some clarity around how the proposed Aboriginal Cultural Heritage Fund will be distributed, and I know there was some brief explanation given about that in the second-reading speech. We were advised that this fund will work similarly to the Victorian Heritage Fund, established under the Heritage Act 1995, and that the fees and charges collected under the bill will be deposited into this fund for use by the department in consultation with the Victorian Aboriginal Heritage Council, but I think we need some more detail around that in relation to the types of projects that will be supported and how the fund will be distributed evenly across the length and breadth of the state, particularly in areas where we do not have registered Aboriginal parties (RAPs) or perhaps a united voice in relation to some aspects of cultural heritage.

Some of the changes proposed in this amendment bill were the work of the previous government, and I would like to recap a couple of those. I take on board what the

member for Yan Yean said — that this is a bipartisan contribution — but there was a lot of work done by the previous government that needs to be recognised. Included in that are a number of new offences that are being created by the bill to allow greater enforcement in relation to those who do not respect Aboriginal heritage and those who do not comply with the cultural heritage management plans.

There is a new preliminary Aboriginal heritage test that will be available to allow industry to have greater certainty about when a cultural heritage management plan is required. I think this step will be of great assistance to all parties. It will allow them to sit down and determine more quickly and more readily whether that next step in the process has to be taken. Public landowners will now be able to enter into land agreements with registered Aboriginal parties rather than having to apply for a permit for what might be deemed to be low or medium-impact land management activities. This will achieve, hopefully, some good outcomes where all parties are in agreement without having to go through this additional step of red tape that has been frustrating for many. The bill also allows for cultural heritage management plans to be amended rather than whenever there is recognition that change needs to be made having to scrap all the work that has been done and go back to square one. To allow these plans to be amended with the agreement of all parties working towards an appropriate resolution and allow the process to continue I think is something that will be welcomed by all parties.

Another aspect is that the secretary will be provided with the opportunity to establish an activity advisory group in areas where registered Aboriginal parties currently do not exist. This will enable sponsors to meet with the various stakeholder groups and work out the appropriate outcomes. It is a point that I very strongly support. Where there is no RAP in place — and that is still the case in a large percentage of our great state of Victoria for various reasons — this process allows stakeholders to come to the table to discuss their Aboriginal cultural heritage but it also gives the sponsors or developers or whatever you want to call them the opportunity to sit down with that one group and sort through any issues. The bill provides a lot more clarity by both sides being able to come together and find a way forward.

Aboriginal people have lived in Victoria, as previous speakers have recognised, for 50 000 years. It is a very, very proud history that needs appropriate recognition. My electorate of Gippsland East, down the pointy end of the state, is Gunaikurnai country, and it is one such area of our state that is extremely rich in Aboriginal

history. To correct one small point the previous speaker made in relation to the governance of Lake Tyers, that has been progressed and the governance of Lake Tyers is now back in the hands of the local shareholders and the residents of Lake Tyers Aboriginal Trust. It is something that has been welcomed by that community.

Over the years the fact is that we still hear stories about the mistreatment of Aboriginal cultural heritage where the right thing has not been done. This bill takes a very important step to not only contribute to the increasing recognition that is already there but also open the door for a better level of consultation between parties. It also takes a step towards making those who do not do the right thing, who do not abide by the rules, who do not show appropriate respect, accountable for their actions. For that reason this bill takes another step in the right direction.

As I said, the exposure draft was released by the previous government. There have been some changes made. It came about largely as a result of an inquiry into the establishment and effectiveness of registered Aboriginal parties of which I was a part. A whole range of submissions were received, and the exposure draft was largely born out of a lot of those recommendations. There have been some changes made — some very slight changes — and I would like to see some clarity from the current minister around those so that everybody and all involved have a clearer understanding.

Ms THOMAS (Macedon) — It is a great privilege to speak today on this important bill, the Aboriginal Heritage Amendment Bill 2015, in the week that the Parliament takes yet another important step forward in the appropriate recognition of Aboriginal Victorians and towards full reconciliation between Indigenous and non-Indigenous Victorians. Today the Speaker acknowledged the traditional owners of the land on which this Parliament meets. This acknowledgement of traditional owners will occur every sitting week, and I congratulate the minister and the Presiding Officers for their leadership on this and also in determining to fly the Aboriginal flag permanently over Parliament House.

Again, each of these important steps recognises that while our state, our nation and our parliaments are very young, we have the privilege of meeting on the lands that are home to the world's oldest continuous culture. That indeed is a great honour. It is incumbent upon us as leaders in this state to ensure that we are driving our communities and building their understanding and their knowledge of the rich cultural traditions of Aboriginal people — not just their history but their place in our

society now and well into the future. While I congratulate the minister on bringing the bill to the house, I also acknowledge the minister in the former government for the work he did in his time.

The bill before us seeks to make amendments to the Aboriginal Heritage Act 2006, an act that was introduced to this Parliament by the Bracks Labor government in 2006. At that time it was considered a groundbreaking piece of legislation and was regarded as best practice when it came to the protection of Victorian Aboriginal culture. This bill continues the Victorian Labor Party's commitment to recognising, protecting and celebrating Aboriginal culture. The bill has three overarching objectives. They are to improve the protection and management of Victoria's Aboriginal cultural heritage; to maximise the efficiency of Victoria's best practice Aboriginal cultural heritage management system and further reduce red tape for industry and government; and to amend the Aboriginal Heritage Act in accordance with the conclusions of the review of the act and the parliamentary inquiry into the establishment and effectiveness of registered Aboriginal parties (RAPs).

It is clear, as the member for Yan Yean has noted, that for too long white people have spoken for and have told the Victorian Aboriginal people what to do and when to do it. This has to stop. The amendments that this bill introduces will empower Victorian Aboriginal traditional owners and their communities to determine what is best for their community and to make decisions about their cultural heritage. This is done by empowering registered Aboriginal parties to determine cultural heritage permit applications, empowering registered Aboriginal parties to make Aboriginal cultural heritage land management agreements with public land managers, involving Aboriginal people in enforcement by establishing Aboriginal heritage officers, providing additional roles and reporting functions for RAPs and the Victorian Aboriginal Heritage Council, enabling the Victorian Aboriginal Heritage Council to establish and call upon its own advisory committees as required and providing the Victorian Aboriginal Heritage Council greater flexibility in the registered Aboriginal parties appointment process.

The bill will improve the protection of Aboriginal cultural heritage by allowing the registration and protection of Aboriginal intangible heritage. Aboriginal intangible heritage is currently not protected adequately by our existing intellectual property laws, patent laws or copyright laws. Examples of this very important intangible heritage include stories, songs, dances, language, manufacturing techniques and knowledge

about the properties and management of plants and animals.

This bill provides a process for registered Aboriginal parties and other eligible traditional owner organisations to nominate particular intangible heritage for registration. I think this is a fantastic step forward — a very important one. Once registered, anyone wishing to use that intangible heritage for their own purposes will require a formal agreement with the relevant traditional owner organisation.

The bill also will improve protection of Aboriginal cultural heritage by introducing a comprehensive Aboriginal ancestral remains process, increasing the enforceability of the act by modernising existing offences and penalties and introducing new offences, introducing different types of cultural heritage permits and improving the security of the Victorian Aboriginal Heritage Register.

The bill will also improve the clarity, transparency, efficiency and effectiveness of the act by providing certainty for when a cultural heritage management plan is required through an optional preliminary Aboriginal heritage test. It introduces efficiencies in cultural heritage management plan evaluation requirements, including an ability to amend a cultural heritage management plan after it has been approved. It establishes a clear traditional owner consultation process in non-RAP areas by convening activity advisory groups and introducing evaluation time frames for cultural heritage permit applications.

The bill will support the sustainable funding of RAPs and the Aboriginal cultural heritage management system by introducing the Aboriginal Cultural Heritage Fund to support RAPs and the protection and management of Aboriginal cultural heritage and by establishing additional opportunities for RAPs to increase revenue through participating in new processes, such as Aboriginal cultural heritage land management agreements.

My electorate of Macedon is home to Wurundjeri, Jaara and Taungerong peoples, and has many sites of deep cultural significance to those Aboriginal people. I take this opportunity to acknowledge a proud Jaara man, Uncle Gene Roberts, who, through my time as both a candidate and subsequently as the elected member for Macedon, has taken the time to introduce me to so much of his story and the story of his people, and as I said, the rich cultural traditions and sites for the Jaara people within my electorate. Again, I think that as a member of this house it is incumbent upon me to do all that I can to actively seek and build my knowledge and

understanding of the rich cultural and historical traditions of the people who have lived on the land in my electorate for the last 50 000 years or so.

This bill builds on many significant changes that the minister has made in her first year, and I congratulate her on all that she has done. In particular I have had the opportunity — and I am probably not going to get the pronunciation of this right — to look at the Maggoollee website. It is a fantastic website and a great resource for local councils. I will be encouraging the five shires in my electorate to make sure they use this fantastic resource.

I note that the minister, together with the Premier, has a new engagement framework for working with Victorian Aboriginal people, and that includes the Premier's gathering with Aboriginal leaders, a new Victorian government ministerial forum and a new Aboriginal Victoria forum. I note also that the minister has released an Aboriginal affairs report which gives a warts and all account of what needs to be done in this state to ensure that Victoria's Aboriginal people have access to all that is great about this state and that their children have opportunities to develop to their full potential. I would also like to congratulate the minister on the appointment of Jason Mifsud as the executive director of Aboriginal Victoria. Jason, as many people in this chamber will know, has been a tireless advocate for Aboriginal people over 20 years or so and I think, as the minister noted, the AFL's loss is the Victorian government's gain. We wish Jason all the best when he commences in his role on 29 February.

In conclusion, I congratulate the minister. This is a very important bill. I cannot finish without saying that I am extremely disappointed that the Prime Minister of this nation, Malcolm Turnbull, in the months since he has taken over from Tony Abbott, has failed, in my opinion, to address the needs of Aboriginal reconciliation and Aboriginal people in this country.

Ms SANDELL (Melbourne) — I too would like to acknowledge that we stand today on the land of the people of the Kulin nations and I pay my respects to their elders, past, present and future. I also congratulate the government on introducing an acknowledgement of country every week in this Parliament. I was really pleased to be here for that, although it would be great to see that happen every day, rather than just every week, perhaps in place of the Lord's prayer, as the Greens have suggested before.

Our approach to this bill as Greens members is informed by the Victorian Greens policy on Aboriginal and Torres Strait Islander peoples, which focuses on

self-determination. Victorian Aboriginal people should be partners in government processes that affect them. Victorian Aboriginal people have been dispossessed without their consent of their land, their resources and their waters. The Greens will support any government measures which respect the right of Aboriginal people to self-determination and the right to participate in decisions that affect them, and their aspiration to improve their social and economic conditions.

The Greens policy includes strengthening the Aboriginal Heritage Act 2006 to ensure three things: that heritage decisions are made by the relevant registered Aboriginal party; that items of Aboriginal cultural heritage are returned to and managed by traditional owners; and also that Aboriginal Victorians play a fundamental role in land and heritage management. As far as we can tell, this bill generally works towards these aims and the Greens will be supporting it, but it is difficult for me to respond to this bill in detail until the government completes an open consultation process with all the traditional owner stakeholders and responds to some of the issues raised in that consultation.

A key theme of this government's intention for the bill is that the Victorian Aboriginal community should be at the centre of decision-making and we absolutely agree with that, but the minister's media statement included this line:

When it comes to protecting and preserving Aboriginal cultural heritage, it's only right that we are listening to Aboriginal voices.

We absolutely agree. However, after this bill was tabled Native Title Services Victoria wrote a letter to the minister that noted it had not been consulted by the government on the development of this bill. I ask the minister to address the reason Native Title Services Victoria was not consulted and to consider what the government intends to do now. It was the second occasion in a month that Native Title Services Victoria wrote to the minister about the lack of consultation on legislation which was already tabled. Traditional owners stakeholder groups should not be finding out about legislation that directly affects them after it has been tabled in Parliament. It is not respectful, and it does not create good public policy.

The letter from Native Title Services Victoria includes a range of helpful comments on the bill. It was supportive but also critical in some parts. The fact that the group made such a detailed and helpful submission speaks to its willingness to work cooperatively with the government and to achieve outcomes that are good for everyone. It speaks volumes about the group's

professionalism and also demonstrates its patience and willingness to work constructively.

Therefore the Greens will not seek to delay passage of such an important bill, but we do ask that the minister responds to Native Title Services Victoria's letter in a really meaningful way. I ask that the minister addresses each of its concerns and informs Parliament about what changes, if any, are to be contemplated for this bill or in any future legislation to respond to the concerns that the group has raised. If the minister is not ready to make those responses right now, I ask that she addresses these issues before the bill goes to the Legislative Council and is voted on.

The letter from Native Title Services Victoria includes four pages of notes on provisions in the bill that are not currently supported by Native Title Services Victoria. Some of these could be addressed with just some amendments. Some of them could be addressed with the amendments that are consistent with the current purposes of the bill, but some of them relate to deeper problems. One of the themes in the letter is that there are too many provisions in the bill about which Aboriginal voices have not been sufficiently heard.

For example, under the proposed reforms, the Secretary of the Department of Environment, Land, Water and Planning appoints an Aboriginal advisory group in relation to a cultural heritage management plan for an area where there is no registered Aboriginal party, but why is the advisory group appointed by the secretary and not the Victorian Aboriginal Heritage Council? Why is there no requirement for the secretary to consult with the Victorian Aboriginal Heritage Council and Native Title Services Victoria about those appointments? Why should there not be a requirement for those appointments to be traditional owners, since those are the voices that really should be being heard in relation to cultural heritage? This is just one example of a chance and an opportunity to actually improve the bill by incorporating some relatively minor changes that would make a big difference.

There are other new processes set up by the bill where the secretary has arbitrary powers to make decisions without consulting with traditional owners and without any power for traditional owners to appeal these decisions. In this context the Greens are concerned about the minister's statements that the bill will provide 'greater certainty for Victoria's land use and development industries' and reduce red tape for applicants. Certainty for land use and development industries should not be achieved by denying or curtailing traditional owners' self-determination over the management of their cultural heritage, or even by

avoiding cultural heritage management provisions completely at the discretion of the secretary. If that is not the government's intention — and I hope it is not — there is still time for it to act and still time for it to make some changes.

I note that this bill is broadly similar to the former government's exposure draft, except for the new elements about intangible heritage, which have been welcomed by Victorian Aboriginal peak bodies. There also are a number of other small differences between the 2014 exposure draft and the current bill. There were a number of stakeholder submissions to the 2014 exposure draft, including many submissions by Aboriginal groups. Some of those submissions have been reflected in the 2015 bill; however, some of them, particularly ones from Aboriginal communities and stakeholders who raised significant concerns about the bill, do not seem to have influenced this bill, which is a little bit concerning. The stakeholders have also asked for clarification of some of the ambiguous provisions in the bill, so I ask the minister to make those clarifications so they can be recorded and exist in the interpretation of the act. If the minister is not able to do this, my colleagues in the other place will take that up through questions in the Legislative Council.

We do not want to delay passage of this bill, as it is an important bill, and many of the reforms that it creates will be well supported and are very valuable. But we do ask the minister to complete the community consultation between now and when the bill does reach the Legislative Council and to make good on her promise to listen to Aboriginal voices by acting on the expert advice of all Aboriginal stakeholder groups, particularly those who have raised concerns about the bill.

Ms WARD (Eltham) — Acting Speaker Thompson, it is a delight to see you in the chair this afternoon. I also rise to speak on the Aboriginal Heritage Amendment Bill 2015, and like my colleagues I acknowledge the people of the Kulin nation, the traditional owners and custodians of the land on which this Parliament stands and on which we meet. I pay my respects to elders past, present and future.

I congratulate the government on the vision that it is showing and the ongoing journey towards reconciliation that we are walking together on with great determination. I am very pleased to be part of a government which has raised the Aboriginal flag above our Parliament for the first time and especially glad for this very progressive government, which has also introduced the welcome to country as part of our parliamentary procedures. It is something that should

have happened a long time ago, and I am glad that we are finally there.

As has been mentioned earlier in other speeches, Aboriginal people have lived on this land for at least 50 000 years. It is almost beyond comprehension that for that amount of time people have lived, have worked, have celebrated the community and have covered this country. We have evidence in my community of Eltham and within the Diamond Valley of Indigenous history. We have Watsons Creek, which has a fantastic path that travels through and talks about Indigenous plants and foods, as well as materials used for weeding and so on. We also have the memorial tower at Kangaroo Ground, which, while a memorial to the fallen of the Kangaroo Ground community in World War I, is also a sacred site to Aboriginal people, and we have a platform there that commemorates that. It is a really nice binding of two histories that that place is so important to modern Australian culture as well as to Indigenous culture, and I am glad that the people in that community have started to make progress towards acknowledging the Indigenous history of that area.

I also want, with the indulgence of the house, to read from Isabel Ellender's study in 1994 titled *The Aboriginal heritage of the Shire of Eltham*. In it she wrote about the things she discovered, and she talked about the 1850s and the steady decline of the Aboriginal population of the district. She wrote:

The massive influx of people in response to the gold rush severely accentuated this trend. Intensive agriculture was established in Kangaroo Ground by the 1840s. Dutton records the destruction of the vegetation: bark slabs were used to make squatters' and settlers' homes. Two men could remove 35–40 slabs a day, and it was recommended that the removal of bark should be carried out at some distance from the home since the ring barking resulted in the death of the tree — up to 40 a day (Dutton 1985:37). Many Aborigines moved away ahead of the frontier, many died as a result of the ravages of European diseases to which they had no immunity and the effects of alcohol because they lacked a vital enzyme to digest it. Malnutrition and starvation took their toll because tribal lands were alienated, fenced off and guarded. The paddocks were overrun with cattle and sheep which pushed out the native animals and plants. But when hunters speared sheep and cattle for food, they were shot at and arrested. Aborigines were driven to beg at the doors of settlers and along the streets of Eltham; they appeared at the Kangaroo Ground school to demand food, tobacco and rum ...

That is awful, that is really awful, and that is a part of the history that we walk. It is a part of the history that we now have to acknowledge and accept and work with our Aboriginal community towards reconciliation on.

I also want to let the house know about a really wonderful event that was held at Montsalvat in Eltham quite recently, where we celebrated the artistic history

of the artist-in-residence program at Laughing Waters Road. In that history is the discovery of eel traps in the Yarra River, just down from where the artist-in-residence houses are.

This is something that, until recent times, people did not know was there. This was a history that was lost and a knowledge that was lost. When these rocks were discovered and the shires of Eltham and then Nillumbik were trying to work out what the rocks symbolised — who put them there, were they part of a garden, were they part of market garden, what was going on — it took them a few years to get in touch with the Wurundjeri people and have a chat with them. They came and they had a look at them, and this history was told to us by Wurundjeri elder, David Wandin. It took them a little while to realise that they were eel traps.

It was really heartbreaking to think that a meeting place and a place of hunting and cultural significance had been lost for so long and that even the people whose history it was did not instantly recognise it. They did not instantly understand what it was. I am very happy to say that it is now being acknowledged, that it is being respected and that it is being saved, if you like. It is heartbreaking to know that such important things are lost to us, and it is really good that we are creating legislation that can acknowledge this and can protect them. This is something that is deeply important. We must protect our Aboriginal history. We must celebrate it, we must acknowledge it and, most importantly, we must protect it, because it has to be there for all Australians to understand and for all Australians to respect.

