

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Thursday, 30 November 2017**

**(Extract from book 16)**

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## **The Governor**

The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable KEN LAY, AO, APM

## **The ministry**

(from 16 October 2017)

Premier . . . . .	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services . . . . .	The Hon. J. A. Merlino, MP
Treasurer and Minister for Resources . . . . .	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects . . . . .	The Hon. J. Allan, MP
Minister for Industry and Employment . . . . .	The Hon. B. A. Carroll, MP
Minister for Trade and Investment, Minister for Innovation and the Digital Economy, and Minister for Small Business . . . . .	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development . . . . .	The Hon. L. D' Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports . . . . .	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans . . . . .	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries . . . . .	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services . . . . .	The Hon. J. Hennessy, MP
Minister for Aboriginal Affairs, Minister for Industrial Relations, Minister for Women and Minister for the Prevention of Family Violence . . . . .	The Hon. N. M. Hutchins, MP
Special Minister of State . . . . .	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Local Government . . . . .	The Hon. M. Kairouz, MP
Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs . . . . .	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water . . . . .	The Hon. L. M. Neville, MP
Attorney-General and Minister for Racing . . . . .	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development . . . . .	The Hon. J. L. Pulford, MLC
Minister for Finance and Minister for Multicultural Affairs . . . . .	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections . . . . .	The Hon. G. A. Tierney, MLC
Minister for Planning . . . . .	The Hon. R. W. Wynne, MP
Cabinet Secretary . . . . .	Ms M. Thomas, MP

## **The Governor**

The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

## **The ministry**

(to 15 October 2017)

Premier .....	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services .....	The Hon. J. A. Merlino, MP
Treasurer .....	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects .....	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade .....	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development .....	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports .....	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans .....	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries .....	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services .....	The Hon. J. Hennessy, MP
Minister for Aboriginal Affairs, Minister for Industrial Relations, Minister for Women and Minister for the Prevention of Family Violence .....	The Hon. N. M. Hutchins, MP
Special Minister of State .....	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation and Minister for Local Government .....	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs .....	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water .....	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources .....	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing .....	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development .....	The Hon. J. L. Pulford, MLC
Minister for Finance and Minister for Multicultural Affairs .....	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections .....	The Hon. G. A. Tierney, MLC
Minister for Planning .....	The Hon. R. W. Wynne, MP
Cabinet Secretary .....	Ms M. Thomas, MP

## **The Governor**

The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

## **The ministry**

(to 12 September 2017)

Premier . . . . .	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services . . . . .	The Hon. J. A. Merlino, MP
Treasurer . . . . .	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects . . . . .	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade . . . . .	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development . . . . .	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports . . . . .	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans . . . . .	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries . . . . .	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services . . . . .	The Hon. J. Hennessy, MP
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations . . . . .	The Hon. N. M. Hutchins, MP
Special Minister of State . . . . .	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation . . . . .	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs . . . . .	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water . . . . .	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources . . . . .	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing . . . . .	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development . . . . .	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence (until 23 August 2017) . . . . .	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs . . . . .	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections . . . . .	The Hon. G. A. Tierney, MLC
Minister for Planning . . . . .	The Hon. R. W. Wynne, MP
Cabinet Secretary . . . . .	Ms M. Thomas, MP

**OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY  
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

**Speaker**

The Hon. C. W. BROOKS (from 7 March 2017)

The Hon. TELMO LANGUILLER (to 25 February 2017)

**Deputy Speaker**

Ms J. MAREE EDWARDS (from 7 March 2017)

Mr D. A. NARDELLA (to 27 February 2017)

**Acting Speakers**

Ms Blandthorn, Mr Carbines, Ms Couzens, Mr Dimopoulos, Mr Edbrooke, Ms Graley,  
Ms Kilkenny, Ms Knight, Mr McGuire, Mr Pearson, Mr Richardson, Ms Spence, Ms Suleyman,  
Ms Thomson, Ms Ward and Ms Williams.

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

The Hon. D. M. ANDREWS

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

The Hon. J. A. MERLINO

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

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

**Leader of The Nationals**

The Hon. P. L. WALSH

**Deputy Leader of The Nationals**

Ms S. RYAN

**Heads of parliamentary departments**

*Assembly* — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

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

*Parliamentary Services* — Secretary: Mr P. Lochert

**MEMBERS OF THE LEGISLATIVE ASSEMBLY**  
**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn <sup>2</sup>	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphthine, Dr Denis Vincent <sup>3</sup>	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio <sup>4</sup>	Melton	Ind
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma <sup>1</sup>	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John <sup>5</sup>	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David <sup>6</sup>	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison <sup>7</sup>	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard <sup>8</sup>	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian <sup>9</sup>	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahan	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Thorpe, Ms Lidia Alma <sup>10</sup>	Northcote	Greens
Kairouz, Ms Marlene	Kororoit	ALP	Tilley, Mr William John	Benambra	LP
Katos, Mr Andrew	South Barwon	LP	Victoria, Ms Heidi	Bayswater	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kilkenny, Ms Sonya	Carrum	ALP	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Knight, Ms Sharon Patricia	Wendouree	ALP	Ward, Ms Vicki	Eltham	ALP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Watt, Mr Graham Travis	Burwood	LP
Lim, Mr Muy Hong	Clarinda	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Williams, Ms Gabrielle	Dandenong	ALP
McGuire, Mr Frank	Broadmeadows	ALP	Wynne, Mr Richard William	Richmond	ALP

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

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

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

<sup>4</sup> ALP until 7 March 2017

<sup>5</sup> Nats until 28 August 2017

<sup>6</sup> Elected 14 March 2015

<sup>7</sup> Died 23 August 2017

<sup>8</sup> Elected 31 October 2015

<sup>9</sup> Resigned 2 February 2015

<sup>10</sup> Elected 18 November 2017

**PARTY ABBREVIATIONS**

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

### **Legislative Assembly committees**

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

**Standing Orders Committee** — The Speaker, Ms Allan, Ms Asher, Mr Carroll, Mr Clark, Ms Edwards, Mr Hibbins, Mr Hodgett, Ms Kairouz, Ms Ryan and Ms Sheed.

### **Legislative Assembly select committees**

**Penalty Rates and Fair Pay Select Committee** — Ms Blandthorn, Mr J. Bull, Mr Clark, Mr Hibbins, Ms Ryall, Ms Suleyman and Ms Williams.

### **Joint committees**

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

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

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

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

**Environment, Natural Resources and Regional Development Committee** — (*Assembly*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan. (*Council*): Mr O’Sullivan, Mr Ramsay and Mr Young.

**Family and Community Development Committee** — (*Assembly*): Ms Britnell, Ms Couzens, Mr Edbrooke, Ms Edwards and Ms McLeish. (*Council*): Dr Carling-Jenkins and Mr Finn.

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

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

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

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

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

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**Thursday, 30 November 2017**

The **SPEAKER** (Hon. Colin Brooks) took the chair at 9.33 a.m. and read the prayer.

**VICTORIA LAW FOUNDATION****Report 2016–17**

Mr **PAKULA** (Attorney-General), by leave, presented report.

Tabled.

**JUDICIAL COLLEGE OF VICTORIA****Report 2016–17**

Mr **PAKULA** (Attorney-General), by leave, presented report.

Tabled.

**SUPREME COURT OF VICTORIA****Reports 2015–16 and 2016–17**

Mr **PAKULA** (Attorney-General) presented reports by command of the Governor.

Tabled.

**DOCUMENTS****Tabled by Acting Clerk:**

Australian Health Practitioner Regulation Agency — Report 2016–17

*Financial Management Act 1994* — Report from the Attorney-General that he had received the Report 2016–17 of the Judicial College of Victoria

*Health Practitioner National Law (Victoria) Act 2009* — Report 2016–17 of the National Health Practitioner Ombudsman and Privacy Commissioner

*Members of Parliament (Register of Interests) Act 1978* — Summary of Primary Return November 2017 and Summary Variations Notified between 22 September 2017 and 28 November 2017 — Ordered to be published

National Health Funding Pool — Report 2016–17

Ombudsman — Implementing OPCAT in Victoria: report and inspection of the Dame Phyllis Frost Centre — Ordered to be published

*Subordinate Legislation Act 1994* — Documents under s 15 in relation to Statutory Rules 112, 113, 118, 119

Victorian Civil and Administrative Tribunal — Report 2016–17.

**APPROPRIATION MESSAGES**

Message read recommending further appropriation for **Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016**.

**BUSINESS OF THE HOUSE****Adjournment**

Ms **ALLAN** (Minister for Public Transport) (09:36) — I move:

That the house, at its rising, adjourns until Tuesday, 12 December 2017.

Motion agreed to.

**MEMBERS STATEMENTS****Wantirna Park caravan park**

Mr **WAKELING** (Ferntree Gully) (09:36) — This week I tabled in the house a petition on behalf of residents at the Wantirna Park caravan park who are being evicted. They will be moved out of that caravan park where they have lived for many years — many for 30 years. I call on the government to ensure that they are working with these residents to find them alternative accommodation.

**Knoxbrooke Base Camp**

Mr **WAKELING** — I was very pleased to attend the official opening of the Knoxbrooke Base Camp facility in Ferntree Gully Village. This new facility will run a two-year program for children and adults with special needs who are leaving school. This will assist them with further education and transition into employment. I congratulate Knoxbrooke for this great initiative.

**Glengollan Village fete**

Mr **WAKELING** — Once again, congratulations to the residents and staff of Glengollan Village in Ferntree Gully on another fantastic fete. This annual event raises significant dollars for the Glengollan community, and it is great to see that the Ferntree Gully community is supporting this important event. I congratulate all those involved for putting on a wonderful event.