I was not surprised to learn in the research on this bill that there are over 36 000 Aboriginal places and objects listed on the Victorian Aboriginal Heritage Register. It is a really good step this government is taking in giving traditional owners the ability to nominate sensitive information on this register. This respect for culture is something that is incredibly important, and it is something that modern Australia has been missing for a very, very long time.

I am glad that we are continuing to take steps to acknowledge that history, to respect that history, to respect the sensitivities around that history and what it means to people and to understand that modern Australia may not understand that history or understand how important it is. That does not mean that it is any less important or any less significant. It is important to create legislation and improve legislation that does do that. To make it law is very important, and it is a great marker of the Andrews government that we are in fact doing that. To continue to empower Aboriginal people

to make decisions about their own heritage is absolutely important. We cannot have modern Australia dictating to our Aboriginal community how they should measure their culture and their history or how they should protect their culture and their history.

This can be an incredibly fragile cultural history and, as we heard earlier, it can be lost so quickly and never be recovered. We know that this has happened; we know that some languages have disappeared; we know that words have disappeared; we know that stories have disappeared; we know that people's stories can be fragmented. We cannot tolerate this. We must change, and this legislation helps us to continue on that journey of change, of trying to gather together and protect Aboriginal stories, Aboriginal culture and Aboriginal history. It is a living culture and it is a fragile culture, but we need to legislate to ensure that we do not have increased estrangement from culture and country.

I want to go back to the conversation we had at Laughing Waters Road. One of the really wonderful things that David Wandin talked to us about was that in that part of Eltham houses no longer exist other than as artist-in-residence places which are only used during the winter months because of bushfire risk. Over the last few years a relationship has developed between former landholders in that area, people who lived and grew up there, and members of the Wurundjeri community. Together they are working towards restoring the history of that place — both the people who lived there recently and the people who lived there a much longer time ago.

As David Wandin said, it is a really important part of reconciliation to continue that marrying of two cultures, to recognise that we are walking in the same places — we are on a different journey, but we are walking in the same places — that we love these places, and that these places, these cultures and these histories have to be celebrated and shared by all of us. They have to be treated equally and with an equal amount of respect. I commend the bill to the house.

Ms McLEISH (Eildon) — I rise to speak on the Aboriginal Heritage Amendment Bill 2015. As we have heard, this bill amends a number of acts, but principally the Aboriginal Heritage Act 2006. It also makes amendments to the Cemeteries and Crematoria Act 2003, the Coroners Act 2008 and the Borrowing and Investment Powers Act 1987.

The work that is being done here today continues the work of the former coalition government. I note that that government did quite a lot of work and provided an exposure draft in 2014, which is now being revised. I

want to commend the work of former ministers the member for Gippsland East and Jeanette Powell, who grew up in Aboriginal communities in East Gippsland and Shepparton respectively. They, like me, have a strong connection to the Aboriginal areas in their electorates. Within my electorate I have the Taungurung to the north of the Divide and the Wurundjeri to the south of the Divide. They are both part of the Kulin nation, and I often pay my respects to their elders, past and present, and I certainly admire a lot of the work they are doing to continue and preserve their culture.

It is a lot harder for the Taungurung than it is for the Wurundjeri. They are not as high profile and there are not as many living in the area now because of the awful circumstances where they were herded from their areas down to Coranderrk at Healesville. I guess that is probably why the strength of the Aboriginal community in my electorate is in and around Healesville and is focused more on the Wurundjeri.

We grew up with the Franklins, one of the older families, and the elders of the Taungurung in and around Yea. Auntie Bernadette Franklin in Mansfield was known to my father when she was a tiny girl because he was friends with her dad. Bernadette is doing a lot to try to preserve the Taungurung heritage up in that area.

As a coalition in government we did a lot of work here. I mentioned the exposure draft, but we also had the inquiry into the establishment and effectiveness of registered Aboriginal parties, which was welcomed, and the establishment of the Aboriginal honour roll, among the many things the shadow minister outlined very well.

The purposes of this bill include the protection of Aboriginal cultural heritage, and I will talk about this quite substantially in a moment. They are also around empowering the traditional custodians to be the protectors of that cultural heritage for all people and improving the reporting requirements in relation to Aboriginal cultural heritage. Reporting requirements can often be quite a drag, they can be quite cumbersome, but it is important that they, I guess, reflect what it is that they need to reflect.

The purposes also look at strengthening the ongoing right to maintain the distinctive spiritual, material and economic relationship of the custodians with the land, water and other resources from which they have been disconnected for so long that we cannot get our heads around the length of time.

Also one of the key purposes here, as you preserve, is to promote respect for the cultural heritage. It is about preserving it so that the next generation and the generations after can really understand and respect it. Also around all this sits the establishment of an Aboriginal Cultural Heritage Fund. As we know, the Aboriginal culture is one of the oldest continuous cultures in the world, and it is really staggering to think that here in Australia we have that, and we have a responsibility to look at how this is protected and preserved. I think the member for Eltham mentioned that there are things that have not been passed down, and it is really important that those sorts of things are documented and characterised and that what can be — and it is hard to do some of this — does get passed down and preserved. I know certainly in my community there are a lot of people of Aboriginal heritage who do not know a huge amount, who do not understand, and who are now learning and becoming very engaged, but it is not a speedy process.

How this is done is important and the role of the government in this process is extremely important. It really needs to be balanced: how much do we do as parliamentarians and how much do the Aboriginal leaders do themselves? They are the leaders in the community, they are the elders, and it is important that what the government does certainly provides them with the responsibilities and the accountabilities necessary so that they make sure that within themselves they are doing the right thing. Also we need to make sure that where things are not happening properly, we are looking out for it.

I do want to comment on the return of Aboriginal ancestral remains. This is really important, especially how it is done. I have the Coranderrk cemetery at the end of Barak Lane. William Barak himself is buried there. Even around that cemetery there is controversy about access and who can get into it. So when we are looking at trying to put some parameters in the guidelines, I suppose the legislation around the Aboriginal ancestral remains, it certainly is tricky. I like the amendment that mandates that public institutions — all the universities that have collections, all the museums — actually report to the Aboriginal heritage council within two years about the remains that they have in their possession; then it will be the determinant of what happens. I think that is great, but also we need to make sure that that actually is what does happen.

I want to talk about the importance of the protection of the culture. There are the tangibles and the intangibles here. We see the rocks and the drawings, and we see the scarred trees. In fact, it surprises me sometimes; you will be somewhere and you just think, 'Oh, look,

there's a scarred tree'. I saw one recently, I cannot remember where, and it was not signed anywhere, and I could quite distinctly see that it had a canoe carved from that.

What is also important are the intangibles. We have the storytellings and the totems and the dancing and the Dreamtime, and we need to have the processes in place so that this area is also protected, because that is a very important part of the culture and has lived for so long — for the 50 000 years. We want to make sure that these things continue to be passed down. I think it is important that when this is looked at, we perhaps look at it in its entirety, not pick and choose what we really think should be passed down. I know, for example, there is land management. Aboriginal people have lived in harmony with the Australian landscape for millennia. They have been fire farming for 50 000 years, and early settlers in Victoria learned from them. But now the fire farming and the techniques that they have used and how they did it are being essentially ignored, and this is one of the intangible parts of the culture, of the Aboriginal heritage, that is not being passed down.

I noticed the Gunaikurnai down in Gippsland were going to be part of a trial which did involve the management of the land. It included cattle grazing, but that was passed over and seen to be not important. I think that on one hand we cannot be saying how important it is to respect and preserve the traditions and the cultures of the Aboriginals, and then on the other hand say, 'Well, we don't want to preserve this bit'. I think the language is so important. If anyone has visited Worawa college in Healesville, they would understand that there are so many different languages from around the country that are spoken at that school. When you have a look at the girls who attend there — and they are mostly not from Victoria — you see they speak so many different languages and they all have different totems. I know that Aunty Lois Peeler does a lot of work to preserve the languages.

I also want to mention Aunty Dot Peters at Healesville, because she has worked for years and years — some 35 years — to try to educate those younger people and has taught Aboriginal studies at local primary schools to help preserve the culture. But she herself learnt from her grandmother the art of basket weaving and coiling and catching the eels. She is unable to do that now, but for a very long time she taught that on weekends. She had workshops, and she taught it at festivals and at schools and community events and even to overseas delegations — because it is so important. I have had a go at basket weaving, and I have had a go at making a bracelet out of some long, skinny leaves. We still have

them. My daughter and I had a go at doing that, and it was really quite simple. It was amazing how sturdy they were. It is so important that these skills are preserved and handed down from generation to generation.

I think this legislation remains silent on funding, and there are a few unanswered questions. There is a little bit to go, but I will not hold it up.

Ms EDWARDS (Bendigo West) — Can I just say from the outset that it is a real privilege to be able to speak on the Aboriginal Heritage Amendment Bill 2015. It is a rare opportunity for members of this house to actually get up and speak about something that is so important. Sometimes I think we forget just how fortunate, and indeed how privileged, we are to live in a country that we share with the world's longest and oldest living culture. Over the many, many decades of this country's history — of white history — we have seen Aboriginal culture ignored, we have seen Aboriginal culture separated, and we have seen Aboriginal people stolen and disrespected. I think that we are in a time right now where we can make amends, and I think that legislation such as this goes a long way towards making amends. It is particularly important, because it is about self-determination, and that is what I know many Indigenous leaders have been calling for for a very, very long time.

I want to congratulate the minister for her unwavering commitment to supporting our Indigenous communities. I know for a fact that she has engaged widely with Indigenous communities right across Victoria and indeed has visited those in my own electorate, and as part of those visits has been in consultation and discussion around this particular amendment. I think one of the things that is important about this bill is obviously the preservation of Indigenous culture. But one of the unfortunate things about Indigenous culture is the loss of language. As we know, language carries cultural knowledge, so the loss of language means the loss of culture, and particularly of Aboriginal people's connection to their ancestors. Before invasion there were around 250 known Aboriginal languages in this country, and I believe that there are now only around 60. The loss of language, of course, in turn has the potential to impact on Aboriginal people's health and wellbeing, and research clearly shows that strong culture and identity helps develop resilience.

In my electorate the Dja Dja Wurrung, also known as the Jaara people and the Loddon River tribe, is the native Aboriginal tribe which occupied the watersheds of the Loddon and Avoca rivers in the Bendigo region

of central Victoria. They were part of the Kulin alliance of tribes, and there were 16 clans, which adhered to a patrilineal system. Like the other Kulin peoples there were two moieties, Bunjil the eagle and Waa the crow, and these are still very much revered by the Dja Dja Wurrung.

The Dja Dja Wurrung in my electorate were bound to their land by their spiritual belief systems deriving from the Dreaming, as many Indigenous cultures of course are. This is when mythic beings had created the world, the people and their culture. They were part of the established trade networks which allowed goods and information to flow over substantial distances. Indeed the tachylyte deposits near Spring Hill and the Coliban River may have been important for trade, as stone artefacts have been located around Victoria from the rivers.

There are also significant scar trees across my electorate, and they have all been identified. It is important that they are retained and protected. As I mentioned, there were 16 separate clans across the Loddon area, including at Bealiba, Natte Yallock, Mount Bolangum, Bridgewater, Burnbank and Mount Mitchell, north-west of Kyneton, Mount Franklin, Richardson River, Mount Tarrengower and Maldon, Daylesford, Avoca, Mount Moorokyle and Smeaton, between Carisbrook and Daisy Hill, the upper Avoca River near St Arnaud and Mount Buckrabanyule.

The Dja Dja Wurrung territory extended from Mount Franklin and the towns of Creswick and Daylesford in the south-east to Castlemaine, Maldon and Bendigo in the east, Boort in the north and Donald in the north-west, with Navarre Hill and Mount Avoca marking the south-west boundary. Their territory encompassed the Bendigo and Clunes goldfields. They were called by white settlers the Loddon River tribe, as the Loddon and Avoca river watersheds were most of their territory.

When foreign people passed through or were invited onto Dja Dja Wurrung lands, the ceremony known as tanderrum — freedom of the bush — would be performed. That is indeed still the welcome to country that is performed across my electorate. This allowed safe passage and temporary access and use of land and resources by foreign people, and it was a diplomatic rite involving the landholders' hospitality and a ritual exchange of gifts.

Something very important happened in this area in my electorate back on 28 March 2013. That is when the state of Victoria and the Dja Dja Wurrung people entered into a recognition and settlement agreement

under the Traditional Owner Settlement Act 2010 which formally recognises the Dja Dja Wurrung people as the traditional owners for part of central Victoria. I acknowledge the important groundwork done on this agreement by the former Attorney-General in the Bracks government, the Honourable Rob Hulls.

The agreement area extended from north of the Great Dividing Range near Daylesford and included part or all of the catchments of the Richardson, Avoca, Avon, Loddon and Campaspe rivers. The ceremony to mark the settlement agreement of 28 March 2013 was held in Bendigo on 15 November, following the registration of the Indigenous land use agreement. That ceremony was a very emotional and moving ceremony that clearly reflected the importance of this agreement not just to the Dja Dja Wurrung people but to the broader community right across my electorate.

There is nothing more important than retaining culture and recognising, protecting and celebrating Victorian Aboriginal culture. It is part of our cultural heritage too, whether we like it or not, and it must be a priority not just for this government but for governments in the future. I think that this bill will ensure that Aboriginal Victorians have a much greater say in the protection of their cultural heritage — and it is not heritage that you can put your hands on. It is spoken, it is about the Dreaming and it is about all of the stuff that we know comes through language. I hope that we have at some point an opportunity to fund some research that perhaps looks into how we can restore some of the lost Aboriginal language.

The bill also amends the Aboriginal Heritage Act 2006 to strengthen some key elements of the act, including the role of the Victorian Aboriginal Heritage Council, and puts in place a respectful process for dealing with Aboriginal ancestral remains. This is so very, very important. I think that anyone who knows anything about Aboriginal culture would understand the importance of the ancestral remains and that speaking about and referring to Aboriginal elders who have passed is a deeply respectful moment for most Aboriginal people.

The amendments also empower Victorian Aboriginal traditional owners and communities to determine what is best for their communities, and I think, as I said at the beginning, this is about self-determination. This is also about respect, and it is about acknowledgement. I think all of us here in this place today have spoken very much about how important this bill is and how important just simple acknowledgements like flying the flag from the Victorian Parliament for the first time are. But it is 2015, and it has taken us this long to get to that point.

Then of course today — it is 2016 — having the acknowledgement to country in the Parliament, you think, ‘Why haven’t we been able to do this before?’. It is a measure of the respect of this government towards its longest living culture, and, as the Premier would say, it is just the right thing to do.

I want to commend the bill to the house, and I hope that this is just a starting point for further opportunities for this government to put in place measures that will enable greater self-determination in the future for all Aboriginal people across Victoria, because I cannot think of anything more important. As the member for Macedon related, I think it is extremely disappointing that we currently have a federal government that does not seem to think that Aboriginal reconciliation and the betterment of the social and economic circumstances of Aboriginal people is a priority. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution on the Aboriginal Heritage Amendment Bill 2015. The Nationals in coalition are not opposing this bill. I would like to pay tribute to the Latje Latje and their near neighbours, the Barkindji, who are the main Aboriginal groups in my electorate. Although Aboriginal people in Victoria account for around 1 per cent of the population, their number is certainly much higher than that in the electorate of Mildura, particularly in the areas of Mildura and Robinvale. In working with those communities I pay tribute to the services provided by Mallee District Aboriginal Services to those Aboriginal communities, and to the board and staff of that organisation, which has done much to improve the health and wellbeing in particular of Aboriginal people.

The purpose of the bill that is here today is to amend the Aboriginal Heritage Act 2006 to improve the reporting requirements in relation to Aboriginal cultural heritage, to include provisions regarding Aboriginal intangible heritage and to establish an Aboriginal Cultural Heritage Fund. It also provides for the protection of Aboriginal cultural heritage. It empowers traditional owners to be the protectors of Aboriginal cultural heritage for all their people, and I will talk a little more about that in a moment. It strengthens the ongoing right to maintain the distinctive spiritual, material and economic relationship of traditional owners with the land and waters and other resources and the connection they have under traditional laws and customs; and it promotes respect for Aboriginal cultural heritage.

This bill has had a reasonably long gestation. Work was done in 2014 following a review of the Aboriginal

Heritage Act 2006 and a parliamentary inquiry into the effectiveness of registered Aboriginal parties (RAPs). The bill reflects work that was begun under the previous government. There were a number of provisions added when the bill actually came to the house, particularly around intangible heritage and the Aboriginal Cultural Heritage Fund.

The bill deals with such things as the return of Aboriginal ancestral remains and the establishment of the Aboriginal Cultural Heritage Fund, and some work has been done on enforcement, compliance and improvement for the industry. A number of new offences have been created in the bill to place greater enforcement procedures on those who harm Aboriginal heritage and for those who do not comply with Aboriginal cultural heritage management plans. The new preliminary Aboriginal heritage test will be available to allow industry to have a greater certainty as to when an Aboriginal cultural heritage management plan is needed. I think this is an important aspect of the bill, particularly as it gives industry the confidence to know when and what it can and cannot do.

Also public landowners will now be able to enter into land agreements with registered Aboriginal parties rather than having to apply for a permit for low to medium impact land management activities. The departmental secretary will also be provided with the opportunity to establish advisory groups where no RAP currently exists. That is where I would like to look at a number of concerns in a little more detail.

I looked at the second-reading speech. On page 3 the third paragraph under ‘Increasing Aboriginal self-determination’ states:

First, it provides registered Aboriginal parties with the power to evaluate cultural heritage permit applications, removing government from the process and placing this function squarely —

with traditional owners. There are certainly some issues, when we refer to the bill, about just those words. The words are fair enough, but when we look at the bill clause by clause we see a lot of references to the secretary being involved in this process. I presume that that secretary is the departmental secretary responsible for the act. An example of that is clause 42. The second paragraph relating to that clause in the explanatory memorandum states:

A person may apply to the secretary for certification that the secretary agrees with the conclusions reached in a preliminary Aboriginal heritage test.

Throughout the bill — and I will quote loosely from some parts — we have statements such as the secretary

will ‘determine the need’, ‘the secretary to certify’, ‘the secretary must decide’ and so on. Although this function rests squarely with Aboriginal people, it does retain considerable authority for the secretary, whoever he or she may be.

It is also interesting that under clause 42, again, the second last paragraph of the explanatory memorandum states:

This process is optional, therefore no appeal to the Victorian Civil and Administrative Tribunal of the secretary’s decision is intended.

Despite this function resting squarely with Aboriginal people, the bill reads very much to me like it rests very squarely with the secretary of the department. Whether the secretary is the government or not is something we could debate here at some length and for some time into the future.

Again, in areas where we have no RAP, this leaves the secretary in the position of having to establish a consultative committee on a particular issue. My experience with this is that it will not be without its difficulty, because the reason we do not have a RAP is that the communities have not decided on where boundaries will be and who should be involved. So the secretary will wade into a long and ongoing dispute that will bring forth a whole lot of issues from the local community that have been aired for some time. This then has the risk of spiralling out of control and making it more difficult and perhaps not achieving what the act has set out to achieve, which is to have harmony and clarity amongst everybody about where people stand on some of these heritage issues. They could well be diverted into partisan positions. We have got that concern. We also have concerns about how the Victorian Aboriginal Heritage Council will be resourced and funded in relation to the additional powers and functions it will have under the bill and how it will work with the secretary of the department. That is something we are going to have to learn as we go. Again, there are some risks in doing that.

There are also some concerns over the fee regulations and structures that will be involved in this, particularly if it gets bogged down in dispute. There are concerns also about the impact such fee applications will have on those people wishing to undertake development, which will no doubt cause issues over what it costs, particularly, as I said, if there are disputes involved.

Added to that is the responsibility that the Victorian Aboriginal Heritage Council has to distribute the funds that do come from the fees and charges that have been raised. Again, if you are working in an environment

where you do not have a RAP or you do not have community unity, then there will be finger-pointing about who is getting what, and we will get bogged down in disputes between various groups. This is something we all want to avoid as much as possible, because it does nothing to progress any project or any advancement of Aboriginal people if we all get bogged down in arguing over resources.

The bill is a step in the right direction, but I have concerns about the risks to it running smoothly, and I think that is going to take a fair bit of work. It is important, and we are not opposing it. We need to do this, and we need to do it well and in a way in which we do not actually make things worse in those Aboriginal communities despite our best intentions, because that has happened in the past. I commend the bill to the house, but I also fully realise that there may well be issues in its implementation.

Mr PEARSON (Essendon) — I am delighted to make a contribution to the debate on the Aboriginal Heritage Amendment Bill 2015. I wanted to focus my comments mainly around clause 12 of the bill, which inserts new section 14 relating to the reporting and transfer of Aboriginal ancestral remains in the custody of public entities and universities.

As has been outlined, this bill will introduce additional offences related to failing to report Aboriginal ancestral remains to the Victorian Aboriginal Heritage Council. This is important because it will encourage these institutions to investigate, report and return any ancestral remains held in their possession. These improvements to the enforcement and compliance tools will result in stronger protection for Victoria’s Aboriginal cultural heritage.

This leads me to Samuel George Morton. Mr Morton was an American physician and natural scientist born in 1799. He studied in Edinburgh, which was at that stage at the centre of the Scottish Enlightenment and had a very good medical school. Morton returned to the Americas with a thesis that the difference between humans was one of species rather than variety. He learned this through studying the mummified remains of Egyptian pharaohs, and he argued that the pharaohs were not African but in fact Caucasian. He further argued that the differences in race between Africans and Caucasians were present 3000 years ago and said that, given that Noah’s Ark had come to rest on Mount Ararat 4000 years ago, Noah’s children could not account for the racial diversity in the world. Morton basically pursued a theory of polygenesis, arguing that God had created a number of different racial creations and that each was given a number of set characteristics.

In order to develop this hypothesis Morton collected a series of skulls from around the world. He was a prolific writer. Where Mr Morton provided a serious disservice to knowledge, to the west, to America and to race relations was in his argument that the intellectual capacity of an individual was determined by the capacity of the skull. Of course, what would a privileged, white male from a slave-owning country determine? Surprise, surprise! Mr Morton determined that whites were at the pinnacle of intelligence and that Africans and Afro-Americans were at the bottom. Many of his theories were published in three volumes between 1839 and 1849, titled *Crania Americana, An Inquiry into the Distinctive Characteristics of the Aboriginal Race of America* and *Crania Aegyptiaca*. In 1850 he also published an essay titled ‘Some remarks on the infrequency of mixed offspring between the European and Australian races’.

Mr Morton — not content with his determination to work out who the outliers of human intelligence were, based on racial profiling — decided that he would go further and develop a hierarchy of order. Of course he said that the highest brain capacity belonged to the Europeans, with the English the highest of all — no surprises there. He said the second highest were the Chinese, the third were South-East Asians and Polynesians and the fourth were the American Indians, and the smallest brain capacity, according to Mr Morton, was assigned to African and Australian aborigines.

Morton was a scientist, but he also used his political influence to argue a case for the inferiority of Afro-Americans to bolster the efforts of the US Secretary of State, John Calhoun, to negotiate the annexation of Texas as a slave state. Calhoun was a pro-slavery advocate from South Carolina.

Mercifully Mr Morton died at a relatively young age. When he died the *Charleston Medical Journal and Review* noted:

We of the South should consider him as our benefactor for aiding most materially in giving to the Negro his true position as an inferior race.

Morton used pseudoscience to clothe his deep-seated bigotry and racism. His malignant and destructive views were subsequently used to decimate cultures and civilisations. His victims were the generations of Indigenous people from around the world, as well as the Afro-Americans who were enslaved in poverty and disadvantage for generations, long after the Emancipation Proclamation.

Why is this relevant today? Well, Mr Morton collected some 4000 skulls and they are now known as the Samuel George Morton Cranial Collection, which is held at Penn Museum in the University of Pennsylvania. The University of Pennsylvania is a fine establishment because among its alumni is one Donald Trump. Consulting the museum’s homepage, it is clear that a number of these skulls are from the east coast of Australia. You have to ask yourself: in 2016, for what purpose does a museum at a university still have the need to house these skulls? What benefit is derived? Zero. I have contacted the museum, advising them of this bill, indicating the nature and intent of the proposed legislation and asking whether it can confirm if it has any skulls belonging to any Kooris. I sincerely hope that if this is the case, Penn Museum will return them.

I would also like to use this opportunity to call on the Minister for Aboriginal Affairs to inquire into this matter and ensure that any remains of Kooris that are in this collection are brought home. It is 2016. Why on earth a university like the University of Pennsylvania thinks it is right, fit, proper and appropriate to hold these remains is just astounding. It is shameful in this day and age. If people want to take photos or take measurements and put them on some database for future posterity for whatever reason — and I do not quite know why anyone would be particularly interested in measuring the skulls of people long deceased — then they should do so, but they should respectfully return these remains to where they belong. They do not belong there, and it is disgusting that an academic institution would think it is appropriate. It is just appalling.

The reality is that back in the 1800s these body parts were highly sought after. People were digging up graves for payment, and they were paid quite well. The worrying thing is that often there were those who were not satisfied with digging up the remains of those who had died, and they shot people for their bones to add to these collections. By not insisting that these remains be repatriated, we are perpetuating these great crimes, and that should not be allowed to occur.

I think as a society and a community we really must do more to assert our rights as a sovereign nation, and we should be making every effort to approach other nations, such as the United States.

We should be thinking about making an approach to Ambassador John Berry, who is a thoroughly decent man, basically saying, ‘Look, we know that Victoria doesn’t have any jurisdiction in the state of Pennsylvania. We know that we can’t turn around and impose sanctions on the United States of America while

it holds these remains in its possession'. But we should be prepared to ask, request, enforce the fact or seek to remonstrate with the United States of America and other nations that hold the remains of Indigenous people in their collections that it is time to bring them home. They do not belong offshore. They belong here and deserve to be treated with the respect that I think all of us would want to see for our remains when we pass on.

This bill is an important piece of legislation. I acknowledge the contributions that many others have made on both sides of the chamber in relation to righting this wrong. It is an auspicious day with the fact that we have had our first welcome to country as part of the formalised arrangements and the fact that we have got the Aboriginal flag permanently flying over Parliament House. This is an important piece of legislation that has come before the house, and it will right a wrong. But we must also make sure that we encourage all public institutions both here and offshore to comply with the legislation and to return the remains of those Indigenous Australians that they have in their possession. I commend the bill to the house.

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

Debate adjourned until later this day.

EDUCATION AND TRAINING REFORM AMENDMENT (VICTORIAN INSTITUTE OF TEACHING) BILL 2015

Second reading

Debate resumed from 25 November 2015; motion of Mr MERLINO (Minister for Education).

Opposition amendments circulated by Mr WAKELING (Ferntree Gully) under standing orders.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to speak on behalf of the coalition on the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015. From the outset I would like to acknowledge the work that is provided in this state by all teachers, and I commend the work that they do in teaching and educating our young Victorians.

The main purpose of this bill is to amend the Education and Training Reform Act 2006 to allow the Victorian Institute of Teaching (VIT) to suspend the registration of registered teachers if there is an unacceptable risk of harm to children. It will also seek to change the

membership requirements of the council of the institute. With respect to the current arrangements regarding the suspension of teachers registration, and by way of background, the Victorian Institute of Teaching is the regulatory body that was established in 2001 and auspiced under the act to regulate all teachers in Victoria, which covers both government and non-government schools. Its functions include registration, investigation, professional development, ensuring standards of professional practice are met, program accreditation and stakeholder education.

The organisation does important work, and I would like to also place on record my thanks to not only the members of the board but also the staff of the organisation for the work that they do. I know that just recently my office had dealings with the institute assisting an affected teacher whose registration had inadvertently lapsed and who was technically unable to teach for this year. It ably assisted that person to ensure that that was fixed.

Currently though under the act the board only has the capacity to suspend the registration of a Victorian teacher in the event that a teacher has been charged with a sexual offence. Whilst it appears appropriate for somebody charged with a sexual offence to have their registration as a teacher suspended, what it in fact does is place the board in the invidious position of having to deal with those teachers who are under investigation for potentially committing an offence. This matter came to light most recently in a situation regarding a teacher, Marinko Jankovic, at the Berwick Secondary College. I mention this because this is a matter of public record. In that situation the said teacher was charged by Victorian police with 70 counts of child sex-related offences which involved inappropriate filming up female students' skirts, known as upskirting. This Parliament dealt with that offence in a previous session. These events occurred between the years of, allegedly, 2009 and 2013.

As heinous as those allegations are, VIT was in a difficult position because it did not have the power under the legislation to suspend the registration of the said teacher when the allegations came to light. In fact when the allegations came to light, those matters were then investigated as a natural course by the Victorian police. After an extended period of time of investigation, Victoria Police then took it upon itself to charge Mr Jankovic with the offences. However, the VIT did not have the capacity to suspend the registration of that teacher.

Whilst the school concerned obviously has the power to terminate the employment of a teacher, as any

employment relationship will allow an employer to do, the fact that Mr Jankovic was still a registered teacher during the period of the investigation meant there was nothing preventing him from actually being employed as a teacher at another institution in the state of Victoria. Whilst obviously employment practices would hopefully pick these issues up by way of reference checking, if in such instances the reference checks did not occur, then in fact the said teacher would be allowed to continue to be employed within the state, despite the fact that he was under investigation for a criminal offence. The bill provides the institute with the capacity to suspend the registration of a teacher in those instances.

Given the fact that the current act only allows for suspension when a teacher is charged with a sexual offence, that obviously does not apply more broadly to other offences that the community may deem inappropriate for the purposes of the registration of a teacher continuing. For example, if a teacher was either under investigation or potentially being charged with an offence of glassing, that in and of itself would not prevent the person from being registered as a teacher. The purpose of the legislation before the house is about broadening the powers of the board of the institute to suspend the registration of a teacher.

New section 2.6.28(1) indicates that for the board to suspend the registration of a teacher there are two criteria that must be met. Firstly, the board has to form a reasonable belief that the teacher poses an unacceptable risk of harm to children, and secondly, that a suspension is necessary to protect children. As part of the proposals under the legislation, there will be protections built in, which include the teacher being provided with the capacity to make submissions about the continuation of the suspension at any time after being suspended; a requirement that the institution immediately commence an investigation into the substantive allegations and that the investigation be conducted as quickly as practicable, having regard to the nature of the matter being investigated; a requirement that the institute immediately revoke the suspension if it no longer holds the reasonable belief that the teacher poses an unacceptable risk of harm to children and the suspension is necessary to protect children; and the requirement that the institute review the suspension at least once every 30 days.

Whilst there are built-in mechanisms for review of suspension — namely, the board being required to review the decision on a 30-day basis — there will still be some requirement for the government to provide some greater clarity as to how this will apply, with specific reference to how VIT will apply the criteria

that the teacher will pose an unacceptable risk of harm to children and the suspension is necessary to protect children. On the face of it that would seem a reasonable proposition, but again there are obviously questions that will be asked as to what in fact will be defined as posing an unacceptable risk of harm to children. It may purely be of a criminal nature, but it could then be potentially broader than a criminal act being performed by a teacher. Does it in fact fall into the area of the way in which they are delivering classes? In curriculum, does it involve their own thoughts about curriculum et cetera? These are some of the questions that people have asked, and this will ultimately be a definition for the institute to have to apply, but again I think there is an opportunity and a requirement for some clarity to be applied to this definition which VIT is going to be seeking to apply in its assessment.

I was advised during the briefing — and I thank the department for the briefing — that this situation is not going to arise on a regular basis. I think there are probably a handful of cases a year that would potentially fall into this situation, if any at all. But again this is certainly something the government will need to provide some certainty and some clarity around.

The second part of the bill on which I wish to make some comment is with regard to the membership of the council of the institute. Currently under the act the council is responsible for the management of the affairs of the institute. It consists currently of 12 members, 11 of whom are appointed by the Governor in Council, and they are based on recommendations from the Minister for Education. The Secretary of the Department of Education and Training or a nominee of the secretary performs the role of the 12th member. When recommending persons for appointment, the minister is required to consider certain classes of people specified in section 2.6.6B of the principal act, which include registered teachers in government, independent and Catholic schools, registered early childhood teachers, parents of children in schools or early childhood services, employers of teachers, employers of early childhood teachers, and providers of education to registered teachers.

On the act, the bill does two things. Firstly, it increases the total number of council members from 12 to 14. It is purported that this will include both an employee and an employer representative from the early childhood sector, as advised to me by the department. Further, the bill requires the minister to recommend five registered teachers, of whom at least one must be an early childhood teacher nominated by the Australian Education Union (AEU) and two must be registered teachers nominated by the Independent Education

Union of Australia (IEU). The nominees of both unions will be required to have the necessary skills, experience and qualifications to enable the council to exercise its powers and perform its duties and functions in accordance with existing section 2.6.6AA of the principal act. Furthermore, section 2.6.6AB of the act will continue to require the minister to ensure that the council will include persons with knowledge of or experience in management, finance, law and corporate governance.

Of the remaining six government-appointed members, the minister will continue, I am advised, to consider recommending people from the classes set out within the act, to ensure that a cross-section of the education sector is represented on the council, including registered teachers from government, independent and Catholic schools, registered early childhood teachers, employers of teachers and early childhood teachers, higher education providers, and parents.

By way of background, the board of the Victorian Institute of Teaching had 20 members. Back in 2008 the then Labor government and the then Labor minister commissioned FJ and JM King and Associates to undertake a review of the Victorian Institute of Teaching. The King report in its background summary highlighted the fact that the VIT had been established in 2001 by the Bracks government and had been based on a similar body in the health sector. Given the fact that there had been changes at that point in the health sector, which saw that the legislation upon which the original bill relating to the creation of the VIT had already been amended, it seemed appropriate for a review of both the functions of the VIT and its enabling legislation.

The King review was then provided to government in March 2008. The comprehensive review provided a number of recommendations — 38 in total. They covered a vast array of issues in terms of the operation of the VIT and provided to government a road map of potential changes for efficiencies in the operation of the institute. Recommendation 32(i) indicates that consideration should be given to:

Modifying the governance structure of the council and consider options such as: a) establishing a board comprising no more than 12 members ...

That option was considered by the government, and the government accepted that recommendation, which was to reduce the overall size of the board from 20 members back to 12.

The report also went on to provide a series of other recommendations. Recommendation 32(iii) says that

consideration should be given to appointment of individuals to the council being:

... based on the skills and experience required to direct the strategic direction and operations of VIT. That there be no explicit organisational or positional representation requirement for council membership.

That was consistent with a policy approach which saw board members on Victorian government boards being considered on the basis of merit and also, more importantly, on the level of skill and respective experience that they brought to their respective boards to ensure there was a broad range of views and a broad range of significant life experiences that would enable and enhance the operation of the board.

As I indicated, the Brumby government accepted the first recommendation, which was a reduction in the number of board members from 20 to 12, but the then government rejected recommendation 32(iii) regarding the composition of the board. Given the fact that the recommendation of the King report, put in place by the then Labor government, was being rejected, it was then picked up by the coalition government, and the Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Bill 2014 was passed by the previous Parliament. Reading from the second-reading speech, it indicates that:

The King report (March 2008) recommended further that there be no explicit organisational or positional representational requirement for council membership.

It also says:

It is now appropriate to legislate to implement the other recommendation of the King report and provide for council composition that is consistent with modern regulatory practice.

In effect the provisions that were put in place by the previous Parliament were enacting the provisions that were provided to the government back in March 2008 by way of a recommendation to ensure that the governance arrangements of the board met modern regulatory practice. This bill seeks to reverse that change. This bill seeks to reinstate the previous arrangements for the automatic inclusion of representatives of the IEU and the AEU on the board.

It should be indicated that in a practical sense the current board still has members who are directly nominated or approved by the IEU and the AEU because the changes enacted in 2014 by the coalition have not taken effect. The 'new board' has not in fact been constituted under the changes that were brought in in 2014, so we are effectively currently operating on a

pre-2014 board arrangement. This legislation is seeking to enshrine the arrangements that applied prior to the 2014 changes implemented by the coalition, and I have circulated amendments to the house that seek to remove those sections of the bill that relate to this provision.

Members of Parliament have been contacted — certainly I know I have and my colleagues have, and there may well be members on the other side who have — by a number of principals who are concerned about these changes, so there is widespread concern regarding the inclusion of the IEU and the AEU. Teachers have the right to be members of any institution, employee association or union they choose. It is the right of teachers to be a member of a union, and it is the right of teachers to not be a member of a union. That is the strength of our democracy in this state and across the nation.

The view of the coalition is no different to the view that was put forward by FJ and JM King and Associates in their recommendation to the previous Labor government — that is, that modern practices of boards include that they do not have specific organisations represented on them. Modern practice indicates that all people who can provide benefit to a board should be considered to ensure that the best arrangement is put in place to meet the specific needs of the relevant board.

Recommendations go to the minister — and the Minister for Education is in the house — and then obviously the minister has the capacity to decide upon the recommendations put to him or her, as the case may be. They will then put the applicable names to cabinet and then obviously go through the Governor in Council process.

It is interesting to note operations in other states, and I was interested to look at the board arrangements in other states. Under the Victorian model the IEU and the AEU will effectively have 50 per cent representation on the VIT board. When you look at similar agencies around the country, you are looking at figures in New South Wales of under 10 per cent; Queensland, 12 per cent; the ACT, 18 per cent; the Northern Territory, 25 per cent; and Tasmania, 17 per cent. You see that in fact this is going to place Victoria significantly out of kilter with the operations of other states.

As I said, concerns have been indicated by many within the education sector regarding these changes. But I come back to my original position, which is consistent with that purported by King and Associates — that is, that modern practices for the operation of boards do not relate to particular organisations being represented. It obviously then begs the question: on what basis are

some representative organisations selected for inclusion and others excluded? I will be interested to hear the government's response to this, because the question has been raised that other organisations have sought membership of the VIT and have been rejected for inclusion. It is up to the government to determine its reasoning and to explain to those organisations why they have been specifically excluded for consideration when other organisations have been included.

Again, if I could come back to the first part of the bill, I believe the changes are important. The coalition certainly forms a view that whilst there are potential questions that would need to be answered regarding some of the definitional arrangements in terms of the way in which the VIT will have to meet some of those tests, I think it is important to provide the institute with the capacity to suspend the registration of teachers, particularly in situations like the one in Berwick. That is a gap in the system which I think a common-person test would certainly say should be remedied.

I have placed on record our concerns regarding the second aspect of the bill, hence the reason why we have proposed those amendments. I look forward to this bill being considered in detail and for us to have the capacity to discuss the proposed amendments. I may get a different response regarding that, but if we are not provided with the opportunity to consider them here, they may well be considered in detail in the Legislative Council. But having said that, I do wish to place on record that we are not going to be opposing the operation of this bill with respect to the first part of it.