**Premiers' Reading Challenge**

Mr **WAKELING** — I was pleased to attend assemblies at Ferntree Gully North Primary School, Mountain Gate Primary School and St Andrews Christian College to recognise students who participated in the Premiers' Reading Challenge. This is

an important event. I congratulate all students who participate in this reading challenge because of its importance in improving literacy standards in the state of Victoria.

### Judy Crowe

**Mr MERLINO** (Minister for Education) (09:38) — I rise today to give my thanks, and to recognise the hard work of Judy Crowe, who at the end of this year is retiring from her position as president of the Victorian Association of State Secondary Principals (VASSP). I have worked closely with Judy over the last three years, and I can say that she has worked tirelessly and passionately as an advocate for the principals she represents.

Judy has dedicated her career to education. She first trained as a social worker and then completed postgraduate studies to become a registered educational psychologist. Judy worked in these fields for a few years, before finding her calling as a teacher and working in a number of schools in Victoria and Zambia. Judy then spent an extraordinary 20 years in the principal role at Heywood & District Secondary College, Warrnambool College and most recently Melbourne Girls College — a large and ethnically diverse inner-city school where she spent 12 years and where I know she is still regarded with respect and fondness.

Judy was the deputy president at VASSP for four years, from 2011 on, before assuming the presidency at the beginning of 2015. In her role at VASSP Judy represented a broad range of principals from small rural schools to large, diverse metro schools, and her background gave her a unique insight into the varied pressures of these roles. It is principals like Judy Crowe, both in her role at the school level and in her role as a state representative and president of VASSP, that are at the coalface of delivering our Education State reforms. On behalf of the government, thank you Judy for a job well done.

### Gippsland East electorate roads

**Mr T. BULL** (Gippsland East) (09:39) — I repeat my calls for the Minister for Roads and Road Safety to halt the centre-of-the-highway wire rope barrier installation between Sale and Bairnsdale until there has been proper consultation with the community. Locals from transport companies are still contacting my office saying they knew nothing of this until the decision had been made. Local emergency services have also not had all their questions answered. In some areas the installation of barriers will almost certainly improve safety — there is no doubt about

that — but there is a genuine feeling that this is overkill and, more importantly, that it is being done without talking to the locals.

We have also had work started on the Paynesville Road, increasing the road height in a flood plain, but no flood study has been completed. This is a major concern. On all fronts this is rush job, and I ask the minister to just put the brakes on, talk to locals and get some feedback from those who will have to deal with this decision going ahead, as they have not been properly consulted to date.

### White Ribbon Day

**Mr T. BULL** — Last Saturday I attended the White Ribbon breakfast in Bairnsdale organised by East Gippsland Shire Council. It was a great turnout, and it was very pleasing to see that the event was well attended, with many people signing the pledge to support changing attitudes.

### Member for Northcote

**Mr T. BULL** — This week we also welcomed to this Parliament the newly elected member for Northcote, who I note is in the chamber. The member for Northcote is a proud Gunnai-Gunditjmara woman who resided in my electorate for many years in East Gippsland. She is the first Aboriginal woman to sit in this Assembly in its 161-year history. Having known her for many years and being the shadow Minister for Aboriginal Affairs, I congratulate her on this achievement.

### Queenscliff Music Festival

**Ms NEVILLE** (Minister for Police) (09:41) — Last Thursday night I had the pleasure of launching the 2017 Queenscliff Music Festival, which was a great success over the weekend. At the launch I was pleased to join, amongst others, festival chairman Geoff Mutton, festival director Andrew Orvis, councillors and community members.

This was the 21st festival, and as someone who has volunteered at the event in the past and having been to many of the festivals, I know personally that the festival has gone from strength to strength. Over that 21 years it has changed and grown to take account of changing music preferences. This is only the second time in its history where all the tickets were sold. This year we had 60 local, national and international acts entertaining large, enthusiastic crowds over the weekend on five different stages. The festival is one of the major events in the region, attracting people from right across

Victoria, Australia and overseas. It is why the state government has been proud to be a regular sponsor each and every year of this event.

Of course events like this do not happen without the support of so many volunteers — nearly 400 of them — many of them from the local community of Queenscliff. This is very much owned and celebrated by the local community. I congratulate all the staff, the volunteers and the board on another successful festival.

### Cr Tony Francis

**Ms NEVILLE** — On another matter, I thank Tony Francis, who has been the mayor of Queenscliff for the last 12 months, for his great work. I also take the brief opportunity to congratulate Queenscliff councillor and long-time resident Susan Salter on her recent election as mayor, and I congratulate Cr Boyce Pizzey as her deputy. I look forward to working with the council over the next 12 months.

### Port of Melbourne

**Mr BURGESS** (Hastings) (09:42) — After arguing the same case for years, I was not surprised to read an article in the *Age* with the heading, 'A bridge too far: warning bigger ships won't be able to reach port of Melbourne'. The article of 10 November begins:

The next generation of bigger container ships bound for Australia will not be able to safely pass beneath the West Gate Bridge nor enter the Yarra River channel to reach the city's port, costing Melbourne valuable trade, industry warns.

The warning follows the release of new data that shows Sydney overtook the port of Melbourne as Australia's busiest last financial year.

Shipping and transport groups say the Andrews government's failure to resolve looming constraints at the port of Melbourne has put Victoria at risk of losing import and export trade to interstate ports and even to New Zealand, with negative consequences for the health of the state economy.

The article goes on to say that last month the biggest container ship ever to visit Australia, the *Susan Maersk*, was able to dock at the port of Brisbane. The article continues:

Neil Chambers, director of the Container Transport Alliance Australia, said shipping lines were beginning to use larger ships to reduce transport costs and Melbourne risked losing trade to Sydney and Brisbane in coming years.

He then went on to say:

Melbourne is constraining the rest of Australia ...

The Premier and the Treasurer, who is in the house, have been caught out again misleading Victorians and

have done deals that have put a lot of money at their disposal but in return have allowed for enormous damage to be done to the Victorian economy, destroying thousands of Victorian jobs.

### Karen language teaching

**Mr PALLAS** (Treasurer) (09:44) — I rise to inform the house about a recent celebration of the inaugural graduating class of Victorian certificate of education (VCE) Karen students. The event was held at the Victorian School of Languages (VSL) centre in Werribee. I also had the pleasure of officially launching the first VCE Karen textbook. In 2007, a little over 10 years ago, I had the opportunity to launch the first-ever Karen classes. The Victorian School of Languages centre caters for the many multicultural communities in Werribee. The VSL and the Karen community should be proud of the pivotal role they have played in developing the year 12 Karen textbook, which is now available to Karen students across Australia. Victoria is the only place worldwide that formally teaches Karen to year 12 level. That should be a point of pride for our state and is further evidence of our rich cultural and linguistic heritage.

I also acknowledge the tireless work of principal Frank Merlino, the Karen teachers and the Australian Karen Organisation for making the Karen textbook and its Victorian Curriculum and Assessment Authority accreditation possible. I commend the students for their hard work and wish them all the very best for the future.

### Mount Waverley electorate road infrastructure

**Mr GIDLEY** (Mount Waverley) (09:45) — Today in the Parliament I rise to again outline the historic congestion-busting transport project that will be delivered for residents in Glen Waverley and Mount Waverley on the election of a Liberal-Nationals government. The project will include the removal of traffic lights and grade separation for a number of key intersections that cause enormous traffic disruption for motorists. These intersections include the corner of Springvale Road and Ferntree Gully Road, Glen Waverley, as well as a neighbouring intersection in the Forest Hill electorate of Springvale Road and Burwood Highway, just to name a few.

Under our plan travel times for local residents will be slashed so that residents can get to where they need to go faster. Road safety will also dramatically improve as intersection bottlenecks disappear. Local roads in my district often bear the brunt of severe arterial road congestion, as motorists cut through local streets to avoid congested arterial roads. Under our plan less

cars are likely to use local roads to avoid dangerous and congested intersections, which will benefit residents greatly.

### **Bus route 703**

**Mr GIDLEY** — I rise in the Parliament to call on the Andrews Labor government to stop dithering and fix bus route 703. Route 703 is supposed to be a SmartBus standard of service, but this government continually refuses to invest the necessary funds to make sure the frequency of the service is actually to SmartBus standards, the consequences of which are that Glen Waverley and Mount Waverley residents continue to receive a substandard level of bus service. They are forced to wait for long periods of time for a major, key bus route and are often required to leave the bus part way through their journey as the bus terminates part way through its service. This route has particular significance for our community, given its links to local shopping centres, train stations and Monash University. I again call on the Andrews Labor government to stop their cuts to public transport services in the Mount Waverley district and fund a full SmartBus service for route 703.

### **Whittlesea Community Futures partnership project**

**Ms D'AMBROSIO** (Minister for Energy, Environment and Climate Change) (09:46) — Two weeks ago I had the pleasure of speaking at the Whittlesea Community Futures (WCF) partnership project launch at the Mill Park Library. The WCF partnership project is a truly innovative project that is bringing the community together. With more than 45 government and community-based organisations, the project aims to take on the difficult question: how do we make sure every member of our community is included, safe, healthy and happy? The project aims at focusing on communities who are adversely affected by infrastructure and social institutions: the culturally and linguistically diverse, children, the elderly and people with disabilities.

We launched WCF's most recent initiative that helps people with disabilities with employment in the community. Specifically the launch was for the Chancez Cafe, which is training and hiring people with disabilities to give them the skills and confidence to work in the hospitality industry — what a great initiative. I am really proud to see WCF doing some great work since it commenced in 2006 with the support of the previous Labor government. This advocacy group is a prime example of how Labor governments give power to communities to shape their own futures. I would like to thank WCF for inviting me

to speak at the launch, and I look forward to seeing the work they do to shape our community.