Ms GRALEY (Narre Warren South) — I would like to thank the shadow minister for his contribution and that trip down memory lane about the history of the Victorian Institute of Teaching (VIT). But when I talk history, I always remember good manners also. I think it would have been helpful had those opposite informed the government that they might like to propose some amendments and at least extend the common courtesy, I would call it, of allowing us to see the amendments before they were proposed. But given the form of the opposition and the shadow minister, why did I expect anything more, because we know that opposition members are very fond of being less than helpful and very fond also, if I am talking history, of rewriting their period in government, especially around education. We actually do know that, because they certainly do not want to talk about their record on education.

We have before us this bill, which is a very important bill, and I notice that the shadow minister has left the house. He obviously does not want to hear why this bill is so important and indeed why it is necessary to reject

the amendments he has provided to the house. As we know, this bill has two parts. The bill seeks to ensure that the VIT has sufficient power to protect children by immediately suspending the registration of a teacher against whom serious allegations have been made pending further investigation of the allegations and also to provide certainty for registered teacher and early childhood teacher representation on the council of the VIT. If the shadow minister were in the house, I would report to him that his amendments effectively do not take into consideration the fact that the VIT actually registers early childhood educators. It is very important that early educators are represented on the VIT board. For me, that is a no-brainer. It is representative democracy at work, and I think that the opposition, instead of putting up these what I consider to be ill-thought-out amendments, should take into consideration the value that early childhood teacher representation will make to the VIT.

I know that those opposite are very fond of rewriting history. I have heard all sorts of versions of what happened when they were in power, but you know: stats, rats! What is that saying about percentages? I notice that the shadow minister has been very keen to bring out percentages about union representation in other jurisdictions. We know in fact that union members, teacher representatives and professional educators — let us not get it out of proportion here — on the board are going to be from the Australian Education Union and other unions and are in fact professional educators.

I know that those opposite are not fond of supporting unions, but you really should get behind your teaching profession is my advice. In other jurisdictions this is exactly what happens. They do have teacher union representation on their registration boards. And as I said, going back to the statistics that the shadow minister has presented to the house, they could be a bit dodgy actually. We would be talking about boards in other jurisdictions being bigger than what we have here. In fact if he did his sums correctly, he would know that in New South Wales there are over 23 representatives on the board, and his percentage numbers may be a little out of skew. So back to school to the maths room, I think, for the shadow minister.

This is a very important bill. I was going to say that one of the reasons why it is so important is not just because we are dealing with some very important issues around the VIT — and I know the shadow minister was saying that he has been contacted by principals in his electorate, as indeed I suspect some of us have — but I would like to say, and I am sure my fellow MPs are going to emphasise this when they speak, that these

amendments do not prevent principal representation on the council. So just let us get that clear. In fact that is why you will hear, I am sure, from my fellow MPs endorsements from principals. I know the penny might not have dropped over on the opposite side of the chamber, but actually some principals are members of the Australian Education Union and have been for a very long time — in fact, 2000 of them. I bet that is an accurate figure in this case. I bet that is right on the ball.

These principals are very supportive of the VIT model that we have before us. I know the minister who was in the house has spent time considering who should be on this board. He will continue to talk to principals associations. You might like to wake up those opposite, although there are only three of them in the house, that the minister will have a residual discretion to recommend for appointment a member of the Victorian Association of State Secondary Principals, the Victorian Principals Association and the Australian Principals Federation, if he decides there is a need to do so. I expect that he will continue to get representations on this point on behalf of the principals' groups, and I am sure that he will use his discretion and his wisdom to make sure that their views are taken into account when he gets to make an appointment.

I would like, though, because it is very close to my electorate, to make a point about the Berwick Secondary College matter. I think when we send our kids off to school every day, we expect them to be well educated, but we also expect them to be in a very safe environment, that they are not exposed to any degree of risk or harm and that in fact they are in a secure, supported and encouraging environment, because that is the environment you need to have if you are going to teach and it is the environment that a child needs to learn. When you go back over this case and read about it in the papers, it is truly ghastly, I have got to say.

I heard some reservation from those opposite — although I think they are fully behind us nevertheless — about what degree of indiscretion may be acceptable to deregister a teacher, but I think in all these circumstances it is very important, and I know from speaking to the teachers, especially the principal at Berwick Secondary College, that this was a very stressful time for the school. The fact that they did not know what was going to happen to this teacher once he left the school, that he may in fact turn up somewhere else in some other jurisdiction, was really quite unnerving for them.

I have got to say that all the talk in the community was about where this teacher actually was and what they were up to, so it is the fact that we have taken a very

strong, deliberate, decisive way of dealing with this matter by saying straight out that the VIT will have the power to intervene in this matter. I think the government should be commended for this, rather than getting a little bit wishy-washy about it or saying, 'Maybe, maybe not'. In fact all members of this chamber who know that a safe and secure learning environment is the entitlement of every child who is in a Victorian school irrespective of their jurisdiction should be supporting this bill and not being a little bit pregnant about it.

The time is coming for me to finish. I would just like to say that as Victorian Labor government members we have made it our no. 1 priority to fix and improve the education system of the state. These are administrative matters in many respects, but they are important. They are part of the package that we are putting together to make sure that every child, every teacher, every parent, in every classroom, in every school, gets the best possible education. I know that everyone on this side of the chamber — the Labor Party side of the chamber — is behind the minister in making sure that Victoria becomes the education state.

Mr McCURDY (Ovens Valley) — I rise to make a contribution on the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015. I want to qualify some comments of the previous speaker about the education union in New South Wales. My understanding is that under this scenario 7 of the 14 or 15 members of the council would be nominated by unions compared with only 2 out of 21 in New South Wales. I just wanted to clarify that first.

As members have heard from the shadow minister, we will not be opposing this bill. The key purpose of the bill is to amend the Education and Training Reform Act 2006, which will allow for the Victorian Institute of Teaching to suspend the registration of registered teachers if there is an unacceptable risk of harm to children, and to change the membership requirements of the council in the Victorian Institute of Teaching. This is a significant step and one that I believe is necessary. As I said, the coalition certainly does not oppose this.

Currently under the Education and Training Reform Act the institute of teaching only has the power to suspend the registration of a Victorian teacher if they have been charged with a sexual offence. Therefore teachers who are under investigation for potentially having committed a sexual offence can retain their registration until Victoria Police charges them with a sexual offence. Teachers who are charged with other

criminal offences cannot be suspended, so it does make it very difficult when we want the priority in our schools to be safety first for our students. Safety should be no. 1, and this certainly compromises the ability to have that priority.

This bill seeks to expand the institute's existing powers to suspend the registration of a registered teacher or an early childhood teacher on an interim basis, pending the outcome of the inquiry, if the institute forms a reasonable belief that the teacher poses an unacceptable risk of harm to children. This is just not somebody's opinion that the teacher should be deregistered or suspended. They have to pose an unacceptable risk of harm to children. The other part of that is that the suspension is necessary to protect the children. Those are the criteria, and I think they are fair criteria to be working on.

In saying that, the suspension of a teacher will be imposed on a summary basis. The bill provides for a person whose registration has been suspended to have some protections, and I think it is important to make sure that they are covered from that perspective as well. There are four main points. Firstly, there is the requirement that the institute reviews the continuation of the suspension at least once every 30 days — and again I say that is a very reasonable time frame to ensure that circumstances have not changed in that time. Secondly, there is the requirement that the institute immediately revoke the suspension if it no longer holds a reasonable belief that the teacher poses an unacceptable risk of harm to children and that the suspension is necessary to protect children. Thirdly, there is the requirement that the institute immediately commence investigation into those allegations and that the investigation be conducted as quickly as possible, having regard to the nature of the matter being investigated — so that obviously must be done in a timely manner. Lastly, there is the ability of the person to make submissions about the continuation of the suspension at any time after being suspended.

I would like to cover off on another part of the bill — the membership of the council of the Victorian Institute of Teaching and the changes that are being made by this bill. Currently the council is responsible for the management of the affairs of the institute. It is made up of 12 members, 11 of whom are appointed by the Governor in Council, and that is obviously based on recommendations by the Minister for Education. The Secretary of the Department of Education and Training, or a nominee of the secretary, is the 12th member.

When recommending an appointment the minister is required to consider a variety of people, including

registered teachers in government, independent and Catholic schools, registered early childhood teachers, parents of children in schools or early childhood services, employers of teachers, and early childhood teachers who are registered. You would see that as an ideal mix, but the changes will increase the council membership from 12 to 14, and that includes an employee or employer representative from the early childhood sector. I think that is another significant step in making sure that the representation is quite broad and that there is a better mix, for want of a better word, in that representation.

Of the remaining six government-appointed members the minister will continue to consider recommending appointments from the classes set out in section 2.6.6B of the principal act to ensure that a cross-section of the education sector is well represented. Again I say that it is important that we have this cross-section.

The King review provided 38 recommendations to the Minister for Education, and that included that consideration be given to the appointment of individuals to the council based on the skills and experience required to direct the strategic direction and operations of the Victorian Institute of Teaching and, secondly, that consideration be given to modifying the governance structures of the council. That obviously establishes a board as well in that process.

There has been widespread consultation on this bill. The Victorian Principals Association has been consulted; so too has VIT, obviously, which I spoke about earlier, as well as Independent Schools Victoria, the Victorian Association of State Secondary Principals and many other organisations across the Victorian education sector, including the Victorian Registration and Qualifications Authority. There were some concerns, I might add, raised by some stakeholders. Both the Australian Principals Federation and individuals have raised concerns about the reintroduction of Australian Education Union and Independent Education Union representatives on the board, and many principals have requested that the Australian Principals Federation be included as a representative body on that board.

Certainly people in my electorate of Ovens Valley are primarily in favour of the changes — those whom I have spoken to throughout the region. Recently, or late last year, I have been out in a few of my smaller schools — Whitfield District Primary School, Milawa Primary School and Tungamah Primary School, the smallest primary schools. I always maintain that we have to ensure that those smaller primary schools are not disadvantaged. I for one went to a primary school of

about 17 students and have never felt that it has held me back at any stage. Certainly we want to make sure that these smaller primary schools are given opportunities just like the larger ones, like Cobram Primary School and Wangaratta West Primary School. Of course we have a P–12 school in Yarrawonga and we have Wangaratta High School. Just out of interest, they are beginning works this week using the \$4.6 million that was invested in that school by the previous government, and the school community is quite excited to be making those steps forward.

I note that the Minister for Education is in the chamber today. As we roll out the education state, I will be interested to see whether it is just a slogan or whether it will be matched with dollars. Let us hope that it is not just a slogan. The budget coming up in May will certainly tell the story, there is no doubt about that. It is one thing to have investment in education, but we also want to see that investment represented in regional Victoria and not just focused on metropolitan Melbourne. We will certainly be taking a hands-on approach to make sure that the investment in country and regional schools is just as great as what it is in the metropolitan areas.

As always, I continue to seek better opportunities for our regional schools. This legislation will improve the current system. I do believe it has its strengths on this. As I said earlier, we will not be opposing this legislation. I commend the bill to the house.

Ms EDWARDS (Bendigo West) — It is a pleasure to rise to speak on this Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015. The pleasure is because there is absolutely nothing more important than ensuring the safety and protection of our children while they are engaged in learning at school. We as parents, and I as a parent of four, entrust our children into the care of teachers and school principals for a very long time — from the age of 4 or 5 until they are around 17 or 18, although sometimes they continually stay at school, which can be a problem. We give our children over to an education system that must have quality. It must have equality; it must have trust; it must have safety. These are imperative.

Our teachers and principals across the Victorian education sector are indeed recognised as some of the very best in the world, and there is no doubt — no doubt at all — about our confidence in their abilities to educate our children. Sadly, members of the teaching profession are not often acknowledged for the enormous contribution they make to our children's futures. I want to put on the record the contribution they

make to our children's futures. I want to put on the record my thanks and my congratulations to all of them for the outstanding job they do.

However, there are always people who will take advantage of weaknesses in a system. There are always people who will do the wrong thing, and there are always people who will try to take advantage of vulnerable young people and engage in horrendous acts that are heinous and indeed illegal. This bill closes a gap and means those people will be immediately deregistered from the teaching profession should they engage in such behaviours. It empowers the Victorian Institute of Teaching (VIT) to immediately and temporarily suspend the registration of a teacher or early childhood teacher where the teacher poses an unacceptable risk of harm to children and the suspension is necessary to protect those children.

This change will of course bring the VIT in line with other teacher regulation boards across the country. It also aligns with the views of the commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse and the report of the Victorian parliamentary inquiry into the handling of child abuse by religious and other non-government organisations, known as the *Betrayal of Trust* report. In addition, this bill delivers on the Andrews Labor government's commitment to restore teacher representation to the regulatory body while ensuring the council retains its legislative function.

In the Victorian Institute of Teaching establishing legislation, one of the underlying objectives is that the institute be representative of and its strategic direction be set by a range of education sector stakeholders who are affected by and interested in the institute's functions. These amendments have resulted from extensive consultation with the VIT, the Australian Education Union and indeed the Independent Education Union. The changes to the composition of the council aim to make the council more representative for registered teachers, including principals and early childhood educators. This makes sense and will enable good governance. It ensures that the council reflects a broad cross-section of the education sector and possesses the breadth of appropriate skills and experience to fulfil its legislative functions.

Restoring teacher representation on the council rights a wrong that was done by the former Liberal government when it made amendments to the act which replaced the election of registered teachers to the council with the appointment of members by the government. Our legislation, in contrast, allows the Australian Education Union and the Independent Education Union to

nominate seven representatives between them for appointment to the council. This nomination model is consistent with teacher registration boards, again, across Australia — in most other states.

The changes made to the Victorian Institute of Teaching council by the previous government were opposed by many education stakeholders. However, this government, the Andrews Labor government, has listened, has heard and is getting on with making the necessary changes to ensure teachers are again represented on the very body that governs them. This government has shown time and time again that it respects and values the role of teachers across Victoria, including principals and education leaders. There has never been a government in this state before that has made education its major and no. 1 focus. Making Victoria the education state has meant setting ambitious targets for our students. Nevertheless, it has also been about funding education at a level that addresses student disadvantage and ensures better outcomes for students, gives our kids the best start in life and makes excellence and equity in our schools paramount.

It was interesting to hear the member for Ovens Valley talk about investment in education and about the government putting its money where its mouth is. The fact is that it already has. It has invested more in education than any other government in this state. In my electorate we have committed to the building of a new school at Kalianna, which will give kids with special needs across the region the new school facilities they need and deserve to get the education they deserve. We have also committed to building Castlemaine secondary college, and as we speak stage 2 of this important project is underway. This school is the only secondary college in the region and is the feeder school for many primary schools across the Shire of Mount Alexander. Its importance to the region cannot be underestimated. On top of this, the school is now achieving results that five years ago were inconceivable. It is punching well and truly above its weight in terms of student outcomes, student welfare and curriculum innovation.

It goes without saying that in building the education state the Victorian government has funded Gonski for 2015, 2016 and 2017. It has restored regional support and provided resources to support teachers and principals in their work — \$747 million in extra funds over the next four years, with billions of dollars already flowing into the education system to improve buildings and improve young lives.

One of the most important things about the education state and one of the most important funding

announcements we have made in recent weeks and months has been for the breakfast clubs. In every school I have been to where breakfast clubs are going to be established there is enormous relief in knowing that those kids will be able to come to school and have a decent feed before they get started on their learning for the day.

The other important announcement — I see the minister is still in the house — is of the Camps and Excursions Fund, which has also been a huge relief to many families who previously had no idea how they were going to fund their child to go on an excursion or a camp. It is heartbreaking to see a child who is isolated or stigmatised because they cannot go on an excursion or camp. From the start of 2016 we are investing in education with an extra \$566 million over four years and \$171 million ongoing in programs targeted at kids who need extra help at school. This will, as I said, give them the individual, tailored attention they need.

There is \$21.6 million to support government school teachers to teach the new Victorian curriculum, including mandatory new subjects like digital coding and respectful relationships. Again I think this government is leading the way when it comes to innovation, education and curriculum development with the respectful relationships program. This is something we have never seen before in any of our state schools across Victoria. It will hopefully have enormous benefits for children in the future because they will grow up to be adults who are respectful of different genders, diversity, cultural diversity et cetera.

Also I am very excited that Bendigo will have a new tech school in the very near future. This is another great announcement by our government. The new tech schools across Victoria are a great initiative by the Andrews Labor government. The previous government did not invest in education, and we know that. This year alone there will be not one new school opened because of its lack of investment. Nevertheless, we are getting on with investing in education and in particular are looking forward to the establishment of the new tech school in Bendigo by 2018. I commend the bill to the house.

Mr ANGUS (Forest Hill) — I am pleased to be able to rise to make a brief contribution in relation to the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015. I note at the outset, as other members on this side have noted, that the coalition will not be opposing the bill but has proposed amendments.

The purpose of the bill is a two-part one. As set out in clause 1 of the bill, the main purpose is to amend the Education and Training Reform Act 2006, in two ways: firstly, by providing:

power for the Victorian Institute of Teaching to suspend the registration of a registered teacher if there is an unacceptable risk of harm to children; and —

secondly —

to change the membership requirements of the Council of the Victorian Institute of Teaching.

Before I get into the substance of my contribution I just want to make a couple of general comments in relation to the schools that I have in my electorate of Forest Hill. I am very fortunate, as a number of members are, to have a diverse mix of schools. I have got 21 schools in my electorate: 9 government primary schools, 4 Catholic primary schools, 3 government secondary colleges, 1 Catholic secondary college, and 4 special schools or language schools. I have got the Aurora School, which is a school for deaf and blind primary school students. I have the Blackburn English Language School, the Burwood East Special Developmental School and the Vermont South Special School, so I have got a very diverse mix of schools, and they are all just wonderful places that I enjoy visiting very much.

It has been great, even in the last couple of weeks since the schools have been back, to have the opportunity to go to a number of those schools and present various leadership badges to the relevant school leaders in those environments and to be able to address the students and to speak to the staff and teachers as well. So it has been a good start to the year for schools out in Forest Hill, particularly for those young leaders who are rising up to those positions of responsibility that they and their peers and the teachers have placed them in.

I want to place on the record my best wishes to all the schools in Forest Hill — those 21 schools and their staff and the students, of course. I have been at various assemblies in the last couple of weeks and seen the foundation students sitting there so well as they get used to the whole process involved in attending school assemblies. It has been an absolute pleasure to see that and to see the year 6 students so eagerly taking on the responsibilities of leadership that are before them. It has been fantastic to see, and I look forward to catching up with them many times during the year and to seeing them continue to grow in their leadership skills and their responsibilities throughout their various school communities.

The previous speaker made a number of comments in relation to money provided by the previous coalition government. I also want to make some comments in relation to that, particularly in relation to the schools within my electorate of Forest Hill. I note, without any shadow of a doubt, for the record that the coalition government poured millions of dollars into the schools in Forest Hill. A number of those dollars were in relation to maintenance, because when we came into government there had been 11 years of neglect. I have got the spreadsheet from the department that showed that there had been virtually no maintenance funds spread through my 21 schools in Forest Hill. That was a very serious issue for us, coming in and picking up the pieces, so we put in millions of dollars for maintenance and millions of dollars of capital into the schools in my electorate of Forest Hill. So we have started to eat into that, and I am continuing to advocate very hard. I have raised matters with the Minister for Education in relation to some of my schools, where we had commitments going into the election, to try to see if he will match those. I am waiting very eagerly to see if he can do that because there is still much more work that needs to be done. As I said, after more than a decade of nothing, we had to get in there and do a lot of work. That is a bit of background there.

In relation to the bill, I turn to part 2 which deals with the interim suspension of registration of registered teachers. New division 8A, headed 'Interim suspension of registration', covers a range of the matters that I want to talk about. Currently under the Education and Training Reform Act 2006 the Victorian Institute of Teaching (VIT) only has the power to suspend the registration of a Victorian teacher if they have been actually charged with a sexual offence. Therefore teachers who are under investigation for potentially committing a sexual offence can retain their registration until they have actually been charged by the police for that particular offence. Teachers who are charged with other criminal offences cannot be suspended.

The bill seeks to expand the institute's existing powers to suspend the registration of a registered teacher or early childhood teacher on an interim basis and pending the outcome of an inquiry. There are two conditions regarding that: if the institute forms a reasonable belief that the teacher poses an unacceptable risk of harm to children and that the suspension is necessary to protect children. Those particular aspects of the bill are contained under clause 5, as I said, under the new division 8A, section 2.6.28 at subsections (1)(a) and (1)(b). That deals with those two aspects.

As the suspension will be imposed on a summary basis, the bill will provide a person whose registration has

been suspended with some protections, and again that is quite appropriate because it is going to be a summary matter and they need to be protected in relation to that as well. Some of those areas include the ability of the person to make submissions about the continuation of the suspension at any time after being suspended and the requirement that the institute immediately commence an investigation into the substantive allegations and that the investigation be conducted as quickly as practicable, having regard to the nature of the matter being investigated. That is a very good thing, because such a serious matter needs to be dealt with in an expeditious manner rather than being allowed to languish and being allowed to drag on. It is very important that that gets dealt with forthwith.

The requirement that the institute immediately revoke the suspension if it no longer holds the reasonable belief that the teacher poses an unacceptable risk of harm to children and the suspension is necessary to protect children, is a sensible inclusion as well. Finally, there is a requirement that the institute review the continuation of the suspension at least once every 30 days. Again, it does not leave the teacher in limbo land but enables them to be, on a regular basis, updated as to what the situation is.

Of course all of us who are parents and who have had children in the school system understand the absolute importance of protecting students. Obviously, as members of Parliament, as I have said before, if we go around to our schools, we expect all the teachers we have dealings with and who are employed at any of these schools to be acting in a totally appropriate manner and with the utmost integrity. So there is no place at all for any misbehaviour, certainly along these lines. This enables, under the act, the VIT to deal with these matters in a summary way.

The second major aspect of the bill deals with the membership of the council of the Victorian Institute of Teaching. I note at the outset that several of my principals have contacted me regarding the new board composition as proposed by the government, and they have expressed their significant concerns to me in relation to various aspects of this new composition. I am delighted that I am in a position now to be able to put those concerns on the public record in this place today. I do not often hear from many of my principals about these sorts of matters, but a number of them were highly motivated to contact me and say that they did not feel that the changes being proposed by the government were appropriate under any circumstances.

The essence of those changes is that of the total membership of the board there are going to be five

registered teachers nominated by the Australian Education Union and two registered teachers nominated by the Independent Education Union — that is, seven of the total composition of that board nominated by the union. They had expressed concerns in relation to that aspect and also the additional aspect of the principals themselves not having a suitable representative on that particular board.

Around any board there needs to be a diversity of skills and experience, but I think this particular aspect is providing a very narrow source, if you like, given that numbers of those people are going to be actually chosen by the union representatives there. So there are a number of concerns in relation to that. Time is against me in relation to expanding on that any further. As I said at the outset, opposition members will not be opposing the bill, but we are proposing a range of amendments.

Mr EREN (Minister for Tourism and Major Events) — I too wish to make a contribution on this very important bill before the house. At the outset I would like to congratulate the minister involved, who is doing a tremendous job in making sure that our education system is no. 1. We all know that the most important thing from when you are born until, I suppose, when you depart this place is your health and how well your health travels through that time. But it is also important to make sure that we have a healthy education system, and to that end of course we want to ensure that as a state — and we indicated that leading up to the last election — we would make our wonderful state of Victoria the education state, and we meant it, unlike the previous government.

There was a lot of talk about investment in education, and we knew there was a real lack, a lag; and you could call it a disgrace, in relation to where we were headed particularly in terms of public education. So we saw what happened in the four years of the previous government. There was a real deterioration in the system, and of course when we look at all of the changes that have taken place in the short time that we have been in government, we see that even our local areas — and the education institutions within my area in particular — are very grateful for the investments that are already taking place in our respective electorates.

This bill of course is one of those bills that will make it, as I have indicated, that all children in Victoria that are born in Victoria are entitled to have a safe, an affordable and a good quality education, particularly when it comes to public education. To that end it is very important to have in place mechanisms and

legislation — bills like this that are before the house — that will make our education system the best in the nation. It will do it in a way where it is obviously listening to the concerns of all of the relevant institutions and all of the relevant stakeholders within education.

It is important to make sure that our children are safe, because as a parent — and my wife and I have five children, and I am proud to say that all of our children attended public schools, as I did — it is important to make sure that when you drop off your children at school that you know they are going to be safe, particularly when children are so vulnerable. To that end this bill, the changes to the Education and Training Reform Act 2006, will go a long way to ensuring that our children will be safe when we drop them off at school. Of course nothing is foolproof. There are certain instances where I am sure that from time to time terrible things will happen at schools, but we have got to ensure as a government that schools are as safe as they can be. These changes are designed to ensure that the Victorian Institute of Teaching (VIT) will be able to suspend on an interim basis the registration of a teacher or early childhood teacher or a permission to teach where the VIT has a reasonable belief that the person poses an unacceptable risk of harm to children and the suspension is necessary to protect children.

I want to again point out the nature of the opposition and its response to unions. We are proud on this side of the house to be balanced in our views in relation to making sure that democracy works well in our communities. To that end we will also enable the Australian Education Union, the Victorian branch, and the Independent Education Union Victoria and Tasmania, to nominate persons for appointment to the council at VIT. I notice that the opposition is supporting the bill but is trying to make amendments to stop that democracy from happening. For some reason opposition members hate unions. They like to bully unions at every opportunity. They do not like workers, and we on this side of the house of course like workers and we like organisations that protect the rights of people as well

In essence, this bill will ensure that VIT will have the power to sufficiently protect our state's children by being able to immediately suspend the registration of a teacher and provide some certainty for registered teacher and early childhood teacher representation on the council of the VIT. Our government, as I have indicated, is proud of the fact that we take the education of our children extremely seriously. Not only do we take it seriously, but we back it up by putting our money where our mouth is, as we have indicated

earlier. We are committed to making Victoria the education state.

Under our government, the Andrews Labor government, we have seen the single biggest injection of education funding in Victorian history, providing almost \$4 billion in additional funds in the 2015–16 budget. Of course my electorate has also benefited from this tremendous injection of funds, where we have seen in the electorate of Lara over \$10.5 million spent on our schools and kindergartens by this government. This money has gone towards the next stage of the Northern Bay education regeneration project.

I have a large area of disadvantage in my electorate. Some 35 000 people that live within the postcode of 3214 are, I think, third in terms of social disadvantage on the index. Of course we want to change that and we have come a long way with the millions of dollars that we have invested thus far in that particular area of a cluster of about six schools. We have changed and reformed that area to have better outcomes for those children that are obviously doing it very tough. I am proud that we do not discriminate as a government on where we invest the money. It is invested where it is needed, and that is why it is so important to make sure that these investments continue. That is why as a government we are keen on making sure that nobody is left behind.

Of course there are also other pressures that come to bear when it comes to other institutions. I know that the previous government had it in for — if I can call it that — our Victorian certificate of applied learning (VCAL) and TAFE education system. When you look at all of the associated problems, for those children that are not academically inclined and will not proceed to university there needs to be an avenue to go down the path of trade. That is why VCAL and TAFE are extremely important for the future of not only our manufacturing base but indeed for many businesses in Victoria.

It is no wonder that the previous government, the now opposition, had only one term — it was so incompetent. It treated our educational institutions with contempt in relation to the funding processes. If you cut back severely through the TAFE system, you will have a revolt, and that is exactly what happened at the last election. It only had one term — a record one term. Members opposite still complain today — I can hear them in the background still saying, ‘They got it wrong’. The people did not get it wrong; the people got it right. The people know that if they want investment into those essential services, like health and like

education, they will vote Labor, and that is exactly what happened.

I want to put on the record some of the comments that have been made by some of the principals and teachers in my electorate. I quote:

I am the most excited I have been about education in years and that is because of the shift in focus which is now on the children’s learning.

The progress since the change of government has been fast and that’s very impressive.

That is coming from the sector; it is not coming from us, and it is not coming from government. It is actually coming from the coalface out there in the community. They are extremely excited at the pace, the level of catch-up that we had to do once we got into government. It was disastrous. That is why we are making record investments into education. That is why we need to make the changes that we are making in relation to making children safer at our wonderful institutions.

I will take this opportunity to thank all of those wonderful teachers in our education system that make a tremendous contribution to the life that we have today, those teachers who teach our children. Eventually of course those children become decent, law-abiding citizens within our community and contribute to our economy tremendously. I thank all of the people that are involved with our educational institutions.

Our side has eloquently covered off on some of those amendments that the other side want to make, and of course there will be more contributions made, sensible contributions made, from this side of the house on this bill. I wish this bill a speedy passage.

Ms RYALL (Ringwood) — I rise to speak on the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015. I have listened to some of the contributions of those opposite, and it is interesting when you look at things in isolation and you see that in 2011 and 2012 there was a \$6 billion writedown in GST receipts that significantly affected the revenues in this state. I certainly know in my community about the neglect of schools that had happened 11 years prior to that, but interestingly, when you look at things in isolation, you do not look at revenue writedowns — you just suggest that the money was always there. That is the problem with this mob opposite — money does not have the significant meaning that it has to others in our community. There was a \$6 billion writedown. I ask those opposite to calculate that as a percentage of the revenue in this state.

We were held up in the Brumby years by the revenues in the rivers of gold sent down the way by Rudd and Gillard that actually kept this state in the black, and if you look at the national economy now, which is still reeling from those days and the expenditure, you start to see a pattern here. You start to see a pattern — Labor cannot manage money. The purpose of this bill is twofold.

Ms Ward — You cannot manage the state!

Ms RYALL — There was an interesting interjection from the member for Eltham. I challenge her to look at the \$6 billion revenue writedown and then start to wonder how she might manage the state.

This bill is about amending the Education and Training Reform Act 2006, and that will give the Victorian Institute of Teaching (VIT) the ability to suspend a teacher's registration if it is considered that unacceptable risk or harm is posed to a child or children. The bill also alters the requirements of membership of the council of VIT.

In relation to the suspension of a teacher's registration, I look at this and I think it is good where we as legislators can see that there are gaps in legislation. Closing those gaps can actually benefit our community and most certainly our vulnerable children, and it can make sure that any risk to them is identified and either eradicated or minimised to the greatest extent possible. That is obviously important, and that is what the first part of this bill does.

Currently under the act VIT can only suspend the registration of a teacher in Victoria if they have been charged with a sexual offence. Certainly there is a gap there, particularly when a teacher may be the subject of an investigation concerning a potential or a possible sexual offence. Under the current law the teacher can maintain their registration until such time as they face charges from the police. In addition, teachers who are charged with other criminal offences can still maintain their registration. So what this bill seeks to do is enable VIT to suspend the registration of a teacher or early childhood teacher while an investigation is actually being undertaken. That means that their right to teach or their ability to teach is removed until such time as the investigation is complete and the outcome known.

There is an expansion of powers there for VIT in relation to being able to do that where a teacher does pose an unacceptable risk of harm to children and the suspension is necessary to protect children. That becomes the basis of the expansion of VIT's powers.

The bill gives some additional powers to VIT to make sure that children are better protected. There are some protections that also exist for a teacher whose registration has been suspended, and these include that the teacher can have the opportunity to make submissions with regard to the continuation of their suspension at any time. VIT needs to make sure that it commences investigation immediately after a complaint or allegation has been made, and that it actually does this in a prompt manner. There is no wasting of time in there. It is immediately instigated, and it is promptly dealt with in terms of that investigation. If the institute does believe that a teacher does not pose a risk, an unacceptable risk of harm to children, the revocation is immediately rectified, if I can say it in that way. If there is no reason to believe that there is any substance to the teacher being an unacceptable risk, their registration is restored promptly. The institute must also review matters on a regular basis, so once every 30 days it must review the continuation of the suspension.

The second part of the bill relates to governance of the Victorian Institute of Teaching. The King report was undertaken many years ago, and it was provided to the then Labor government. It talked about appropriate governance arrangements to bring the governance of the institute into the modern era, into modern practice and into modern oversight and governance. The concern I have with this bill is that it reverses those governance improvements. Years ago it was about bringing governance into the modern age. Now we are debating a bill that is talking about actually reversing the modernisation of the governance structures of the institute back not just a couple of years but many years, and that is a great concern in relation to the governance of the institute.

What we do need to know and know very well — and there have certainly been some very significant governance failures that have been in the media in recent times — is how important governance is. I am on a board, and I know and understand the obligations of a board member and certainly the governance requirements of being in a situation where you need to have the right mix of people in governance roles and also the accountability and responsibility for appropriate oversight. Obviously with an organisation like the Victorian Institute of Teaching you would want to make sure that the governance is independent.

One of the findings of the FJ and JM King and Associates report was that organisations not be represented on the board. When you start to see organisations, particularly one type of organisation, being introduced under the legislation to return us to the old days of governance with the absence of other

organisations being introduced as well, it starts to raise the question of why. It is not unusual to raise that question. Why would you allow some organisations to be appointed under legislation while others are not appointed under legislation? Why is it not permissible for some organisations to join when they have perhaps been denied in the past?

Governance is not a plaything. It is about independence, it is about experience and it is about qualifications. From the chatter of those opposite, you would start to think that there was actually governance experience amongst them, but we have not seen a lot of that in the newspapers for a long time.

The member for Narre Warren South — or should it be the member for Mount Martha! — rightly talked about there being no problems with teachers. You cannot have organisations on the board. But let me say to the others, I have been a worker. Many of us on this side have been workers. There is no problem with being a worker. I come from working-class family roots.

Ms Ward — Congratulations.

Ms RYALL — Absolutely congratulations. All of my family have been workers and have worked very, very hard. There is no problem with anybody being a worker and working hard to get ahead in life. The problem is the governance failures that we need to make sure do not happen in this state.

Ms THOMAS (Macedon) — It is a dubious pleasure sometimes to rise here in the house to speak in response to the absolute drivel we have just heard, to listen to Liberal Party members purport to represent or understand the interests of working people when the amendments that they have introduced into this house seek to deny the interests of those that work in the teaching profession and have their views represented in the body that registers them.

I make the point that I am glad we are all in agreement about the first part of this bill that gives the Victorian Institute of Teaching sufficient power to protect children by immediately suspending the registration of a teacher against whom serious allegations have been made, pending further investigation of the allegations. This is an excellent and necessary step, and many speakers before me have canvassed why this is necessary. I am glad to see that common sense is prevailing on the other side of the house in the interests of children in this state.

I did want to spend some time talking about teacher representation on the Victorian Institute of Teaching. It is of no surprise to anyone on this side of the house that

this bill is being introduced, because we are a party and a government that makes commitments and delivers on those commitments. We made a commitment that we would restore teacher representation to the Victorian Institute of Teaching, and we are delivering on that commitment. Those on the other side are seeking to introduce amendments to this bill which are utterly opposed by this side of the house for the reasons that I have outlined. We made a commitment and we will deliver on that commitment, but those opposite are seeking to exclude early childhood educators from having any participation in the institute. Obviously we are opposing the amendment.

I want to talk in some detail about why I am vigorously in support of this bill. I have had the great pleasure in my career to work as a secondary school teacher in the government system.

Ms Ward — A worker?

Ms THOMAS — Yes, I have been a worker, and I have also had the great pleasure of being an advocate for teachers and school assistants in the independent sector. I want to talk a little bit about both of those roles. Both the Australian Education Union (AEU) and the Independent Education Union Victoria are, without a doubt, very effective representative bodies for their members. They are both highly professional organisations. They take the industrial interests of their members very seriously and they take the professional interests of their members very seriously.

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

Quorum formed.

Ms THOMAS — As I was saying before the member for Hastings awoke from his slumber over there, I have had experience with both the AEU and the Independent Education Union Victoria and they are both very fine professional bodies that represent very well the interests of teachers, school assistants and indeed early childhood educators. I am delighted —

Mr Burgess — On a point of order, Acting Speaker, I ask that the member withdraw that remark.

Ms THOMAS — Withdrawn.

I will resume again. Reflecting on my time as both a member of the AEU and an employee of the Independent Education Union Victoria, I make the point that both of these organisations, as I said, have worked hard and continue to work hard to represent both the industrial and the professional interests of the

teaching profession. With their representatives in the Victorian Institute of Teaching, they will make a great contribution to the VIT, which of course was itself a reform introduced by the former Bracks Labor government.

I have heard from others about the various visits they have made to their schools, how their principals have rung them, how they talked to them and so on. I have 43 schools in my electorate, and it has been my pleasure to visit almost every single one of them — not quite there yet, but I have certainly spoken to every single one of them. I tell you that when I head around to my schools and talk to principals and teachers I get a fantastic reception. When I have the great pleasure of taking the Minister for Education with me, as I have had the opportunity to do on many occasions, we are very warmly greeted because people in our community — the teachers, the parents, the school principals — know that there is only one side of politics that you can trust when it comes to delivering on education in this state, and that side is the Labor Party.

What we saw under the previous four years of chaos from the other side was a performance by someone who will go down in history as the worst education minister we have seen. We saw nothing — well, cuts or nothing — happen. As I have said on many occasions, one of the things that I talked about in the lead-up to the election was the Auditor-General's report into outcomes for students in regional schools in Victoria, and the Auditor-General was extremely concerned that under the previous government what we saw was a widening gap in the outcomes for children in country schools when compared to city schools. What the Auditor-General pointed to at that time was his grave concern that the then minister had no idea and no inclination to do anything about this widening achievement gap. So this is a really important bill.

I spent, as I said, five years working as an organiser for the Independent Education Union, and I had a fantastic time working there. It is a great organisation. It was during the Kennett years, so I can assure members that we were kept extremely busy. We were extremely busy because members will recall that under that Liberal jurisdiction the state awards were abolished and we had to work pretty quickly to protect the conditions of our members by registering agreements in the federal jurisdiction, so it was a really busy time. We also managed during the time that I worked there to do a series of fantastic campaigns including stop-works and rallies to achieve wage parity for teachers in Catholic schools compared with their compatriots in the government school sector. This was a fantastic achievement for teachers in Catholic schools.

I believe teachers are very well represented in this state by two very fine unions. We as a government will no doubt have times when we are not going to agree on everything with the unions, but we certainly respect their right to organise and represent their members. I commend the bill to the house.

Mr PAYNTER (Bass) — Thank you, Acting Speaker Pearson, for the opportunity to speak. Unfortunately someone was in my position at the time, which made it difficult. He is welcome on our side at any time. I think it is probably more appropriate that he does sit over here, and he is very welcome.

Thank you for the opportunity to speak on the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015, Acting Speaker. I state from the outset that the coalition is not opposing this bill because the main purpose of the bill is to amend the Education and Training Reform Act 2006 to allow the Victorian Institute of Teaching (VIT) to, firstly, suspend the registration of a registered teacher if there is an unacceptable risk of harm to children and, secondly, change the membership requirements of the council of the VIT.