### **Hawkstowe railway station**

**Ms D'AMBROSIO** — I would also like to briefly touch on my inspection of the new Hawkstowe station, which is under construction as part of the government's \$600 million rail extension to Mernda. The project is on time for completion, and the concrete U-troughs are now in place over Hawkstowe Parade, which will hold the rail and platforms. This is fantastic, and it will make sure my community is even better connected —

**The SPEAKER** — The minister's time has expired.

### **Euroa electorate flood risk**

**Ms RYAN** (Euroa) (09:48) — I wish to draw the house's attention to the very real prospect of flooding across my region over this weekend. I am deeply concerned about the prospect for very real impacts on communities like Benalla and Seymour and down that Hume corridor. I do note with some concern the slow progress on a number of flood mitigation works like the Seymour flood levy and the decommissioning of Lake Mokoan, which many Benalla people are concerned will exacerbate the next serious flood. I do note certainly and put on record my thanks to the Minister for Emergency Services, who has agreed today to brief opposition members on the likely impacts of a significant rainfall event that is likely to come this weekend.

### **Heathcote early childhood hub**

**Ms RYAN** — I wish to draw the government's attention to an application from the Heathcote community for funding to establish an early childhood hub. Heathcote Community Children's Services Association has applied to create a hub that will provide care and education for up to 76 children a day as well as a kindergarten program for four-year-olds and flexible long day care options. The hub will also include consulting rooms for early childhood services such as a maternal and child health nurse, Bendigo community health professionals, pastoral care counselling and a range of educational programs such as parenting skills. This project is entirely community-driven. The absence of child care has long been an issue in Heathcote, which is why I was proud to support the community's application for funding, and I urge the government to do the same.

### Kilmore revitalisation project

**Ms RYAN** — I also call on the Andrews Labor government to fund the Kilmore town heart revitalisation project from the Growing Suburbs Fund. Mitchell Shire Council has an application in at the moment —

**The SPEAKER** — The member's time has expired.

### oBikes

**Mr FOLEY** (Minister for Housing, Disability and Ageing) (09:50) — We all support active transport that sees more of us walking, cycling and using public transport, especially given our government's record investment in public transport. That is why we held out great hope for the introduction of the dockless oBike. Instead we have seen a questionable business plan turn a great idea into urban clutter which has gone beyond being an amenity risk as it seeks to take over the public realm in inner-city Melbourne for private gain, and now we are seeing an increasing risk to the disabled and the elderly.

With bikes up trees, in lakes and canals, off piers, on roofs and increasingly scattered over footpaths, parks and other public areas, it is now time for the operator to clean up its act and deliver on its commitments to local government or to have regulatory powers, including impoundment, confiscation and fines, applied. I have received complaints from across the inner-city communities, particularly from the elderly and disabled, about the plague that oBikes have become, cluttering and making potentially dangerous our public spaces.

At a time when we are all seeking to make the public realm accessible and to increase the use of bikes and other forms of transport as a safe and enjoyable option, oBikes should not be given a pass out from compliance and potential docking facilities. It would be a pity to see such a good idea crash through poor management and the ignoring of community sentiment. The fate of the business is in its own hands. Comply or perish. Secure and make safe your bikes or lose them.

### Simon Lewis

**Mr FOLEY** — I want to call out for special mention the efforts of St Kilda Life Saving Club captain Simon Lewis for his international —

**The SPEAKER** — The minister's time has expired.

### Moonee Ponds Creek

**Ms SANDELL** (Melbourne) (09:51) — Today I want to speak about the fate of Moonee Ponds Creek. The area around the creek, called Arden Macaulay, will soon form a new neighbourhood between North Melbourne and Kensington, home to tens of thousands of new residents. But I am seriously worried that this Labor government, so early in the planning for this area, is failing current and future residents. With planning scheme amendment C190 Melbourne City Council wanted land abutting Moonee Ponds Creek to be rezoned 'public park and recreation' to allow for the rejuvenation of the creek and a park for residents to enjoy, but the planning panel appointed by the Minister for Planning sided with VicTrack and said that the land should be rezoned 'mixed use', greatly inflating the value of the land, making it totally unaffordable for council to buy and turn into a park and effectively locking it up for private development.

My understanding is that council split the difference and said it would leave the land zoned as it is now, as an industrial zone, but requested that the planning minister articulate a plan for public access to a future park. However, the minister ignored that request. We now have the absurd situation where this government is cramming tens of thousands more people into an area with no plan for the open space that is necessary to make that new community livable. It is not the first time something like this has happened. This Labor government is not listening to the community when it comes to planning. I call on the government to remedy the situation and announce how they will ensure all residents in Arden Macaulay have access to the open space they will need.

### Southern Women's Action Network

**Ms GRALEY** (Narre Warren South) (09:53) — Twenty-one years ago a small group of women, including me, came together to establish the Southern Women's Action Network (SWAN). Our very first meeting came about after I read a notice placed in the local paper by Carole Ford, Breda Smythe and Eunice Cain which urged women to get involved in social justice issues. I contacted a number of wonderful Labor women, and we turned up at the Mount Martha Community House. These women included Debbie Roberts, Fran Rule, the late Lindsey Steele, Carole Ford, Breda Smythe, Val McKenna, Maureen McPhate and Denise Hasset. We reconvened a few weeks later around my dining room table, and the discussion touched on many issues revolving around women's empowerment and gender equality. Together we came up with the idea of establishing SWAN.

We deliberately inserted the word ‘action’ into the name of the group. We wanted to provide women from the Mornington Peninsula and surrounding suburbs with the opportunity to hear and meet with other women who were interested in social justice issues and community activism. Our very first public meeting featured Joan Kirner as a guest speaker, and we drew over 100 women to that meeting. It was just the beginning. When women support women, women win. We have organised petitions, letter-writing campaigns, fundraising efforts and countless forums.

During the Iraq war we all wanted to be better informed and organised a forum with a very young Andrew Wilkie as key speaker. Domestic violence, sexual harassment, mental health, the plight of asylum seekers, refugees and Indigenous women, and climate change have all been on our agenda. We are off next Sunday to protest against the Adani mine. The list of speakers is a star-studded cast. I am particularly proud of how SWAN members have made a difference within the peninsula and beyond. It was such a pleasure to catch up with these extraordinary women to celebrate all that we have accomplished across the past 21 years. Thank you to everyone. I hope there are plenty more happy birthdays.

### **Latrobe Special Developmental School**

**Mr NORTHE** (Morwell) (09:54) — I note the state government’s \$61 million announcement earlier in the week to support students with disabilities or additional needs, which will be gratefully received, and rightly so. But we also need to ensure facilities match student support, and in that light I call upon the state government to provide funding to rebuild Latrobe Special Developmental School (LSDS) in Traralgon. LSDS is truly an amazing school with incredible teachers, staff, parents and of course students, who are such an inspiration. However, some of the school’s buildings, including classrooms, bathrooms and the staff room, are in really poor condition and in desperate need of an upgrade. In fact most of the school’s classrooms are portables, which in my view are completely unsatisfactory for students and teachers alike, with accessibility a major issue. This school needs an upgrade, and it needs it urgently.

### **Barry Switzer**

**Mr NORTHE** — I also wish to acknowledge my mate Barry ‘Swooper’ ‘the Doc’ Switzer for his nearly 14 years of service as the executive officer of GippSport and also for his long history with education in this state. I note the following quote when it was announced that the Doc would be retiring:

Words cannot convey the appreciation the GippSport board and staff have of Barry’s remarkable commitment, enthusiasm and passion he has brought to the executive officer role. The success GippSport experiences today is a reflection of the amazing outcomes Barry has achieved in the leadership role, and the valuable relationships Barry has created for the betterment of community sport in Gippsland.

That says it all. Although the Doc wishes his golf scores were actually his cricket scores, he is highly respected in education, sport and recreation, and rightly so. Enjoy your retirement, Doc.

### **Victoria Against Violence**

**Ms KNIGHT** (Wendouree) (09:56) — I rise today to acknowledge the Victoria Against Violence campaign, which commenced on Saturday, 25 November. For the third anniversary of this campaign it is crucial to keep the conversation going regarding the role that every Victorian has in preventing family violence. Of course it is impossible to talk about all the vital work that the Victorian state government is doing to advocate for the safety of women and children without talking about the late Fiona Richardson. Fiona was focused and clear about the importance of creating a prevention agency whose role is to give families, women and children a second chance at a life of peace and happiness. I look forward to this agency being established.

As the Minister for Women, Fiona frequently spoke of the impact that gender inequality has in regard to family violence. As Victoria’s first Minister for the Prevention of Family Violence she was a passionate advocate for the importance of prevention playing a huge role in saving lives. Thanks to Fiona and all her incredible work we can better raise awareness about the scourge of family violence, call the community to action through campaigns such as Victoria Against Violence and strive for a society that is based on love and respect. Fiona would have been particularly outspoken about the Weinsteins and Burkes of this world. Her words, I am sure, would have comforted all the victims of workplace harassment, bullying and assault. Fiona dedicated so much of her working life to advocating for the protection of vulnerable women and children and fully committing to her vision of a Victoria that is safe and free from violence. We will remember her legacy always.

### **Student conveyance allowance**

**Mr TILLEY** (Benambra) (09:57) — Two weeks ago in this place my coalition colleague the member for Euroa raised the issue of the education department’s ruling on the conveyance allowance and how to determine the nearest school. For country people the strict guidelines applied in these circumstances are, as the member for Euroa pointed out, ridiculous. The

department fact sheet is almost apologetic in tone when it says:

... it determines the shortest route rather than the shortest travel time.