The bill seeks to expand the institute's existing powers to suspend the registration of a registered teacher or an early childhood teacher on an interim basis and pending the outcome of an inquiry if the institute forms a reasonable belief — and this is important — that the teacher poses an unacceptable risk of harm to children and the suspension is necessary to protect children. Surely there is no more important function of the VIT than to protect our children and ensure that they are not only getting the best quality education possible but doing so in a safe and supportive environment.

As a father and a current school council president, I applaud the changes to and the increase in powers of the VIT to suspend a teacher where it has reasonable evidence to suggest that a teacher poses an unacceptable risk to our children. In fact I would be appalled as a school council president if I knew of such a case in our school but was powerless to do something about it.

As parents, we place enormous trust in our education system, including our teachers. In some cases a teacher can be the main or even the most pivotal influence on a child's life. Many can spend more time with a child than the parents, sadly. Any measure therefore that increases the VIT's power to deal with a teacher breaching this trust should be supported.

Importantly, as the suspension can be imposed on a summary basis, I am pleased to see that the bill provides a person whose registration has been suspended with some protections, including the ability of the person to make submissions about the continuation of the suspension at any time after being suspended, the requirement that the institute immediately commence an investigation into the substantive allegations, the requirement that the institute immediately revoke the suspension if it no longer holds the reasonable belief that the teacher poses an unacceptable risk, and finally the requirement that the institute review the suspension every 30 days. All of these additions I support, and I think they are reasonable and fair points for both the teacher and also the school and the school community.

Of course it goes without saying that as members of Parliament it is our duty and responsibility to provide the best quality education system possible, and I am proud to say that the electorate of Bass is leading the way with our schools, including those in Pakenham, Koo Wee Rup and Wonthaggi. I wish those schools all the very best for the 2016 school year. I am pleased to say that the coalition is not opposing the bill, and I would be proud to see it go through.

Ms HALFPENNY (Thomastown) — I also have great pleasure in standing here today to speak on the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015, and of course I am in total support of this amendment.

I was a member of the inquiry that produced *Betrayal of Trust*, which was a report on the handling of child abuse by religious and non-government organisations. As a Labor Party member of Parliament and a member of the government today, I am very proud to stand here to speak on this bill because I believe that these amendments continue to form part of the government response to that report and the Andrews Labor government's absolute and total commitment to ensuring that our children are given the greatest protection in this state.

The inquiry was set up by the Baillieu coalition government. It was run by government members, and the report and the recommendations that came out of that report were of course under the Baillieu government. But it is the Andrews Labor government that is doing the real work, the difficult work, the compassionate work, in making sure that children in this state are protected and that the recommendations that came out of the report are delivered in full, to make sure this state is safer for our children.

I want to go through some of the recommendations of the report and just go a little through how this amendment fits into them. For example, the previous coalition government dealt with reform of the criminal law. These are the changes and reforms that happen after the fact — after the crime and terrible things have been committed. These are the easier parts, I believe, to introduce into legislation and to implement. It has been the much harder, more difficult areas that the Labor government that we have now has dealt with. We are really doing the work to make sure that children are better off into the future and to hopefully avoid the terrible crimes and terrible injustices of the past.

If you look at things such as improving access to avenues of civil justice, it has been the Labor government that has acted on those things, such as removing the statute of limitations. In terms of alternative forms of justice, it has been the Labor government that has put out a consultation paper to ask those people that have been affected by these terrible crimes what is the redress and the way forward to ensure that they get justice for the terrible crimes that have been committed against them and their families.

Similarly, in terms of improving organisations' response to allegations of child abuse and improving the prevention of criminal child abuse, again it is the Labor government that we have now that is the one that is looking at reform around education legislation, child protection legislation and the funding models whereby non-government organisations get money from the government, but making sure that they are more accountable than they have been in the past. These are the great reforms that the Labor government of today has made. This legislation making changes to the Victorian Institute of Teaching (VIT) forms part of the ongoing commitment to protecting Victoria's children, one that continues and of course will never cease.

The Victorian Institute of Teaching, as we know, is the body that registers teachers, and of course you cannot practise as a teacher unless you are registered with the VIT. We in the inquiry that produced the *Betrayal of Trust* report heard a lot from the Victorian Institute of Teaching and the way that it operated. This of course is a good step in terms of looking at the operation of the VIT and making sure that with anything that comes to our attention, such as what happened in terms of the Berwick school, we respond and change the law to make sure those problems and those threats are eliminated.

In terms of protecting children, as previous speakers have all said, this bill is about maximising protection of children to ensure that for a teacher who may not yet

have been charged but is under investigation for crimes against children there is an ability to suspend their registration to ensure that they, one, are unable to continue to be a threat to children in a school that they are working at; and two, of course — which was a big thing that we found — making sure that other organisations, other bodies and other schools are also aware of what is going on and the status of a particular person or whether they have a history of abuse or other things. This was really an area where there was a great falling down in the information that was being provided in various jurisdictions and across areas, whether they were in Victoria itself, within the country or in fact on an international level. This is of course a great step in the direction of making sure that, one, there is the ability to suspend teachers that are under investigation; and two, ensuring that as part of that suspension that information then flows out to all other schools or other parts of society to ensure that everyone knows what is going on.

The other part of this bill, as has been said previously, is a commitment from Labor when in opposition that it would overturn the terrible changes that the former coalition government made to make organisations and institutions less democratic by taking away worker representation from various boards and organisations. On the Victorian Institute of Teaching, of course, it was the coalition's view to get rid of representation from organisations such as the Australian Education Union and the Independent Teachers Union, which makes you wonder in terms of any principles of democracy or who should represent whom.

When you look at the number of teachers in Victoria, you see that something like 50 000 teachers in Victoria are members of the Australian Education Union and, as I understand it, around 20 000 teachers are members of the Victorian Independent Education Union. I think on that basis they ought to have a very big say and strong representation when it comes to things such as their own professional organisation. This is about registering the work and recognising the skills they have and ensuring that the best possible standards are maintained as well as, of course, ensuring that any practical implementation of issues is done in a proper way that makes sense and does not make it more difficult for the practitioners but makes it better for them and provides better outcomes for the profession as well as for students and for educational standards in Victoria.

In covering those two areas it seems incredible that the opposition wants to oppose the proper representation of occupations such as teachers and early childhood workers and that they should be opposing this bill and somehow thinking that this is a bad thing rather than a

better thing, because obviously it is going to improve standards. It is good for professionalism, and it is good for education and the children in our state.

Mr CRISP (Mildura) — I rise to make a contribution on the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015. The Nationals in coalition are not opposing this bill. The purpose of the bill is to amend the Education and Training Reform Act 2006 to allow the Victorian Institute of Teaching to suspend the registration of a registered teacher if there is an unacceptable risk of harm to children and to change the membership requirements for the Victorian Institute of Teaching (VIT) council.

There are two parts to the bill, and I will deal with the suspension of a teacher's registration first. Currently under the Education and Training Reform Act the VIT only has the power to suspend the registration of a Victorian teacher if they have been charged with a sexual offence. Therefore teachers who are under investigation for potentially committing a sexual offence can retain their registration until Victoria Police charges them with the offence. Further, teachers who are charged with other criminal offences cannot be suspended.

The bill expands the institute's existing powers to suspend the registration of a registered teacher or an early childhood teacher on an interim basis and pending the outcome of an inquiry if the institute has a reasonable belief that the teacher poses an unacceptable risk of harming children and the suspension is necessary to protect children. We are dealing with very, very important issues here. As the suspension will be imposed on a summary basis, the bill will provide a person whose registration has been suspended with some protections, including: the ability of a person to make a submission about the continuation of the suspension at any time after being suspended; the requirement that the institute immediately commence an investigation into the substantive allegation and that the investigation be conducted as quickly as practicable; the requirement that the institute immediately revoke the suspension if it no longer holds the reasonable belief that a teacher poses an unacceptable risk of harm to children and suspension is necessary to protect children; and of course it must review it every 30 days. We just do not want these things dragging on, because this is fairly substantial.

Membership of the council of the Victorian Institute of Teaching is quite a bit more controversial. The council manages the affairs of the institute. Currently the council has 12 members, 11 of whom are appointed by

the Governor in Council based on recommendations from the Minister for Education. The Secretary of the Department of Education and Training or a nominee of the secretary is the 12th member. When recommending people for appointment the minister is required to consider certain classes of people, which are laid out in the principal act, including registered teachers in government, independent and Catholic schools, registered early childhood teachers, parents of children in schools or early childhood services, employers of teachers and early childhood teachers, and providers of education to registered teachers. That is currently the way the board is put together.

The bill increases the size of the board from 12 to 14 members. The increase is intended to include an employee and an employer representative. Further, the bill requires the minister to recommend five registered teachers, of whom one must be an early childhood teacher nominated by the Australian Education Union (AEU) and two must be registered teachers nominated by the Independent Education Union (IEU). This is where we come to the crux of the amendments proposed by the shadow minister, which are amendments I support. This legislation delegates the responsibility for merit assessment to a party other than the normal minister's powers of making appointments with the Governor in Council. It is not normal for the Governor in Council to delegate that responsibility. That is why the amendments seek to change that to allow the minister to remain the responsible person.

That also leads to some of the other issues around studies that were done about the VIT in 2008 by what is known as the King review. It made quite a number of recommendations, including that consideration be given to modifying the governance structures of the council and considering options such as establishing a board of no more than 12 members. The bill undoes some of the recommendations of the King review, which also stated that consideration be given to the appointment of individuals to the council being based on the skills and experience required to direct the strategic direction of the VIT and recommended that there be explicit organisational positional requirements for membership of the council. That was recommendation 32. The Brumby government accepted those, and over time the VIT has worked effectively within the structure.

There have been some concerns, and the Australian Principals Federation has been in touch with me and, I am sure, with others. It has raised concerns about the reintroduction of AEU and IEU representatives on the board. Many principals have requested that the Australian Principals Federation be included as a representative body on the board. I think this is a

reasonable request from the principals federation — that is, that if it is one in, it should be all in. However, I note that that is not in the bill.

Certainly no concerns have been expressed to me regarding the changes to the suspension of teacher registrations. The lack of a principal's voice and experience on the council is something that I think the minister should heed, because if you are going to have a balanced approach, you do need to have all at the table — particularly, as I said, with the experience of the teachers.

This is a bill in two parts. On one part I think there is no discussion; it is widely supported and accepted. The other is to meddle with something that the King review was very clear about in its 38 recommendations about what should be done, and those changes leave us with some concerns. With that, I will conclude my contribution on the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill.

Mr EDBROOKE (Frankston) — I am humbled to rise to speak on the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015. I am very proud to stand here as part of a government that has introduced the education state and that has the largest budget for education that Victoria has ever seen. It is a bit frustrating to have people on the other side of the house spruiking their achievements in education. I was a teacher and I come from a family of teachers, and I think it is no accident that most teachers in schools are Labor voters. There is a reason behind that, but I will leave that for another day. I am also on the school council at McClelland secondary college. They are a great bunch of people. I think they are right behind this amendment.

Of course the introduction of the Victorian Institute of Teaching (VIT) was a Bracks government reform, and it was designed to bring professionalism to the teaching sector. At the time I think there was a bit of consternation from teachers who thought that it was just another bill to pay, but since then we have seen bills like this coming into the house. I think it is very clear that they have got a job to do and they are actually doing it.

This bill amends part 2.6 of the Education and Training Reform Act 2006 and establishes a legislative framework for Victoria's teacher and early childhood teacher regulator, which is the VIT. There has been a lot of consultation with the sector — with the teacher and early childhood teacher unions, principals organisations, non-government schools, early childhood

services organisations and also parents. I think every parent would be behind the changes in this amendment.

I will just flick to an article in the *Age* of 20 March last year, which was written by Henrietta Cook. It talks about a Melbourne school which was the centre of an upskirting scandal. Members in the house might be very familiar with this, but there was a teacher who was brought up on 70 counts of child sexual-related offences in January. He was 61 years old and was apparently, or allegedly, filmed upskirting. If there is anything we can do to prevent this kind of behaviour in schools, we need to do it. That being said, I think the majority of people that work in schools — 99.99 per cent — do the right thing. I would like to acknowledge the hard work they do. People think teachers have two weeks holiday when the kids are off, but I can tell you from personal experience that it is not quite like that. At university you are taught that there are ways to appropriately handle children — not to pick up preps even though they are cute and they do silly things and also not to close doors behind you when you are with students so there can be no accusations made against you. I think teachers fairly well look after themselves, and so do principals, but we really have to have some kind of increased security. Parents need to have faith in the people who are taking care of their kids.

This bill really builds on something that happened in early 2000, which was to close the gap on teachers only having statewide police checks. There was an example down in the Latrobe Valley where I grew up, where a teacher was actually up on charges in New South Wales for inappropriate behaviour with children. He was babysitting there but teaching in a Victorian school. What happened there was that the government decided to make the CrimTrac register a nationwide register, and essentially we are just building on that here.

The primary purpose of this bill is to empower the institute to actually suspend the registration of a teacher or an early childhood teacher on an interim basis and pending an investigation where the VIT holds a reasonable belief that the teacher poses an unacceptable risk of harming children and a suspension is necessary to protect children. I think everyone in the house can agree that we need to step very, very carefully here, and if there is any doubt that there is a risk to children, we actually need to protect them. Teachers do not mind the fact that they are suspended until they are proven innocent.

The new suspension power seeks to close a gap in the institute's existing powers aimed at ensuring Victorian schools and early childhood services are safe and protective environments, which we all expect them to

be. Currently the institute may only suspend the registration of a teacher or early childhood teacher if they have been charged with a sexual offence or after the institute has conducted an investigation and hearing into the teacher's conduct or fitness to teach. This is just common sense — this is a common-sense change. We need to change that, and this amendment does that. We need to take these people out of the classroom if there is any doubt as to their behaviour with children. Whether it be early childhood, primary school or secondary school, it needs to be done. Another part of this bill creates a register of disciplinary action, which teachers can be listed on, and taken off, at the VIT's discretion.

I would like to finish by talking about the last part of this amending bill, which is a change to how the board is selected for the VIT. There are about 120 000 teachers in Victoria, and about 70 000 of them are union members, so it is only fair that those teachers be represented on a board that makes changes to their profession. We trust these teachers with our kids and we trust them to make changes. If we use them correctly on boards, they can make the system better. They can make it more efficient, and they can redress obvious issues. They know what is right. They work in the industry. They are very valuable. With the amount of consultation that has gone into this bill — it has received broad support from the sector and the institute supports the proposed new suspension power — I have got confidence that this will work well in the sector, and I commend the bill to the house.

Mr WATT (Burwood) — I rise to speak on the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015. Noting the member for Frankston's contribution, he stated that the primary purpose of the bill is actually to deal with teachers who are accused or teachers that pose an unacceptable risk to children in the opinion of the Victorian Institute of Teaching (VIT). I do not think there is much dispute about that. I do not think that anybody in this chamber would argue for a person who is an unacceptable risk to children. I do not think that anybody in here would dispute that that should be dealt with, and I look at this and I say, 'Yep, not a problem. Let's deal with that'. What my issue is, and it is a classic tool of government, is that you take an indisputable fact and take an indisputable concept and then you bundle it up in a bill with another more contentious concept, one that the opposition may not necessarily agree with, in the hope that you can wedge the opposition to support the whole thing, otherwise you will just bash them over the head.

While I do not disagree with the ability to suspend teachers if they do pose an unacceptable risk, and knowing that currently they have to be charged with an

offence, certainly we do not want to wait until they are necessarily charged. If there is clear evidence that they pose an unacceptable risk, they should be able to be suspended, so we agree with that. But where we probably do diverge a little bit — which is why we have an amendment to the bill that effectively removes all of part 3 around the membership of the council of the Victorian Institute of Teaching — is where I would like to spend a little bit of my time.

The background to this is that the VIT's board, size and membership was examined by FJ and JM King and Associates as part of the broader review of the Victorian Institute of Teaching by the Minister for Education in 2008. The then Brumby Labor government actually had this review. The King review provided 38 recommendations to the Minister for Education, which included that consideration be given to modifying the governance structures of the council; that there be consideration of options such as establishing no more than 12 board members, which was recommendation 32(i); that consideration be given to the appointment of individuals to the council being based on skills and experience required to direct the strategic direction of the VIT; and that there be no explicit organisational or positional representation requirement for council membership, which was recommendation 32(iii).

The government at the time, the Brumby government, accepted recommendation 32(i) and reduced the board membership from 20 to 12 by legislative amendment in 2010. The government at the time rejected recommendation 32(iii). Accordingly, when we were in government, we actually took up that recommendation in the Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Act 2014. The reason I point that out is that I would have thought that what you should be putting on any board is the right mix of skills to allow the board to do its job. The King recommendations clearly saw that as a direction that we should be taking — the right mix of skills — and that mix of skills may or may not include teachers, but to actually legislate that you have to have a union representative on the board does not fit well with having the right mix of skills to be able to do the job, and that is why the member for Ferntree Gully has proposed amendments, and I will be supporting the amendments.

Other than this particular part, part 3, I certainly endorse the bill. I am a little disappointed that the government has tried to bundle it up to try to wedge the opposition. As I said, I certainly do not believe in allowing people to pose a risk to children. I have kids of

my own at school. Most of us have kids and all of us as members of Parliament want to protect them, but we also want to make sure that we have the best governance structures around the Victorian Institute of Teaching, and that is why we are taking the position that we are.

Mr PEARSON (Essendon) — I want to make just a very few brief comments in relation to the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015. This is an important piece of legislation. It is about improving quality in our education sector. Education in reality is one of the three great economic drivers for this state. It is a quality game. It is about education, it is about health and it is about food and fibre. It is also about making sure that our children have the very best start in their early years in an educational facility, and so this bill is important because it is about making sure that early childhood educators are brought into that frame.

It is particularly important because we need to make sure that if a child is in a dysfunctional home environment, they have a quality early years environment. I think I can safely say that this will be the one and only time that I will ever quote the Bible in this chamber but Matthew 25:29 states:

For to all those who have, more will be given, and they will have an abundance; but from those who have nothing, even what they have will be taken away.

This is the Matthew effect. It is about what happens where a child has got very good foundation skills compared to those who are bereft of those skills, for whatever reason. The reality is, all the evidence shows, that if you can put a child, even from a dysfunctional home environment, into a safe, quality, early learning environment, it maximises their chances of having a high quality of life. Again, this bill is about quality and it is about ensuring the quality of the education profession. It is about making sure that we have a very strong sector for our economy. I commend the bill to the house.

Ms WARD (Eltham) — I rise also happily, as have my colleagues, to speak on the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015. It is worth noting when we discuss this bill that it contains the following rights under the Charter of Human Rights and Responsibilities Act 2006, which is that:

... every child has the right ... to such protection as is in his or her best interests and is needed ... by reasons of being a child ...

I think this is particularly important to note when we look at our responsibilities as a government and the need to protect and look after children. We do need to do it in our schools, and in fact we need to do it across our state. This is why it was such a great thing that our Premier wrote his letter to the Prime Minister supporting keeping refugee children in Australia and not sending them to Nauru. I hope the coalition MPs who spoke in support of this bill and the need to protect children also support keeping children in Australia rather than sending them to Nauru, where we know there is no guarantee that they will be kept safe. Again, I draw to the attention of the house section 17(2) of the Charter of Human Rights and Responsibilities regarding children having the right to be protected.

I also want to note the importance of unions and teacher and principal representation on the board. I find it amazing that yet again we have got the opposition going down the track of the terrible nature of unionists and the people who support unions. Having lived with a teacher for a very long time, I can tell you he is not evil but he is a member of a union, and he does take his role as a teacher incredibly seriously. This is also supported by many in my schools, including the principal of Eltham High School — a fantastic high school with its principal, Vincent Sicari — who supports this bill and sees the strategy as one which allows him to feel better represented on the board of the Victorian Institute of Teaching than the previous method of selection. I think it is incredibly important to listen to our educators and what they identify as their needs.

While I am talking about Eltham high, I want to congratulate it on its ongoing presence at the Pride March, which it was at the other week, again, and which it has been attending for over a decade. This is a great inclusive school which embraces diversity. A few people in this place could learn from the generous spirit of many of these Eltham high kids who take people as they are, do not judge them and do not discriminate either. It is important to have diversity on our boards, as it is important to have diversity in our schools, in our Parliament and in our community. I commend this bill to the house.

Mr STAIKOS (Bentleigh) — It is a pleasure to speak on the Education and Training Reform Amendment (Victorian Institute of Teaching) Bill 2015. The bill is all about teacher representation on the Victorian Institute of Teaching (VIT) council, and it is about the safety of children. It is a bill that will amend the Education and Training Reform Act 2006 to empower the Victorian Institute of Teaching to immediately and temporarily suspend the registration of a teacher or early childhood teacher where the teacher

poses an unacceptable risk of harm to children and the suspension is necessary to protect children. The bill also alters the number of members and the composition of the VIT council and the method by which members are appointed to the institute.

This government values our teachers. Some of the most dedicated, selfless people you will find are in our schools, both teachers and principals. It was and continues to be our teachers who are fighting for Gonski and fighting for needs-based funding for our schools. That is not about them. That is not about their working conditions. That is not about their wages. That is about the welfare and education of their students. It is our teachers that are constantly campaigning in our local communities and to us as local members for capital improvements for their schools. A number of my schools have celebrated their centenaries. The school buildings are old and are in need of attention. Rarely does a day go by that a local teacher does not talk to me about some capital improvements that their school needs. Again, it is not about the teacher but about the welfare of their students.

I have to say that in times of family tragedy it is the school community that rallies around the family. I have seen that time and time again or whenever I visit Bayside Special Developmental School, where I see the dedicated teachers who provide education and care to children with very significant special needs. Our teachers are very dedicated people, and they should be supported as such.

I think the first thing that is on the minds of our teachers is the safety of children. The safety of children is paramount. This bill in part responds to a frankly disgusting incident that took place in 2013 where the teacher involved was suspended but his registration was not, which could have allowed him to have been employed in the non-government sector until he was charged. It is a loophole that we are closing in a move that is in line with the views of both the commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse and of course the *Betrayal of Trust* report that we are all very familiar with.

The other part of this bill, of course, is restoring teacher representation to the Victorian Institute of Teaching council. The bill increases the number of council members from 12 to 14 and allows the Australian Education Union and the Independent Education Union to nominate 7 representatives between them. This is consistent with other states and territories and has broad support in my electorate. We need to stress that these amendments do not prevent principal representation on

the council; indeed many principals are members of the Australian Education Union.

I consulted with my school principals, and this bill has broad support in the Bentleigh electorate. Pitsa Binnion is the principal of McKinnon Secondary College. She said:

I wholeheartedly support this bill. We have to make sure that the VIT have the power to ensure that every person in every classroom throughout Victoria is safe; that each teacher is professionally registered and appropriately qualified. It is essential where a serious allegation is made against a teacher that the VIT have the authority to suspend the teacher, thoroughly investigate the allegations and take appropriate action. I also support the AEU and the IEU in nominating people for appointment to the VIT.

Michael Juliff is principal coordinator at Holy Trinity Parish, a large Catholic parish in my electorate which includes St Peter's Primary School, where I went to school, as well as St Paul's Primary School in Bentleigh and St Catherine's School in Moorabbin. Michael said:

The amendment is in line with the absolute commitment of Catholic principals and teachers to provide a safe and secure environment for students at all times.

Every person involved in education should understand the important individual and collective role they play ... in the area of student wellbeing.

Empowering the VIT to act towards this goal and also better align with educators on the ground has my personal support.

So this bill and these amendments do have widespread support. The bill is about the safety of children, which is paramount and which is very important to teachers themselves. It is also about teacher representation. I commend the bill to the house and wish it a speedy passage.

Debate adjourned on motion of Ms RICHARDSON (Minister for Women).

Debate adjourned until later this day.

BUILDING LEGISLATION AMENDMENT (CONSUMER PROTECTION) BILL 2015

Second reading

Debate resumed from 10 December 2015; motion of Mr WYNNE (Minister for Planning).

Mr CLARK (Box Hill) — The Building Legislation Amendment (Consumer Protection) Bill 2015 is a bill that sets out to introduce a range of measures that seek to improve the operation of the Victorian building industry and better protect consumers. This is a very

important issue and a very complex area. It is important because for most Victorians their home is the biggest investment of their lifetime, and when they invest in a new home and something goes wrong, that can be extraordinarily distressing.

We are also very fortunate that in Victoria we have a vibrant building industry which is a substantial contributor to the Victorian economy. It is important that that industry be effectively regulated and regulated in a way that both protects consumers and encourages and promotes its efficient operation. The reform of the domestic building sector was something that the previous coalition government gave a lot of attention to, bringing together the Minister for Planning, the Minister for Consumer Affairs and the Minister for Finance. We introduced major reform legislation in 2014, and as I said then in the second-reading speech that was incorporated into *Hansard* on my behalf by the then Minister for Innovation, Services and Small Business, the member for Brighton:

The majority of domestic building projects in Victoria are completed to a high standard and to the satisfaction of consumers. However, if things go wrong, the regulatory system needs to respond quickly and in a fair and balanced way for both consumers and building practitioners. For these reasons, we have committed to support both consumers and builders through improvements to the consumer protection framework and the regulatory system.

It is pleasing that the Labor government has picked up on some of those sentiments, and indeed the minister echoed in December last year much of what I said in 2014 in that regard, and I quote:

Most domestic building projects in Victoria are completed to a high standard and to the satisfaction of consumers. Our building industry would not be as robust as it is, if this were not the case. However, things do go wrong, and when they do, the system fails consumers. This cannot continue without putting at risk one of the main strengths of Victoria's strong economic performance, our construction industry.

So there is a high degree of congruence across the chamber in terms of the objectives of improving the domestic building industry and protecting consumers. The key issues for this house to consider are: what are the measures that are in the bill before us? How effective are they? How do they compare and contrast with the measures that were put forward under the previous government? What is not in this bill, what areas still remain to be tackled and what does the government intend to do about them?

The minister in his second-reading speech identifies a number of objectives that he refers to as practitioner registration and discipline, governing the engagement of building surveyors, dispute resolution and consumer

education. The minister in his speech starts off by referring to measures to improve the resolution of domestic building work disputes, measures which are in many respects, but not all respects, in similar terms to those that were put forward by the previous government in 2014. They are similar in that there are provisions for conciliation and then for mandatory dispute resolution.

They are different on my reading — and I stand to be corrected if necessary — in that the conciliation process is to be made mandatory in the sense that the certificate is needed prior to a party being able to take proceedings at the Victorian Civil and Administrative Tribunal.

They are also different in that the operator of the conciliation service is to be a body known as Domestic Building Dispute Resolution Victoria, which the minister refers to as being administratively linked to Consumer Affairs Victoria, although it will reach its decisions independently from the director of consumer affairs. In contrast, the model proposed under the previous government was that this function be carried out by the Victorian Building Authority (VBA) but with many of the current service providers within Consumer Affairs Victoria transferred over to the VBA.

The essential thing with whoever handles the dispute resolution process is that that body can command the respect and confidence of both builders and consumers. That will be the test of whether or not Domestic Building Dispute Resolution Victoria is successful. I am sure it is an issue the minister is aware of, and there are different ways of achieving that objective. But it will be important to ensure that the personnel, how the system is managed and how it engages with consumers and builders can command that confidence. There are two key parts of this process are, first of all, as far as possible to bring about the resolution of disputes through conciliation.

That conciliation needs to be timely, it needs to be effective and it needs to be conducted by someone who is sufficiently familiar with the industry that they can understand what the issues are in dispute and propose what are hopefully sensible conciliated resolutions to builders and consumers. Then if that does not work and if we proceed to a mandatory assessment through a dispute resolution order, which under the model in the bill is to be issued by a chief dispute resolution officer, that order needs to be well grounded and well constructed and builders and consumers must respect the competence and the effective running of the system when someone does come out on site, works out what the problem is and issues a dispute resolution order accordingly. If that system can work well, it has the potential to be an enormous boon both for consumers and for builders.

One of the aspects of the now very old Housing Guarantee Fund regime — even though it had many problems — that seemed to have universal respect was the on-site inspector, who would make a low-cost, authoritative determination of a dispute between a builder and a consumer. If the consumer said that the wrong sort of tiles were being put on the wall or that the structure was not being done in accordance with the building regulation, somebody who knew what they were talking about but was independent would come along and sort that out and make an order appropriately, be it an order to the builder to rectify the problem or an order to say to the consumer, ‘Well no, your objection is not well founded; the builder is entitled to be paid a certain amount and you are directed to pay it’. If that system can be effectively put in place, which was the objective of the previous government and I think is the objective of the current government, then that will be a great benefit for consumers. The test of that will be in the implementation of what is in the legislation that is before us.

The bill goes on to provide for the regulation of building work and building practitioners and, as in the 2014 legislation, the bill abolishes the Building Practitioners Board and transfers the board’s registration and disciplinary functions to the Victorian Building Authority. That is part of seeking to ensure that the authority has a greater integrated responsibility for different aspects of the regulatory regime for regulation, for registration, for discipline and hopefully to be well informed about when there is a record of disputes and problems that have been identified within the conciliation and dispute resolution order system.

The bill also proposes greater powers for the authority to direct builders to fix non-compliant or defective building work. This would be alongside the power of Domestic Building Dispute Resolution Victoria to make orders. There is perhaps opportunity to explore in more detail exactly how the two sets of powers will sit alongside each other, when they will respectively be triggered and how they will integrate with one another.

The bill makes provision for changes to the registration of building practitioners, seeks to provide for improved registration standards, including the introduction of time-limited registration, allows the authority to attach conditions to registration, including providing for registrations to restrict what work an authority considers a practitioner is competent to perform, and provides for scopes of work for registration categories and classes to be prescribed. The bill also replaces the current good character test with what is referred to as a ‘fit and proper person’ test.

As was identified in the 2014 legislation, the current good character test is limited in its scope and is not functioning adequately. The 2014 bill proposed to strengthen this situation in a somewhat different way, through introducing personal and financial probity tests, but it would seem that the objective of the 2014 bill and the 2015 bill is similar, which is to identify that it is not just a question of the honesty and good character of a builder that is important; it is a question of whether or not a builder is actually capable of delivering what he or she commits to do. That depends on their technical competence, which has been a large part of the regulatory regime over many years, but it also depends on their ability to manage a business, to organise a workforce, to organise the delivery of material and the timely completion of work.

I am sure many members have heard horror stories of builders whose word as to timeliness can never be relied upon. Works just stop for weeks on end while the builder and his crew are attending to some higher priority project, and the consumer just cannot get a straight answer. It is important therefore that a builder have the capability of organising himself or herself to manage these issues. While one suspects that sometimes unfortunately a minority of builders are quite happy to say whatever they think they can get away with without any belief in its truth, there are other builders who honestly take on more than they are capable of managing and, with all the good will in the world, are incapable of delivering what they commit to deliver to consumers. So broadening the registration requirements and ensuring where necessary that practitioners who need to can be limited in the scope of the works that they are allowed to undertake are all measures that can potentially ensure better regulation of the industry.

As in the 2014 legislation, this bill has provisions for codes of conduct and for limited periods of registration. There are also, as with the 2014 bill, provisions to improve the operation of disciplinary processes and sanctions. Both the 2014 legislation and this legislation provide for a show-cause regime in which, where there is a prima facie case that a disciplinary sanction should be imposed, a show-cause notice can be served on the practitioner who then needs to respond and demonstrate why the prima facie case established by the authority should not be confirmed. This should improve the operation of the disciplinary regime, as it is the broadening of grounds for disciplinary action. There is not a complete correlation, as far as I can see, between the 2014 grounds and the grounds in the current bill, but they certainly appear to be similar.

Another key issue that is being addressed in this bill, and again picking up on a lot of what was done for the 2014 legislation, is the improvement of the provisions relating to building surveyors. As the second-reading speech identifies, it is a common misconception or practice that the building surveyor is engaged by the builder, and the potential for conflict of interest there is obvious. The 2014 bill sought to make it clear that it was the owner who was responsible for engaging the building surveyor, and the current bill also makes provisions in that regard. As with the 2014 bill, this bill goes on to provide situations where there can be a statutory manager who can step in where the building surveyor folds or has some difficulty in continuing to carry out his or her functions. That also is important to ensure continuity.

There are also provisions for checklists and greater guidance and greater requirements on building surveyors in relation to the information that they are required to lodge and the diligence and meticulousness with which they are required to check various important details in relation to the paperwork and the carrying out of works. There are also provisions relating to the powers under section 37 for the building surveyor to direct a person in charge of building work, such as the building practitioner, to carry out the work in conformity with the act. This is designed to strengthen the existing provisions where the surveyor can already issue instructions to building owners. It is clearly more effective if instructions can be given directly to the building practitioner concerned.

There are a range of other measures that are set out in the bill, some of which are additional to those in the 2014 bill. There is a provision relating to prohibiting an owner of land from permitting any building work to be carried out on their land which requires a building permit, unless a building permit has been issued and is in force, and that the building work is carried out in accordance with the Building Act, the building regulations and the building permit. However, importantly, there is a provision that the owner of land will not commit an offence if the owner engages a building practitioner or architect to carry out the building work on their land. Similar obligations are then imposed on others. Building practitioners or architects engaged to carry out building work are required to ensure that the necessary building permit has been issued and is in force and that building work is carried out in accordance with the Building Act.

The bill also contains provisions relating to the regulation of owner-builders, which is another important and vexed area. It has been accepted in Victoria for a long time that someone who is genuinely

an owner who wants to build their own home should be entitled to do so, but it is also important that this not be available to be used as a backdoor way of avoiding compliance with the requirements that are imposed on professional building practitioners. In other words, someone who is really carrying on a business of being a builder should not be able to avoid regulatory requirements by claiming that they are an owner-builder. It will be important to examine exactly how the new provisions proposed in this bill will operate, and whether they are well targeted to achieve the right balance between stopping abuse of the owner-builder provisions while still allowing bona fide owner-builders to build their own home.

However, as I said at the outset, what is important about this bill is not just what is in it, but what is not in it. To be fair, the government quite openly admits that this is the first stage of what it is doing, and it flags a range of other measures that are still to come. Let me make the point that those measures are very important measures and we will look forward with great keenness to see when they do eventuate, particularly given that a number of the provisions that were in the 2014 bill — on which a lot of work had been devoted under the previous government — are missing from the current bill and there has not been much explanation from the government as to why those fully drafted and developed provisions in the 2014 bill have been omitted. Whether there are policy objections to them or other matters, I hope during the course of debates either in this house or in the other place that some further light will be shed on that.

Let us look at what is still to come. The government says measures under consideration include expanding the registration requirements to corporations and making information on building practitioners registration and disciplinary history more accessible to consumers. A fair bit of that was in the 2014 bill; it is not quite clear why it is not in this bill. The speech also refers to issues about the building permit levy system and the role of local government. Again, that is an issue on which there were provisions in the 2014 bill that are missing from this bill, and my understanding is there is something like \$18 million a year of building levy disbursement involved. We need to get a better understanding — and the community is entitled to a better understanding — of what the government's thinking is in that regard, how those flows are being handled at the moment and what the government intends in terms of any changes.

The minister also refers to the building permit system needing more flexibility to stop any unnecessary delays in building work. In a sense that is a statement that is

self-evidently worthy of aspiration; the question is, what exactly is going to be done about it. The second-reading speech simply says that measures to respond to this issue will also be brought forward, and I would be very keen to hear what those measures are going to be.

Last, but certainly not least, the elephant in the room, as it were, is that of insurance. As best I can see, it is not mentioned in the speech, but I understand that is something the government is still considering. It is a very important issue, because I doubt if there would be many members in this house that would stand up and defend the current regime. It was a regime that was put in place in effect during the course of the last decade, with various changes being made in response to the public liability insurance crisis. It is a regime that I have characterised in the past as being a lose-lose-lose regime. It is certainly a lose for consumers who rightly believe that they are not getting the coverage that they expect and that they are being left in the lurch. There are a range of improvements of the coverage that were made under the previous government, but there is potentially a lot more that ought to be done there.

It has been a lose for building practitioners, because they have found that their livelihood can be dependent on an insurer's assessment, without much recourse for them if an insurer says, 'Well, you are not a good risk'. Where do they go from there? It has even turned out to be a lose for insurers, because many of them have found that it is not a sector in which they believe they can carry on an effective business. They have progressively dropped out, leaving the Victorian Managed Insurance Authority to be the dominant insurer in the state. The government certainly cannot be saying that it is satisfied with the current regime. The community is entitled to ask the government what its thinking is on that, where its thinking is at and when it intends to bring forward to the house whatever it does intend to do to deal with the issue of domestic building insurance.

In conclusion, Acting Speaker, the coalition parties do not oppose this bill. We do believe that many aspects of the detail of it deserve close examination. As I indicated earlier in the debate on the government business program, it is regrettable that the Leader of the House does not see fit to comply with the government's election policy in relation to making consideration in detail a standard feature in the Assembly.

Honourable members interjecting.

Mr CLARK — It would be much better for a minister such as the Minister for Planning to have

consideration in detail in this house where he could personally respond to those issues, but when the Leader of the House fails to allow him to do so, it means that these issues will need to be dealt with in more detail in the other place and potentially, if amendments arise out of that consideration, it requires a bill to be brought back here. It would have been much better if we had had the opportunity to consider this bill in detail, and we will look forward to hearing what government members have to say in the course of the debate.

Mr McGuire interjected.

Mr CLARK — The member for Broadmeadows keeps on saying, ‘Why don’t you ask?’. The position we have put repeatedly is that we believe the government’s commitment to make consideration in detail a standard part of the passage of bills means that the obligation is on the government to come to this side of the house and say, ‘We do not believe this bill needs consideration in detail’. I made it very clear over the course of my contribution to the government business program debate that I believe that this bill and the others that are on the government business program should be considered in detail, and if the Leader of the House cannot get her act together to make the program operate effectively, then that is on the government’s head. We cannot take it any further to try to help the government honour its own election commitments.

That is unfortunate. We look forward to hearing what government backbenchers have to say over the course of this debate and to finding out whether the minister is given any opportunity to respond in summing up the debate. To the extent to which those issues cannot be dealt with in this house, they will have to be dealt with in the other house to ensure that this government is held to account and that the legislation that is passed by this Parliament is in the best possible shape to protect the consumers of Victoria and to give the best possible support to our domestic building industry.

Mr BROOKS (Bundoora) — It is a pleasure to be able to join the debate on this bill. While those opposite would like to see legislation drag on and things slow down, this side of the house, the Andrews government, is getting on with the job; it is pushing legislation through the house to ensure that this government is getting on with the job. In particular the Minister for Planning is having to clean up the mess in which the former planning minister left our planning system. Members should just think about the work he is having to do in cleaning up the residential zones — the botched and rushed consultation process around residential zones. There is the planning process around that area that will not be mentioned. It has been

described as the wild west, and it is just on the edge of the CBD. The minister is working through that process methodically to ensure that there are proper community facilities planned.