Jessie Arney from Chiltern recently raised this exact issue. Her two children attend Trinity Anglican College on the border, but a review by the department has determined that Cathedral College Wangaratta is closer — 40.1 kilometres away compared to 46. But the reality is the school bus timetable means that going to the Wangaratta school adds 50 minutes to their travel time each day — almost 5 hours extra a week. I can cite other examples where the shortest route also fails to take into account topography, such as where the nearest school for an Upper Murray family was up and over a ‘serious’ hill.

I fully understand the need for rules to guide decision-makers, but as it stands presently the rules have become an excuse to avoid making a challenging decision. Apply some common sense and, heaven forbid, meet the needs of real people. Other members can expect an influx of such concerns in the coming months, peaking in January. I hope the department can show some flexibility in handling what for country people is a significant issue.

### **Damascus College**

**Mr HOWARD** (Buninyong) (09:59) — Last week I visited Damascus College Ballarat to advise principal Matthew Byrne and other school leaders that their school would be receiving \$1 million from the Andrews Labor government’s capital funding program for non-government schools. The \$1 million will support a \$2.5 million project to refurbish and extend some of the school’s science rooms and the arts space. That will be well received by the school.

### **Ballarat Steiner School**

**Mr HOWARD** — I was pleased to visit Ballarat Steiner School last week to share the news that they will receive \$634 000 from the Andrews government for the construction of a new multipurpose building and for refurbishments to the current multipurpose space. This new building will be a great addition to the growing school.

### **St James Parish School**

**Mr HOWARD** — Last Friday I had the pleasure of visiting St James Parish School in Sebastopol to hear what students have been doing to lead the way in environmental sustainability, which has seen the school

earning a 3-star ResourceSmart Schools accreditation. Students have integrated a number of initiatives into the school, including creating a school veggie garden with composting, organising plastic-free wrapping days for school lunches, changing over to energy-saving light bulbs, placing signage beside light switches and taps promoting energy-efficient use and publishing articles about sustainability in the school newsletter. Well done, St James.

### **Woody Yaloak Primary School**

**Mr HOWARD** — This Monday I visited the Scarsdale campus of Woody Yaloak Primary School to announce that the campus would receive funding from the Andrews government school shade grants program to install a large double shade sail to protect students from the sun. The new shade sail will give students the benefit of UV protection while being active outdoors — a great job.

### **Warralily Village shopping centre**

**Mr KATOS** (South Barwon) (10:00) — Last Saturday I was invited to officially launch the Warralily Village shopping centre, Armstrong Creek, as part of the community day celebrations. There was much buzz as I cut the ribbon on this new village of shops, including a supermarket, cafe, gym, dentist and medical facility. I was pleased to be part of the day, which included a time capsule filled with memorabilia from locals which will not be opened until the mid-2040s. As a local of the area I am pleased to see these shops opened, and I look forward to being around and seeing the time capsule when it actually is opened. My congratulations go to the entire team at Warralily and APD Projects on a great facility. Special thanks to Karen Cartwright for her work organising the day’s activities.

### **AWA Alliance Bank Stadium, Belmont**

**Mr KATOS** — Last Saturday evening I was pleased to attend the official opening of the AWA Alliance Bank Stadium in Belmont. This new stadium has been created by locals getting behind each other to create a new home and much-needed new facility for basketball in the Geelong region. It was amazing to see the transformation of this timber warehouse into a complete six-court basketball stadium. I congratulate the entire Geelong Supercats team, supporters and volunteers on a terrific job. I would also like to congratulate Dean Anglin, CEO of the Geelong Supercats, and his team on continuing to fight for this dream. Well done to all, and I wish you a successful season.

### Christian College Geelong

**Mr KATOS** — I was pleased to attend the Christian College Geelong art, design and technology extravaganza, held at the college, where many parents, students and staff enjoyed an evening of outstanding student artworks, design features, media projects and fashion design. I congratulate the principal, Glen McKeeman, and the staff at Christian College for fostering such growth of the students and encouraging the students to excel in these areas, and I would also like to congratulate all the students who had pieces featured.

### Dorothy Kingston

**Ms WARD** (Eltham) (10:02) — Dorothy Kingston was a stalwart of the Labor Party in the north-eastern suburbs of Melbourne, in the Menzies and Jagajaga federal electorates, where she made an enormous contribution to campaigns and candidates. She combined style, elegance and grace with a fierce determination and passion for social justice. She was a master of organisation, bringing people together to put on events that met her exacting standards. She was a woman of clarity, insight, empathy and manners. She contributed to a fairer society in many ways, including through her involvement with Doncare and her contribution to the Asylum Seeker Resource Centre. She was motivated by kindness and a care for others, and she got things done. I know that she would have been very proud of this place passing the Voluntary Assisted Dying Bill 2017. I will miss Dorothy, as will a former member for Eltham, Steve Herbert, and my community.

### Montmorency South Primary School

**Ms WARD** — Congratulations to Montmorency South Primary School on their amazing participation in the Premiers' Reading Challenge this year. Over 20 000 books were read at this exceptional school. To have so many students participate in this challenge is just fantastic. A shout-out to the following students for their hard work: Darcy, Xanthe, Sarah, Jemima, Cooper and Charlotte.

### Anne Williams

**Ms WARD** — I offer heartfelt thanks to a towering figure in the Eltham community, Anne Williams, the choir director of the Eltham East Primary School (EEPS) choir. For nearly 40 years Anne has built this primary school choir to be one of the top school choirs in the world. Anne has made a massive contribution to over 1000 local children, instilling not only a love of music but also confidence, resilience and an understanding of

just how good they can be. That love of music has even extended to love itself, including two of my friends who met at a choir reunion in 1996 and have since married and produced two more EEPS choristers.

Anne has also been exceptionally committed to promoting the work of young Australian composers. The choir's final performance on Sunday at the Melbourne Recital Centre was magical. I congratulate her and all past and present EEPS students involved in the performance. I also congratulate those involved in the performance: Stephen Leek, Alexander Clayton, Dom Chaseling, Monica Edwards, Sue Hamerton, Megan Reeve, Vivien Williamson —

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

### Justices of the peace

**Mr PESUTTO** (Hawthorn) (10:03) — On behalf of the member for Ripon and the Leader of the Opposition, I am very pleased this morning to take up the cause of the Buloke branch of the Royal Victorian Association of Honorary Justices. Its very hardworking honorary secretary, Mr Garry Larmour, JP, has written to both the Premier and the Leader of the Opposition asking the Premier to take urgent action to appoint a number of justices of the peace (JPs) in the community which the Buloke branch is so dedicated to serve.

In particular Mr Larmour has raised the issue of Sea Lake where there are four listed JPs, one of whom has left the district and another who lives in Nandaly. The branch believes there is an urgent need for at least one new appointment in Sea Lake. In St Arnaud there are three JPs, one of whom is over 100 years old, and there is an urgent need for at least two, preferably three, new appointments. In Wycheproof there are three JPs, although one does not live in the immediate area and one is of very senior age, and the branch believes that there is a need to appoint at least one additional JP for Wycheproof. Mr Larmour and his colleagues work so hard to serve the community, and they deserve that support. If elected next year, the member for Ripon, the Leader of the Opposition and myself will give top priority to the appointment of JPs across Victoria. They travel long distances and work incredible hours.

### Yarrabah School

**Mr RICHARDSON** (Mordialloc) (10:05) — Recently I had the pleasure of joining the Premier at the Yarrabah special school to make an incredible announcement of a \$500 000 investment in the

much-needed hydrotherapy pool. Yarrabah School will of course be completely rebuilt after the Victorian Labor government invested \$20 million in this school. The school, known as the little school with a big heart, has grown substantially over the last couple of decades. The school now has 300 students, and it is known as portable city. We have got to find a better way. That led the Premier to do a series of consultations with the wonderful parents and teachers at Yarrabah. It was a real education in the challenges that they face and the needs of their students and their community.

Making this announcement was a special moment, with parents and teachers coming together on Monday with the Minister for Education and the Premier. It will change this community and give every student the opportunity — because a Labor government believes that every student, no matter their circumstances, deserves the very best education and care, and we believe that no student should be left behind. I made that commitment to my community when I came in as the member for Mordialloc. We are living up to that with this investment in Yarrabah, and I cannot wait to see this rebuild get underway. That hydrotherapy pool will be fully funded and delivered as part of this package.

## ROAD SAFETY AMENDMENT (AUTOMATED VEHICLES) BILL 2017

*Second reading*

**Debate resumed from 29 November; motion of Mr DONNELLAN (Minister for Roads and Road Safety).**

**Mr CARROLL** (Minister for Industry and Employment) (10:07) — When I left off last night, I was talking as industry minister about how important autonomous vehicles are to the Victorian economy going forward over the next few decades. I was just about to quote data from the World Economic Forum then, which estimates that between now and 2021 the digital transformation of the automotive industry will generate \$67 billion in value for that sector and \$3.1 trillion in societal benefits. That includes improvements from autonomous vehicles, connected travellers and the transportation enterprise ecosystem as a whole.

By being proactive, we are well positioned to take advantage of this opportunity. Consistent with our commitment to move to a low emissions economy, autonomous vehicles will reduce our carbon footprint and boost our environmental credentials. While the era of large-scale car manufacturing in Victoria is over, we have been fortunate to retain the engineering expertise of Ford, Holden and Toyota. We have world-leading

designers right here. We have a world-leading proving ground where vehicles are brought from overseas to be tested in Victoria. So the opportunities are there for us to harness this important industry, this multibillion-dollar industry, that will be autonomous vehicles.

It is fantastic that all three companies are actively supporting their global parents, each of which have committed to the rollout of autonomous vehicles. Ford's Asia Pacific Product Development Centre, located in Victoria, is one of four product development centres operated by Ford around the world and employs over 1700 Victorians. Last year Ford announced its intention to bring to market by 2021 a level 4 autonomous vehicle certified by the Society of Automotive Engineers for use in a ride-hailing service.

Holden also supports its US parent General Motors in the development of General Motors vehicles. General Motors is actively developing autonomous vehicle systems and last year its new Bolt electric vehicle went into production, with self-driving prototypes being tested from the middle of this year.

Globally, Toyota announced that it will make autonomous vehicles available for public sale by 2020, in time for the 2020 Tokyo Olympics. As industry minister I have seen some of the work that Toyota are doing, particularly with hydrogen, and the investments they are making. We are going to see them at the forefront of change.

In addition to this, though, it was very interesting to hear the member last night talking about the work of companies like Bosch. I have met with Bosch, and I am going out to meet with them again shortly. They are doing a tremendous amount of work in designing and testing autonomous vehicles at their facilities in the south-east. Bosch demonstrated one of their vehicles as part of the World Congress on Intelligent Transport Systems (ITS) held in Melbourne last year in October. The Minister for Roads and Road Safety is at the table, and I had the pleasure of representing the minister and the Treasurer at an ITS dinner last weekend to meet some of the world leaders who are in Melbourne and are very much supporting technology and driving change in the vehicle manufacturing sector.

Most industry experts believe autonomous vehicles will be powered electrically. This is great news for Victoria-based manufacturers such as Nissan Casting, which is making components for electric vehicles for its global parent. The autonomous vehicle industry is a global industry, and Victoria is ready to engage on a global scale. But it is not just happening; it is happening

because as industry minister I can say we have a new vision for Victorian manufacturing through our advanced manufacturing statement, released by the member for Williamstown, which will prepare Victoria for the jobs of the future, which will innovate to capture high-value manufacturing opportunities, which is focused on building scale capability and supply chain excellence and which will foster a globally competitive business environment.

The member for Caulfield last night was asking all sorts of questions like, 'When are you going to get started?'. I have had a brief chat to the member for Caulfield this morning. I do want to inform the house that we have already started. The work of the roads minister is well underway. We are actually testing vehicles right now, whether it be on EastLink through our partnership with ConnectEast, whether it be on CityLink or whether it be what we are doing with Bosch.

The member for Caulfield spoke about the video about Bosch and what they are doing. He obviously did not pay enough attention to it, because if he had actually watched the video closely, he would have seen Victoria branding on it. Thanks to the roads minister, the Victorian government has actually funded and is behind the Tesla that featured on that Bosch video. So I ask him and I urge him not only to talk about Bosch but to actually look at who is helping fund Bosch and who is helping get behind the Tesla vehicles. It is the Andrews Labor government.

On a more serious note, the member for Caulfield rightly did ask about liabilities and where all that rests. I want to assure him that because of the work of the roads minister, the work of his department, the consultation with VicRoads and the consultation indeed with overseas jurisdictions, Victoria will authorise trials of automated vehicles by granting a permit to the person or entity responsible for the trial of the automated driving system (ADS), which will be known as an ADS permit. The ADS permit scheme is based on the learner permit scheme for human drivers to drive on the road. Victoria's ADS permit approach is easy to understand and leverages existing regulatory controls to monitor trials and maintain road safety.

Victoria's ADS permit scheme will require the applicant for an ADS permit to demonstrate they have met requirements as set out in the regulations and the guidelines; they have a safety management plan in place; they have a fully licensed human driver — the vehicle supervisor — supervising the trial who is able to take back control when requested, if required, for early trials; they have insurance; they are subject to

conditions as set out in the ADS permit; and they obviously comply with the road rules.

Applicants, vehicles, supervisors and the automated vehicle will be required to pass or undergo tests or assessments that ensure the safety of all road users. Anyone who wishes to test or develop an automated driving system which is able to perform the entire dynamic driving task without human input for sustained periods of time will need an ADS permit. This is termed 'conditional automation'. The human driver does not have to monitor the driving environment or the ADS but must be receptive to ADS requests to intervene and to any system failures. Driver assistance systems such as cruise control, autopilot, driver correction or functions that parallel park will not require an ADS permit as they still require human input. The National Transport Commission published national enforcement guidelines in November 2017 that made clear that unless you have a permit, the human driver is still responsible and must have proper control of the vehicle at all times.

The roads minister is leading on this. It is very much a proactive approach. Our approach recognises the automated driving systems doing the driving and uses the existing regulatory framework for monitoring trials, law enforcement and accident investigations. This was all in the roads minister's second-reading speech, but I hope I have spelt it out for the member for Caulfield. It is also very much spelt out in the regulations. We are now going to create the environment for safe driving and safe testing.

**Mr CRISP (Mildura) (10:14)** — I rise to make a contribution to the debate on the Road Safety Amendment (Automated Vehicles) Bill 2017. The purpose of the bill is to insert provisions in the Road Safety Act 1986 which take into consideration the development and testing of automated vehicles on the Victorian road network. Specifically the amendment implements the government's commitment to support trials of automated vehicles and a level of automation as agreed to at a meeting of the Transport Infrastructure Council in 2016. A number of provisions within the bill will deliver that purpose. The bill establishes a permit scheme to authorise testing and development of automated vehicles on Victorian roads, imposes sanctions for trials of automated vehicles without an automated vehicle permit or in breach of the conditions of the permit and enables Victoria Police to impound an automated vehicle used on a Victorian road without or in breach of a permit.

Perhaps at this point I will pause to reflect on comments made by the previous speaker. Although the liability

issues for the trial are quite clear, I think one of the challenges into the future, based on the way people are talking and their expectations around automated vehicles, is that there will be a transformation from personal liability over time to the corporate liability of the people who provide the vehicles. You often hear people talking about car sharing and about shuttles picking them up. The liability of the person who is nominated as the responsible driver of that vehicle will probably have to be changed to be a corporate liability of the provider of the vehicle and the technology. That is before us.

I visited La Trobe University not so long ago, and there was an automated vehicle shuttling people around the campus. I spotted one going past. I have yet to ride in one, but there was certainly a well-written sign to tell you exactly what it was.

There are some details in this trial proposal that do require some discussion. The bill requires applicants who wish to conduct testing and development of automated driving systems (ADS) on Victorian roads to make an application to VicRoads, and that is something everybody is pretty familiar with for various other things. The bill enables the responsible minister to issue guidelines and policies setting out the minimum criteria for those trials. No doubt there will be some learning experiences, so I am sure the minister's guidelines over time will change as required.

The bill enables VicRoads to require a trial applicant to demonstrate that the ADS, test driver, trial or vehicle has met the requirements in the relevant guidelines, policies, assessments and requirements. I think that has been covered by some of the previous comments. The bill provides VicRoads with broad powers to grant or refuse permits for trials and to impose conditions on those permits, including limiting of the trial to specified areas, dates and times. That should not be difficult for VicRoads because there are all sorts of permits in that area as well. That should not cause too many issues other than those which we have experienced at various times when we have to deal with something oversized or irregular. VicRoads should have the experience to manage that.

The bill ensures that legal obligations that currently apply to a human driver also apply to the ADS entity-applicant to enable the identification of the drivers for the purpose of law enforcement and accident investigation — I covered some of those matters a little earlier — and enables the existing offences under the Road Safety Act 1986, and the regulations made under it, and the Crimes Act 1958 to apply. It enables police to prosecute trial permit holders who do not comply

with conditions of the trial permit, enables VicRoads to cancel, suspend or vary the permit and enables fees to be charged of course for the trial permit.

When we come to automated vehicles, their rollout will not be as soon as some think and probably sooner than most think as we move into a new world. Most people's first experience with artificial intelligence will be when they actually take a ride in an autonomous motor vehicle. It will be for many people that first step into that brave new world of artificial intelligence. I think over time these cars will become electric, and that was alluded to by the previous speaker. Of course autonomous cars will change our society. Electric cars will also change our society, and the two interacting together will bring a period of substantial change.

In relation to electric cars, most people in your average Australian household will have two cars. One of those vehicles probably only does a short run; it may well take someone to and from work or to and from a place where they catch public transport to work. The other car might sit at home during the week and be used for longer trips at the weekends; or it may do what most of us who are parents will remember as the school run, followed by the supermarket run, followed by another school run and then delivering the children to their various places of passion. These are all short trips and will be very suited to the electric car of the future.

I think in current times we look forward to a brighter future with autonomous cars and electric cars, but we also need to be aware that electric cars are going to increase the demand for electricity in our society and change when that demand occurs. Those two aspects together with our current energy situation in Victoria, as we linger on the edge of energy crises from time to time as reported in the media, mean we need to factor in future growth in energy. Victoria's population is growing, people are becoming more fond of their appliances and reverse-cycle air conditioning, so there is growth in demand, and certainly how and when electric cars are charged will present a number of challenges for our generation system.

Also, for many people who are looking to manage their energy bills, an electric car battery is probably the biggest and best battery you will ever add to the side of your house. I see all sorts of issues here. Recently I was talking to the manager of a substantial business in Mildura and suggested to him that it would be in an employee's interest to charge their battery up at work in their electric car, take it home and use it to run their house at night. He was a little taken aback and not impressed with that idea. We will need to consider this issue. In a further conversation I said that perhaps on

cloudy days — the manager had a considerable number of solar panels on the roof of his engineering business — it could work the other way: the cars could be used to run the factory. People are pondering those issues and they, too, are something that we will have to consider and manage as we go forward because I am sure autonomous vehicles will become electric vehicles very quickly. Again, charging them up, how and where we get that energy from and when we get it will mean that the energy uncertainty in our future will remain.