This bill is around getting on with the job of ensuring that consumers in the building sector have the appropriate protections. The previous government brought legislation into this place and never acted on it. It was unable to bring itself to do what has to be done in terms of consumer protection for people who are purchasing building services. It is worth pointing out that this is an industry that is so vital to our state’s economy. That is the first point. In 2014–15 there was \$28 billion worth of building permit activity. Over 105 000 building permits were issued. The majority of those were domestic building permits. So the domestic building industry is an important part of our state’s economy. There is no doubt that it provides many jobs for people, including many jobs for people in my electorate. The economic activity, the jobs that they provide, is absolutely crucial for Victoria’s future, and indeed for Australia’s future.

I would argue that what is crucial for this particular industry is that consumers have the utmost confidence in the sector. When they engage a building practitioner they need to know with some confidence that that builder will do a good job, that the workmanship will be of a good standard and that if they have a problem with that building work they will be able to find an effective remedy through the statutory processes — and that in part is what this bill delivers. In his second-reading speech the minister clearly articulated that this is the first step in providing even further protection for building consumers and, I would argue, in getting the balance right.

It is often said that purchasing a new home or engaging in building a new home, or even entering into a large costly renovation or extension, can be one of the biggest financial decisions that a person or a family can make. So it goes without saying that if you end up having substandard work done and if you have problems with the building practitioner, you can have a very traumatic experience. What would compound that anxiety, that stress and the depression people would suffer from being in significant financial difficulty because of a dodgy builder would be not being able to remedy that through the processes the government has in place. That is what has happened in the past. We have a system that in many cases has failed consumers. So it is a really good thing that we have seen this government so early in its term get on with the job and bring this bill into this place. This is the first step in a reform proces to — —

The DEPUTY SPEAKER — Order! The time has come for me to interrupt the proceedings of the house. The honourable member will have the call when this matter is next before the house.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Bungower Road–Nepean Highway, Mornington

Mr MORRIS (Mornington) — I raise an issue for the Minister for Roads and Road Safety. It is an issue regarding the intersection of Nepean Highway and Bungower Road in Mornington. The action I seek is that the minister require VicRoads to install right-hand turn signals to control vehicles turning right from Bungower Road into Nepean Highway northbound and to also control vehicles turning right from Shandon Street into Nepean Highway southbound — that is, both incoming lanes at the intersection. This intersection has had quite a long history of incidents, and it has actually been a work in progress. At one stage it was one of the busiest speed camera sites in the state. There were some difficulties with the cameras, but they have been resolved, and certainly the bad behaviour that was causing difficulty for some motorists has been ameliorated as well.

The intersection has complicated geography. Nepean Highway and Bungower Road are both major arteries. Bungower Road terminates at Nepean Highway, but it has come all the way across the peninsula from Yaringa boat harbour at Western Port, running east–west. On the other side of the intersection — the western side — there is a smaller local road, Shandon Street, which takes traffic through from Bungower Road. The bulk of traffic turns right or left to enter Nepean Highway.

As I said, this has long been an issue. The lights have been changed. We have had improvements in the signalling sequence — adjustments to that. We have had the construction of a slip lane from Shandon Street. All those things have improved the operation of the intersection, but traffic volumes continue to grow. Certainly with the opening of Peninsula Link we have seen significantly increased traffic in the area and an increase that was far in excess of that anticipated by VicRoads when the estimates were done.

Also, on the corner there is a fairly busy Bunnings store, and surrounding that Bunnings store on two

sides, with frontages to both the Nepean Highway and Bungower Road, is the Mornington homemaker centre, which is busy in its own right. There is an Aldi under construction as well, which will just add to the traffic volume.

A local resident has advised me that in recent weeks there have been a series of incidents. It appears to be getting worse again. There have been either actual incidents or near incidents at the intersection. I am seeking the assistance of the minister, before we have a serious incident — hopefully not a fatality — to resolve the issue at this intersection; I seek his assistance in getting those right-hand turn indicators installed.

Brooklyn industrial estate

Ms THOMSON (Footscray) — My adjournment matter is for the Minister for Environment, Climate Change and Water, and the action I seek is that she visit the Brooklyn industrial estate and meet with the community reference group. The industrial precinct has long been of concern to the neighbouring community, and a recent fire at a Brooklyn tip has only highlighted this concern. The member for Williamstown spearheaded the establishment of the community reference group, which involved the Environment Protection Authority, local council and the community. The aim of the community reference group was to improve conditions for residents by ensuring that the community is not subjected to dangerous pollution. Recently this work saw the sealing of roads, which has had a significant effect on dust levels, but there are still ongoing issues with dust, air pollution and odours. Therefore the action I seek is for the minister to come out to see the precinct and to meet with the community reference group about these issues.

Morwell Primary School

Mr NORTHE (Morwell) — I raise an adjournment matter for the attention of the Minister for Education. The action I seek is for the minister to make plans for the Morwell Primary School regeneration project publicly available to our community. This project, to which the coalition had committed \$13 million, seeks to consolidate on the one site three primary schools, those being Commercial Road Primary School, Tobruk Street Primary School and Morwell Primary School. Through this project the coalition also aimed to assist with the redevelopment of Morwell Park Primary School. Labor had committed only \$12 million to the project. It certainly acknowledged the fact that \$10.45 million was provided in the 2015–16 budget for this purpose.

However, the scope of works excluded Morwell Park Primary School, which caused particular angst for that school community. We currently have work activity on the site, and many curious members of our local community have sought to access plans to see what the completed school might look like. There have been previous discussions around the integration of preschool services, including the possibility of maternal health services and even educational and training opportunities for parents. Therefore the final detail of the plan is very important for understanding what is included and what is not.

Government members have been undertaking media events around this project and have made quite a fuss about the fact that they have visited the region and viewed the plans. It is simply not good enough for Labor members of Parliament to access the plans in lieu of our local community members. I note a web page has been set up which gives an overview of the project, and it states:

Planning for this exciting project has been completed and construction is now underway.

Again there is no absolutely no detail on the final plans. With respect to the development of the school and other infrastructure projects, such as the \$73 million that the coalition allocated to redevelop the Latrobe Regional Hospital, we want to make sure that local people have opportunities for participating in these local works. Concerns have been raised with me on a number of occasions about the lack of information coming from government about local people being engaged and local businesspeople being able to participate in these projects. That information appears to be lacking.

We want to also make sure that the government is aware of the major private projects that are occurring in our region, such as the Esso pipeline replacement project. Again, it is frustrating for many local contractors who are qualified to participate in this work but simply do not seem to be provided with the opportunity. These projects are important to our local community as well. I call upon the Minister for Education to make publicly available the plans for the Morwell Primary School regeneration project.

Bendigo Primary School

Ms EDWARDS (Bendigo West) — My adjournment matter is for the Minister for Education. The action I seek is for the minister to provide information to me on the status of the Bendigo Primary School's application under the Inclusive School Fund for the development of a semi-enclosed verandah. The school is seeking funding for its verandah project,

which will be a space within the school to accommodate a sensory garden, low-level play equipment, textured pathways, cultural murals and specific play stations, including a water play area, quiet spaces as well as a discussion amphitheatre.

All of the students of Bendigo Primary School at various stages of the day need quiet spaces or places that allow them to be free of the constraints of the classroom. Conversely, some of these children also need a space where they can fully and positively experience physical challenges and social challenges that are not easily accessed in the school's current setting. I believe the school's proposal will address this.

Narre Warren ambulance services

Mr BATTIN (Gembrook) — My adjournment matter is for the Minister for Health. The action I seek is for the minister to review advice and confirm in writing that the Narre Warren mobile intensive care ambulance (MICA) unit will not be relocating from its current location. A relocation of the MICA unit in Narre Warren to an address in Hampton Park will increase the response times for people within my electorate. It will also increase the response times for people in the gateway to Gippsland.

It is a concern that the current site of the MICA unit in Narre Warren was placed there for ease of access to the highway and the freeways. It gives direct ease of access down towards the Warragul direction, where it services the areas of Nar Nar Goon et cetera, which are just outside my electorate but within Pakenham. Moving the MICA unit to Hampton Park will remove that direct access to freeways and highways, and this could increase response times by up to 15 minutes. We understand that the relocation to Hampton Park was put in place as a potential rent-saving mechanism to reduce the current rental costs in Narre Warren. However, the cost of saving rent would, in my view, create an undue risk for the residents of my community and those of the gateway to Gippsland.

My request is for the minister to reply and confirm in writing — to ensure that we have it in our possession — that the Narre Warren MICA unit will not be relocated and will remain where it is.

Chelsea Heights Primary School

Mr RICHARDSON (Mordialloc) — I raise a matter for the Minister for Education. The action I seek is for the minister to visit Chelsea Heights Primary School to hear about its application for an Inclusive

School Fund grant and the important work the school is doing to support all students.

The grants program provides schools with funds for innovative projects that promote inclusive school environments and support the social and educational needs of children with disabilities. Chelsea Heights Primary School is in a period of significant growth, with student numbers edging closer to 400 students on site. This is testament to the work of the principal, Jane Satchwell, and her assistant, Pia, who have a wonderful vision for the school. One of the key attributes of the school is the promotion of excellence in everything it does in all areas. The school is striving for excellence in all areas and particularly in supporting children with special needs or with learning difficulties. It is about the needs of each individual student and how the teaching group can maximise the educational outcomes for the kids to allow them to reach their potential.

Last year I had the opportunity to visit Chelsea Heights Primary School and receive a comprehensive briefing on the support its teachers and teaching assistants are providing to all students, with increased focus on children who need additional support and assistance. As an overview the school has undertaken an innovative project around the sensory experiences and responses of the students. The notion put forward by the school in this initiative is to try to assist students who have difficulties regulating their sensory experiences, which ultimately affects their education, and other students, with targeted and tested strategies. The teachers at Chelsea Heights Primary School have established sensory rooms which can help children to regulate their emotions and behaviours by providing them with the tools or activities in a targeted sensory environment. This is complemented with an approach to all the senses — being auditory, visual, smell, taste and touch.

Hearing about the personal experiences of teachers and the benefits they have been able to achieve in the classroom was inspiring. I left thinking of the benefits that could be derived from rolling out these projects across all schools. However, to take this initiative forward the school has submitted an application to the Inclusive School Fund to establish an indoor and outdoor area which will support sensory activities and incorporate teachers and support staff, including psychologists, speech pathologists and occupational therapists, in a multipurpose learning area for all students. I fully support this concept and will do all I can to make this a reality.

I was hugely impressed by the school's innovative approach and the benefits to learning this could provide to other schools across Victoria. As a government we

should be looking towards initiatives like the one being put forward by Chelsea Heights Primary School. In conclusion, I seek that the minister visit Chelsea Heights Primary School to hear more about its application for an Inclusive School Fund grant and the important work it is undertaking.

Mansfield Secondary College

Ms McLEISH (Eildon) — My adjournment matter is for the Minister for Education. The action I seek from the minister is that he make available funds in the coming budget to allow for the development of new facilities at Mansfield Secondary College. I would like the minister to take some positive steps to show that this is not a city-centric government.

Block B needs to be demolished and replaced, the cost of which is likely to be somewhere around \$5 million to \$6 million. The coalition certainly recognised this and prior to the election committed \$2.8 million to get the project moving. The teachers and the leadership team have continued to focus on the provision of a high-quality education experience for all their young people, despite having to work in some fairly ordinary conditions.

I understand that the minister has not visited the school. I am not sure whether he has ventured into the town of Mansfield at any time, but I have been to the school on quite a number of occasions. I have met with a lot of kids, teachers and staff, and just in the town there are many people who want to talk to you and engage with you on the conditions at the school.

When you walk around the school or talk to the young people, they are very active in coming forward with what their views are. They love the school and they are very positive about the teachers and the dedication of the teachers and their colleagues, but they always say, 'Pity about B block; it needs to be replaced'. The minister would be very familiar with what B block looks like because it is one of those buildings that was established in the 1950s, with long hallways and classrooms to the side.

The school does have some good facilities, but there are 450 students there. The secondary college is the only secondary school in the Shire of Mansfield. The town itself is thriving. It has a wonderful community that really gets behind projects and needs within the town strongly. There is a community heart, and pride in the town is really quite outstanding. It is certainly very much a 'can do' town.

The school reflects the needs of the town. It runs the Mount Buller annexe, and it is involved with the Mansfield Armchair Cinema and also agribusiness. The work that it has done in agribusiness has been highly regarded and acclaimed. I know how important this is to the township and the area of Mansfield. New families want to move to the town, and one of the first things they do is go to the school. They might see a couple of great-looking buildings and then they see this huge B block in the middle which is really a blight on the premises. They know, as we know, that modern facilities are very important for learning, so I urge the minister to show that he is not a city-centric minister and that he supports the redevelopment of B block.

Riddells Creek Primary School

Ms THOMAS (Macedon) — I wish to raise a matter for the attention of the Minister for Education, and the action I seek is that the minister join with me in supporting the application by Riddells Creek Primary School for a \$100 000 grant from the Inclusive School Fund. I was delighted to accompany the minister on a visit to Riddells Creek Primary School last year, and I know he was impressed with what he saw. Riddells Creek Primary School delivers a first-class education to the children in this growing township, with a fantastic focus on the creative and performing arts.

I know the minister enjoyed meeting Rupert the rabbit. Rupert plays an important role in the school's support for children experiencing anxiety or stress, a particular challenge for this community, which faced fires at its doorstep in 2014. With the recent Lancefield fires and the Kyneton fires in January, children in my electorate need some special care at this time.

Last week I visited the school to learn more about the school's Inclusive School Fund proposal. In a word, it is brilliant. The school is seeking funding to develop an outdoor learning space which incorporates a purpose-built freestanding shed and shade awning. The school has a vision to transform its schoolyard into a creative and restorative learning landscape that has positive influences on the health and wellbeing of all students and where all students have an equal opportunity to learn and play. The vision entails children being able to grow and harvest fruit and vegetables, explore sensory experiences through colours, sounds, textures and scents, communicate their discoveries in a variety of ways, build their fine and gross motor skills through a range of activities and easily find peaceful places that can give them a sense of quiet and reflection, and an art area where children can create outside with different sensory inputs and in a more open and unconstrained space. This will be a

therapeutic place where conversations and play can happen individually or in small groups.

It is a brilliant proposal, and I acknowledge school principal Kim Ryan, assistant principal Amelia Desormeaux, school council president Jude Ellis and parent and landscape designer Sam Crawford for all of their work. Again I urge the minister to get behind this great proposal.

Kindergarten funding

Ms STALEY (Ripon) — My adjournment matter is for the Minister for Families and Children. The action I seek is that the minister respond to me about the serious risk to kindergartens in the Ripon electorate highlighted in a letter sent to her by the YMCA of Ballarat dated 10 December 2015. The CEO of the YMCA, Stephen Bendle, wrote to Minister Mikakos. That letter was cc'd to the member for Mildura, the member for Gippsland East and me as the local MPs with YMCA kindergartens in our electorates. As the member for Ripon, I am particularly concerned about four kindergartens operated by the YMCA — those of Talbot, Charlton, Donald and Dunolly.

The letter from the YMCA says:

We have been assured repeatedly by DET that we were to plan to deliver 15 hours in 2016 and not to close services but rather to work with the regional office staff to determine the resources required to deliver these programs. We have provided information to DET regarding our enrolment numbers and predicted deficits to inform discussions regarding funding shortfalls.

Unfortunately Ballarat YMCA are not operating kindergartens for benevolent reasons. I cannot recommend to the Ballarat YMCA board that we deliver these 10 kindergarten programs for a combined deficit in excess of \$160 000. I could not imagine any responsible board endorsing that proposal.

We do not believe it is reasonable to ask these isolated, small rural communities to fundraise up to \$30 000 to support their kindergartens operations. These communities are already recognised as being highly vulnerable, have difficulty accessing children's services elsewhere and many are suffering financial hardship as a result of drought.

...

The care and education of children living in rural communities is no less important than for those living in regional and metropolitan centres. Ballarat YMCA seeks your urgent assistance in addressing this continued funding shortfall before we have to make some difficult decisions regarding our ability to operate these services for next year.

Now, I am aware of the government's announcements for small rural kindergartens on 8 December 2015. However, these announcements only relate to

kindergartens with eight or fewer students. Only one of the small YMCA-run kindergartens in my electorate is in this category. As a result the other kindergartens continue to face substantial deficits which the YMCA is unable to continue to fund. These kindergartens are therefore at risk.

This is an outrageous situation for communities in the grip of drought and is further evidence that this Andrews Labor government does not understand the specific issues facing rural communities such as those of Talbot, Charlton, Donald and Dunolly. It is time the minister helped these small kindergartens to survive.

Valkstone Primary School

Mr STAIKOS (Bentleigh) — My adjournment matter is for the attention of the Minister for Education. The action I seek from the minister is that he visit Valkstone Primary School to discuss with parents and teachers the school's master plan. Clearly after this adjournment debate the minister will be very busy, given the number of members referring matters on to him.

There is no sugar-coating this. The former government has a woeful record when it comes to investing in schools in my electorate of Bentleigh. The 2011 budget passed, 2012 passed, 2013 passed — not a cent for schools in the Bentleigh electorate. When 2014 came we thought, 'Well, an election is just around the corner', and we saw a bit of money in there for Valkstone Primary School. To rebuild the entire school there was \$3.5 million, but what the former government did was it handed over the money, \$3.5 million, and then thought it would check to see how much the redevelopment would cost. It turns out that they are short by \$2.5 million.

It is an absolute disgrace that this school with more than 700 students, a growing school, was treated in this manner by the former government — short-changed. It has meant that it has had to split what is a fairly modest upgrade in the grand scheme of things into two phases, which in turn means that possibly indefinitely under the former government it would have had a temporary toilet block with very poor security in an inappropriate location in the school. It is something that is concerning the school council, which I met with recently, and indeed the principal, Marilyn Koolstra. I think that we need to step in and fix this terrible mistake of the former Liberal government. That is why I am asking the minister to visit Valkstone Primary School and meet with parents and teachers on this matter.

I also take the opportunity to convey the thanks of the Bentleigh electorate to the minister for the \$9 million we have invested in McKinnon Secondary College and the \$9.6 million we have invested at Bentleigh Secondary College, because this is a government that is building the education state.

Responses

Ms NEVILLE (Minister for Environment, Climate Change and Water) — I thank the member for Footscray for raising this matter with me and for her commitment to that community, but particularly, in his absence, I also want to acknowledge the great work that the member for Williamstown has done in supporting the Brooklyn community. I am very aware that this is a community that has over a number of years been very concerned about dust and pollution issues. I was very pleased last year to provide funding to enable the sealing of the road out there, which I know has made a lot of difference. Of course there continue to be issues, and over the summer we saw the fire that occurred out there and the concern that raised.

I indicate to the member that I have asked the CEO of Environment Protection Authority Victoria to attend the March meeting, but I will be indicating to the community that I would be very pleased to also attend a further meeting with that community to continue to drive improvements in relation to pollution issues in the Brooklyn community.

A number of other members have raised a number of other issues for different ministers. I will certainly pass those matters on to those ministers to respond to.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 7.23 p.m.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses are incorporated in the form provided to Hansard

Construction, Forestry, Mining and Energy Union

Question asked by: Member for Croydon
Directed to: Minister for Ports
Asked on: 8 December 2015

RESPONSE TO SUPPLEMENTARY QUESTION:

The Government is not aware of any organisation that intends to 'wreak havoc' on the state's waterways.