I will now look at a social aspect of autonomous vehicles. One of the things we all see in peak hour is children being dropped off at school in Melbourne and in the country. Some walk, some ride, many come by bus, but so, too, do many come by car with their parents. The autonomous vehicle may well change what we often call the kiss-and-go zone at a primary or secondary school where children are dropped off by their parents. If it is an automated vehicle I think we are going to have some issues around safety and confidence about how children not supervised by a parent will be delivered to their school or to their place of passion, whether that be a sporting ground or whatever, and if that will over time change whether parents attend and how important that is in the social structure of the society and communities in which we live. It is a small step to have legislation on automated vehicles. It is a brave step into the future and one that I think will have some interesting but troublesome aspects.

**Mr J. BULL** (Sunbury) (10:24) — I am very pleased to have the opportunity —

**Mr Pesutto** — I draw your attention to the state of the house.

### Quorum formed.

**Mr J. BULL** — I am pleased to have the opportunity to speak on the Road Safety Amendment (Automated Vehicles) Bill 2017. This bill comes from a government that knows how to get things done. The Andrews Labor government promised not to waste a single day in office. We on this side of the house know and understand this great gift of government and the importance of working hard each and every day for this great state.

Automated vehicles of course require a well-maintained, well-serviced network of roads. and when it comes to the roads that these vehicles will be driving on, and have in the very early stages already started driving on, we know that we are upgrading a significant network of roads right across the state, whether that be the CityLink-Tulla widening project,

which is hugely important to my electorate, the M80 ring-road, the West Gate tunnel project, the north-east link or the western roads package — the list goes on. When we talk about these vehicles of the future we certainly know that there will be 50 less level crossings to deal with, thanks to the Andrews Labor government.

The world we know is moving at a rapid pace. Other members have made contributions on this fact and we know that every day technology becomes smarter and more advanced.

In our quest to develop these new technologies, though, we must always endeavour to maintain safety and provide the infrastructure and the framework around these technologies to create a safer community. If we are to take, for example, the evolution of medicines — and I was reflecting, in some of the research for this bill, on the advancing technologies that we have seen right through the medical profession — we know that millions of people are benefiting from things like pacemakers, things like vaccines, advances like defibrillator units and surgical procedures which 50 years ago could not have been dreamed of.

I was also reflecting on my first car. I purchased it for —

**Mr Pearson** — Was it a Torana?

**Mr J. BULL** — It was a Torana, member for Essendon. I may have mentioned it before. I think you also may have —

**Ms Ward** interjected.

**Mr J. BULL** — It was a Sunbird, member for Eltham. It was a 1975–76 Sunbird. I think I picked it up for around \$1500 in Sunbury. It had a big red engine, no power steering and no cruise control. It had a choke, so you had to pull the choke out to start it in winter, no reverse sensors and no rear camera. It did not have heated seats, but in summer I tell you what, they were hot — as hot as the member for Essendon. There was no keyless entry. If you think about the incredible advances, that was just 30 to 40 years ago. If we think about some of the vehicles that —

**Ms Ward** — Thirty to 40 years ago! Did you get you licence when you were two?

**Mr J. BULL** — Here we go. I will ignore the interjections from my own side, believe it or not. If we think about 30 to 40 years ago, the cars that existed then through to the cars we are lucky enough to have today — not to mention crumple zones and a whole range of safety technologies that assist us — we

certainly know there are great options and great opportunity in this space. However, we know that due to fatigue, driver error and of course alcohol and drugs we lose far too many people on our roads. If automated vehicles do have the potential to save lives, to help the environment through smarter technologies and to provide a safer way of getting to work and getting home, then why would we not look at developing them? That is exactly what the Andrews Labor government is doing, not to mention, as the minister mentioned before, those huge economic benefits that will be provided through the rollout of these vehicles.

Setting the context, we know that in November 2016 the Transport and Infrastructure Council supported the testing and development of automated driving technology on Victorian roads. We know that in December 2016, so not long after, the Minister for Roads and Road Safety, who is in the chamber at the moment, launched a future directions paper setting out how Victoria will continue to support the development of autonomous vehicles. This included supporting trials of automated vehicles, with any level of automation, including where a driver is not present in the vehicle.

It is certainly true to say that this is an ever-changing and rapidly developing industry. It is an industry for which we need legislation and regulation that provides a framework for safe on-road testing and the development of automated driving technology which enables this technology to be developed for local traffic conditions. The bill will position Victoria as a leader in automated driving technology, which will help create investment opportunities and generate more jobs — which the minister did also mention in his contribution. It will also enable the impacts of automated driving technology on Victoria's legal framework and transport network to be assessed.

There are a number of details of this bill that members have mentioned. I will in the time that I have got remaining briefly mention those. We know that the bill amends the Road Safety Act 1986 to establish a performance-based permit scheme which authorises the testing and development of automated driving technology on public roads. The bill requires applicants who wish to conduct testing in the development of an automated driving system (ADS) — which has already been mentioned — on Victorian roads to make an application to VicRoads for approval. It enables the responsible minister to issue guidelines or policies setting out the minimum criteria to be met to obtain a permit for such trials and enables VicRoads to require the trial applicant to demonstrate that the ADS test driver trial or vehicle has met the requirements in the relevant guidelines.

It is certainly fair to say that this will be a changing dynamic for VicRoads to deal with. This legislation sets out a number of those requirements, which will assist VicRoads in allowing these trials to occur, and a review process to help us understand what areas we need to improve, what are the opportunities in this space and what are the ways that we can improve going forward. We know that the legislation will enable the existing offences under the Road Safety Act 1986, and the regulations made under it, and the Crimes Act 1958 to apply. It will also enable the police to prosecute trial permit-holders who do not comply with the conditions of the trial permit and will enable VicRoads to cancel, suspend or vary any such trial permit.

In here, late yesterday evening, the member for Caulfield spoke about the need for us to get moving with this. I do find it somewhat startling that the member for Caulfield, who did not get a whole heap done in four years in government, is lecturing those on this side of the house on getting things done. What we need is high-tech, safe and modern advances in technology — those that have the capacity to change the way in which we live and change the way in which we work. This is an important first step in automated vehicle rollout, and I look forward to seeing these vehicles evolve, possibly with the Sunbird. Maybe the Sunbird could come back and make a cameo appearance, and the member for Essendon and I could go down the Tulla together. I would like to commend the bill to the house.

**Mr THOMPSON** (Sandringham) (10:34) — I am very pleased to make a contribution to the Road Safety Amendment (Automated Vehicles) Bill 2017. By way of background, the role of innovation, of invention, of inventors defining products that are manufactured for domestic and global markets is a great thing. In the Sandringham electorate there have been a number of businesspeople who have conceived of an idea, have started a project in their garage or on their living room table and have ultimately exported a product to the world.

There was great work undertaken by Tab Fried and his business TED Engineering, where design tooling was undertaken on products that ended up being used for the Boeing 777 in Seattle. Tab was a migrant who arrived in Australia just with his suitcase and his aptitude for hard work and innovation. He developed an enterprise that employed many people — a highly skilled engineering business — and he made a great contribution to the district and also to global aviation.

Another enterprise was Ronstan, started by Ron Allat and Stan LeNepveu. Ron and Stan started a business

from the ground up and their product, which had its genesis in their workshop in Advantage Road, Highett, is exported to 46 countries around the world.

Going back in time there is the suburb of Sunshine, which is named after the Sunshine combine harvester developed by Hugh Victor McKay. He once employed 3000 people in Sunshine. As a result of his vision and his engineering skill and the ability to develop the —

**Mr Pearson** interjected.

**Mr THOMPSON** — I will avoid commenting on the interjections made in relation to the Harvester judgement other than to note that a company which once employed 3000 people no longer operates today — 3000 workers of yesteryear no longer had that opportunity through the enterprise that Hugh Victor McKay established. There is this balance between the vision splendid and some of the practical realities of developing product for the export market rather than seeing Australian manufacturing, ingenuity and invention being shipped offshore.

The bill before the house is designed to support innovation. The bill amends the Road Safety Act 1986. It establishes a permit scheme to authorise the testing and development of automated vehicles on Victorian roads. It imposes sanctions for trials of automated vehicles without an automated vehicle permit or in breach of conditions of the permit. It enables Victoria Police to impound an automated vehicle used on a Victorian road without or in breach of a permit. The opposition regards the bill as one worthy of support. It provides safeguards in regard to what is potentially a significant economic opportunity for Victoria. The development and testing of the automated driving system is rapidly accelerating across the world, and anything that can be done to position Victoria to attract innovative emerging industries and associated employment should be welcomed and facilitated.

The member for Caulfield earlier noted the work done in South Australia and its proactive positioning in relation to this level of engineering and innovation. He noted the work being undertaken by Mobileye and the developments in autonomous vehicles and the development of enterprise and innovation in this particular area. Again, the role of innovation will be critical to future employment opportunities. It is also critical for the competitive advantages that Victoria has in a number of sectors, certainly in the motor vehicle sector.

One of our critical advantages was cheap energy supplies, which enabled Ford and General Motors

Holden to set up. Whatever the socialist dream and vision may be, there is an economic reality that, unless you can compete against global competitors and improve at a rate faster than those people against which you are competing, you will fail. Hence the experimentation and innovation must also be undertaken in an environment that nurtures the opportunity for economic development and economic growth with favourable business conditions and a favourable environment for investment and a regulatory environment which encourages innovation, enterprise and opportunity, not one that will drive businesses out of this state. Sadly one could visit the suburb of Sunshine today and one would not see the enterprise that Hugh Victor McKay built there 120 or more years ago.

**Mr McGUIRE** (Broadmeadows) (10:39) — This legislation provides the legal architecture to deal with safety and innovation and to drive new jobs. The Andrews Labor government has partnered with the automotive and technology industries to support safe and effective trials of automated vehicles on Victorian roads. VicRoads has engaged with the industry to seek feedback on the Labor government's future directions paper, which outlines the need for regulatory changes to allow testing on highly automated vehicles on our roads. The consultation focused on ensuring that road safety during testing on public roads was taken care of, what constitutes a driver being in control and understanding how the changing technology interacts with our transport system.

This is the context that this legislation has been brought in — to look at how we deal with the accelerating change in technology. How do we harness it? How do we use the innovation for safety? And how do we actually then address it? What are the new industries and jobs that can flow from this? I would like to acknowledge the Minister for Roads and Road Safety, who is at the table, who was recently with me in Broadmeadows. This bill draws these bigger-picture legislative ideas down to what they actually mean for businesses. We were together at a local company that was able to do international leading work.

This goes to the history and heritage of Victoria. We have had a fantastic result in road safety with a bipartisan approach over a generation going all the way back to seatbelts being made compulsory. I think we can say that with pride as a Parliament. This is another piece of legislation that is dealing with the requirements for safety and then, even more so, harnessing the technology that will drive improvements, creating the settings with businesses and giving them — as the member for Broadmeadows, I am

happy to say — some financial support where the new jobs are needed the most.

There you see the full sweep of what a government can do and how it can embrace change, make change a friend, not an enemy, and show people, 'Here's how you have the jobs for the future'. This is this critical dynamic that we are all facing now in how we address these issues. I just want to acknowledge the minister for this piece of legislation, which is part of a whole series, a regime, of changes and initiatives brought by the Andrews Labor government. You have to keep driving the change and be part of what the new industries and jobs will be.

For the detail of the bill, what it looks at are some amendments to the Road Safety Act 1986 to establish a performance-based permit scheme which authorises the testing and development of automated driving technology on public roads. It provides the framework for safe on-road testing and development and enables technology to be developed for local traffic conditions. That is a critical point, because the question that has to be worked through with any innovation is: is it fit for purpose for the specific requirements? And if not, what adjustments have to be made? That is important for that proposition.

The bill positions Victoria as a leader in automated driving technology, which will help create investment opportunities and generate more jobs. And that comes back to the example in the electorate of Broadmeadows, where there is this locally based company that is exporting to a number of countries. This means that they can develop the technology, get the value out of the intellectual property (IP) and increase jobs here, which is a theme that I like to beat like a drum as much as I can because I think this is really what we must do as a state to be the leader nationally. So that is important for that proposition.

The bill also enables the responsible minister to issue guidelines or policies setting out minimum criteria to obtain a permit for the trials. It enables VicRoads to require the trial applicants to demonstrate that the automated driving system (ADS) test driver trial or vehicle has met the relevant guidelines, policies, assessments or requirements, so there is good oversight to make sure that compliance is met. It provides VicRoads with broad powers to grant or refuse permits for trials and impose conditions on those permits, including limiting the trials to specified areas, dates and times. That is to make sure that it is controlled. It ensures that the legal obligations that currently apply to a human driver also apply to an ADS entity or applicant, and it enables the identification of drivers for

the purposes of law enforcement and accident investigation, so that covers off any unforeseen propositions on compliance to make sure that we know who is in charge and who is responsible. I think that is an important proposition as well.

The bill also enables the existing offences under the Road Safety Act 1986, and the regulations made under it, and the Crimes Act 1958 to apply, so there is the regulatory oversight. It enables police to prosecute trial permit-holders who do not comply with the conditions of their trial permit, so that is important as well — that there are sanctions and a mechanism to address that. It enables VicRoads to cancel, suspend or vary the permit trial.

I have tried to set out the context of change, what is needed to do it and the regimen for scrutiny, accountability and application. I also just want to address the fact that Victoria will authorise trials of these automated vehicles by granting a permit to the person or entity responsible for the trial. The ADS permit scheme is based on the learner permit scheme for human drivers learning to drive on the road. Victoria's ADS permit approach is meant to be easy to understand and to leverage existing regulatory controls to monitor the trials and maintain road safety, so they are the overarching propositions.

I guess the next question is: why is Victoria taking such an approach to regulating trials? The response has been that Victoria's approach recognises the automated driver system doing the driving and uses the existing regulatory framework to monitor the trials, law enforcement and accident investigation. This approach provides clarity of responsibility and liability. It enables appropriate monitoring and intervention to ensure safety for the community and creates a solid foundation for adapting to further innovation and change, including the wider deployment of automated vehicles at a later stage. So this is a tiered approach to address any concerns that people could have with how this might play out over time, how it develops and how technology changes.

Victoria's ADS permit approach recognises that there is a driver — an automated driving system designed by a company or person to drive a vehicle. A legal entity, whether they be a person or a company, that wants to develop an ADS for use on Victorian roads will need to have an ADS permit and be responsible for that ADS. The bill also clarifies insurance cover, and Victoria's no-fault transport accident compensation regime will apply to persons injured in any traffic accidents involving an automated vehicle.

In summing up, the legislation sets out how this can be road-tested, how it can be done in a manner that is safe for the drivers and for other road users, how we can look at investing in innovation, how we can drive that and how we can actually make sure that companies like the one in my electorate get the value from their intellectual property and hopefully get a market opportunity in a greater way here in Victoria, in Australia and internationally. That completes the virtual circle, as what we are trying to achieve is to bring the jobs here and then take the IP to the world. I want to recommend the bill to the house.

**Mr D. O'BRIEN** (Gippsland South) (10:49) — I too am pleased to rise to speak on the Road Safety Amendment (Automated Vehicles) Bill 2017 for a number of reasons, but I welcome the bill from an entirely selfish perspective. As a regional member of Parliament I spend a lot of time in the car, and the idea that there might one day soon be a car that will drive me to and from where I want to go so that I am able to do some work in the car is welcome. I estimate that in most weeks I would spend about 10 hours in the car, and to have those 10 hours back to do work, to check emails rather than get home at 8.30 at night and then find 50 emails sitting there waiting to be read, would be fantastic. If it comes to that, it will revolutionise our work, but it will actually revolutionise our whole society.

I am reminded of one of the semiregular articles on the future and what the predictions might be when it comes to autonomous vehicles, which was on the ABC a few months ago. I shared it on my Facebook page. I thought that I had cleverly paraphrased a line I got from *The Simpsons*, which was, 'I, for one, welcome our new insect overlords', as 'I, for one, welcome our new robot overlords', because of the reasons I have just pointed out. The idea of having someone drive me around is fantastic. Interestingly, some people on Facebook did not quite get the humour attached to that and thought that it was entirely inappropriate for a member of Parliament to be welcoming our new robot overlords.

The article was interesting. As I said, they are coming out regularly now. In fact I think there is a fair bit of clickbait involved in some of them. But this one was on the ABC and quoted Tony Seba, who is a lecturer at Stanford University in the US. He is known as a chief disruptor with over 20 years experience in venture capital, business entrepreneurship and clean energy technologies. He predicts, and there are many predictions out there, that by 2024 the whole concept of individually owned cars will be obsolete. The internal combustion engine will not be competitive with electric motors. As a result there will be a whole range of flow-on effects: car dealerships will cease to exist,

global demand for oil will plummet and so will its price, and by 2030, 95 per cent of US auto miles will be travelled by autonomous on-demand electric vehicles. As a result the automotive and oil industries as we know them will collapse.

I do find some of those predictions a little fanciful. If you are one of the people who goes out and buys a new car outright and you have just bought one now, you are very unlikely to be ready to dump it in the next couple of years. Some of the predictions, too, which offer great potential for our community and our society could be great, but again I am not sure how they will play out — for example, the prediction that no-one will own a car and that we will just Uber up a driverless car and as a result will not need parking facilities in our cities. I am not sure where the cars are going to go. They have dropped you off, so they are either clogging up the roads or they are going to need to go somewhere.

Some of those predictions are probably a little premature, but even if this does come to pass and there is a massive market penetration of autonomous vehicles in the next 20 to 30 years, whatever it might be, there will be dramatic changes for us. There are the issues of insurance, and obviously as legislators we need to deal with the issues of ethics and the law, and that is what we are starting to do here today. But there are issues for governments. If people do not own their own cars, a huge amount of revenue for state governments in car registrations will be lost. If electric vehicles and electric autonomous vehicles take over, there are implications for fuel tax. Again a large amount of revenue for the federal government could be lost. These could be very challenging and very disruptive changes for us if it all does come to pass.

As I said, I am a bit sceptical that some of these things will happen as quickly as Tony Seba predicts and as many others are predicting. Elon Musk is out there saying that they will be on the road by 2021. That is possible; we already have autonomous vehicles being trialled on the roads in the US, here in Australia and in Victoria. But I am not so sure that consumers are going to want to give up their own vehicle and simply say, 'I'll just call up a car when I need it'. We have that at the moment and they are called taxis, but people still prefer to buy a car and have it sitting in the driveway. It is perhaps one of those predictions that come from economists who always say that people are rational and they will do what is most rational for them. But that is not always the case, particularly when it comes to cars.

The member for Sunbury highlighted that when he talked about his Sunbird. It was not necessarily a rational choice; it was probably just a financial one at

the time. I think we could start a trend for ‘Sunbury’s Sunbird’. There is a slogan in that somewhere. I for one am rather embarrassed to admit that my first vehicle was a 1982 Ford Laser. After having spent about six months determined to get a VL Commodore, I was convinced by a dodgy car yard salesman that Lasers were a good car, and they were a good little car. It was also brown. It still hits me to this day that one day when I was driving out of the car park at Waverley Park, with a couple of mates hanging out of the window having beers — of course I was not, as the driver — a bloke went past in his Commodore and said, ‘What, have you got your mum’s car today?’. That was a long time ago, but as you can tell, it still hurts. The little Laser was a good car. My older sister had a Sunbird, and I could have only dreamed of a Sunbird, member for Sunbury.

Since the member for Sunbury’s Sunbird, my Laser and subsequent vehicles we have seen very rapid advances, so some of the predictions that I talk about may not be so fanciful. As the member for Sunbury indicated, things like reversing cameras, which only five to 10 years ago were seen as a great new innovation, are now fairly stock standard.

We have got cars that will self-park or reverse park on their own. I know that having those has saved many people in the community a lot of embarrassment. I do not have one, but I know some colleagues who have got cars that are already semi-autonomous in the sense of braking on the freeway as cars slow in front of them and the like. We have seen rapid advancements in the last 10 or 20 years, and I am sure that that will continue. The pace of change of technology, as we know, only tends to accelerate. It may well be that some of these predictions come to pass, but there is still a fair way to go as to whether that will be the case and whether some of the more dramatic predictions happen as quickly as has been suggested.

This bill does set up the framework that needs to be in place. I must say, even us debating this bill highlights how quickly this field is developing. There was a comment made before about what we did in government or what we did not do in government. Even three years ago I do not think anyone was seriously contemplating autonomous vehicles. Indeed only about 18 months ago I talked to one of my colleagues about what we should have in a policy sense and that we should perhaps send something off to the Victorian Law Reform Commission regarding driverless vehicles because we are going to need to deal with them. Even in that short amount of time things have developed quite rapidly, and so we have this legislation before us today.

The bill establishes a permit scheme to authorise testing and development of automated vehicles on Victorian roads, imposes sanctions for trials of automated vehicles conducted without an automated vehicle permit or in breach of a condition of the permit and enables the police to impound an automated vehicle used on a Victorian road without or in breach of a permit. As I said, the bill sets out the framework. It will enable us to continue to take a leading role as a state. I certainly welcome this bill. I look forward cautiously but with great excitement to further developments in autonomous vehicles and am happy to be supporting this piece of legislation today.

I will just continue to reflect on that while we get towards question time and to assist my colleagues who are coming in who might have missed the history of my Laser and the member for Sunbury’s Sunbird. I commend the bill to the house.

**Business interrupted under sessional orders.**

### DISTINGUISHED VISITORS

**The SPEAKER** (11:01) — Order! I would like to welcome to the gallery Ms Sharren Haskel, a member of the Israeli Knesset. Welcome to the chamber.

### QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

#### Bourke Street tragedy

**Mr PESUTTO** (Hawthorn) (11:01) — My question is for the Premier. In the face of scathing criticism by the Supreme Court, how can you explain to the victims, families and broader community affected by the Bourke Street tragedy in January your government’s unacceptable delay in providing the documents required so that criminal proceedings can go ahead against Mr Dimitrious Gargasoulas, the man alleged to have committed the Bourke Street atrocities while on bail?

**Mr ANDREWS** (Premier) (11:02) — I thank the member for Hawthorn for his question. I understand that, contrary to the accusation and claim made in his question, all documentation has been provided to Victoria Police, as requested by them. There was an FOI that was lodged by the defence, as I understand it, and that matter has been processed as well in accordance with the fact that that is an independent process and ought always be an independent process.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Minister for Police will come to order.

*Supplementary question*

**Mr PESUTTO** (Hawthorn) (11:02) — In January, Premier, you said you would not waste a minute in reforming the bail system. Why then cannot your government act on simple things such as providing documents to court, and why after nearly 11 months post the Bourke Street tragedy do our bail laws remain unchanged?

**Mr ANDREWS** (Premier) (11:02) — I thank the member for Hawthorn for his question. In relation to FOIs that were lodged and processed I am advised they were processed in line with the stated publicly well-known time frames, the appropriate time frames as outlined in the act indeed. So the shadow Attorney-General is wrong; as is so often the case he is wrong. I reject each and every one of the assertions made in his question and his attempt to play politics with this terrible tragedy.

**Ministers statements: severe weather event**

**Mr ANDREWS** (Premier) (11:03) — I rise to update the house on a severe weather event which has been forecast both for regional Victoria and indeed for metropolitan Melbourne in coming days. This is a very serious matter and one that will pose a real challenge to communities right across the state and will be a direct challenge to public safety.

I commend to all Victorians that they pay particular attention to the warnings that will be issued by Emergency Management Victoria and the warnings and other advisories that will be provided by VicRoads, public transport operators and Victoria Police. I commend to them: follow that advice; it is critically important in order to keep you and your family safe. One example of that of course would be to never enter a body of water or flooded roads. Driving into that can be so dangerous, not simply for those who are making that decision but also for those who might be called upon to rescue them.

Speaking of those who might be called upon to put themselves in harm's way in order to keep the community safe, in anticipation of what will be a very challenging time for our emergency services, both career and volunteer, can I extend on behalf of all Victorians our gratitude and our thanks and the admiration that we have for the fact that they all too often put themselves in harm's way to keep the rest of us safe.

This will be a very challenging period for our state, and we will be able to deal with these challenges because of the bravery, the training and the dedication of our

emergency services and, I would hope, the common sense and good judgement of all Victorians. Please listen to those warnings, heed them. That is the best thing you can do in order to keep yourself and your family safe and, what is more, not put our emergency services in harm's way by having to come to your aid. This will be a very challenging period but I know Victorians are equal to this challenge.

**Northcote by-election**

**Mr WALSH** (Murray Plains) (11:05) — My question is to the Premier. The Animal Justice Party has gone on the record stating that:

We're preferencing Labor —

in Northcote —

because they were offering us a Victorian welfare group for animals, they were also offering us about \$500 000 for animal organisations and community organisations ...

Premier, who from your government was responsible for offering half a million dollars of taxpayer-funded initiatives and grants to the Animal Justice Party in exchange for preferences at the Northcote by-election?

*Honourable members interjecting.*

**The SPEAKER** — The Attorney-General is warned.

**An honourable member** interjected.

**Mr ANDREWS** (Premier) (11:06) — Someone over there said, 'It's not funny'. No, it is not funny to be asked questions about preferences by a bloke who gets a car because of his preferences. That is how it works in the National Party. The animal justice movement and their political representatives are free to make their own —

*Honourable members interjecting.*

**The SPEAKER** — Order!

**Mr ANDREWS** — Can I put it to the Leader of the Opposition that those who are passionate about animal welfare are indeed expert in these matters, and they have formed the conclusion that this government's credentials in relation to animal welfare are second to none. The government made election commitments in 2014 and we have honoured all of those election commitments in relation to animal welfare, and the fact that those opposite have no credentials in this regard must upset them.

**Mr Walsh** — On a point of order, Speaker, on the issue of relevance, the question was very specific: it was about who in the Premier's government was actually responsible for offering half a million dollars of taxpayer-funded initiatives in return for preferences. He has not addressed that issue in his answer, and I ask you to bring him back to answering the question, please.

**The SPEAKER** — The Premier has been responsive to the question.

**Mr ANDREWS** — The election commitment was made way back in 2014, and we have delivered against that commitment. Broadly, narrowly, specifically, any way you want to look at it, we have delivered on that election commitment.

As for matters of preferences, they are dealt with by registered officers of political parties. We do not sit around drinking bottles of wine and eating lobsters. We do not sit around eating pizzas —

*Honourable members interjecting.*

**The SPEAKER** — The Premier will resume his seat. I warn members on both sides of the house.

**An honourable member** interjected.

**The SPEAKER** — Order! Question time is a robust forum but I will not have a situation where I cannot hear the answers or the questions from members of the place. Members will be removed from the chamber without warning.

**Mr M. O'Brien** — On a point of order, Speaker, the question related to who in government offered \$500 000 in exchange for preferences. The Labor Party state secretariat, last time I looked, did not have the authority to offer taxpayers money to any political party. So the Premier has not answered the question — he is avoiding the question. Who in the government offered that half a million dollars in exchange for votes?

**The SPEAKER** — Order! I can only rule on the question that has been asked. The Premier is being responsive to the question.

**Mr ANDREWS** — Thank you very much, Speaker. I am rejecting the ridiculous assertions made by the questioner and the would-be leader over there. The Animal Justice Party have looked at the record of this government and judged it to be second to none. We made commitments in 2014, and they are being delivered in full.

*Supplementary question*

**Mr WALSH** (Murray Plains) (11:10) — Premier, was half a million dollars in taxpayers money a fair price to pay for 282 Animal Justice Party preferences in the Northcote by-election?

*Honourable members interjecting.*

**The SPEAKER** — Order! This is the fourth last question time of the year. If members wish to stay and enjoy it, they should stop shouting across the chamber.

**Mr ANDREWS** (Premier) (11:10) — Is that the best the Leader of the National Party, which is not actually a party, has got? That is the best you have got, is it? That is the best you have got. We make commitments and we deliver on them.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Kew has been warned.

**Mr Pesutto** interjected.

**The SPEAKER** — And the member for Hawthorn.

**Mr Richardson** interjected.

**The SPEAKER** — And the member for Mordialloc.

**Ministers statements: severe weather event**

**Mr MERLINO** (Minister for Emergency Services) (11:11) — I rise to update the house on the preparation for the severe rain event that the Premier has just outlined. It is going to be a challenging three days for our emergency services, with severe weather predicted across the state with the risk of flash flooding and riverine flooding as well, and this preparation needs to take place at a time when the sector is still dealing with heat and fire challenges today.

A severe weather warning is in place for heavy rainfall from late Thursday for most of Victoria and metropolitan Melbourne. I can advise the house that the state control centre is activated and running in support of the severe weather expected in Victoria over the next three days. Local incident control centres will be activated and a four-day plan is being developed to be active from Friday until Monday.

Victoria State Emergency Service (SES) will be the lead agency for response, and their units are ready to go, with Ambulance Victoria, the Country Fire

Authority and the Metropolitan Fire Brigade all ready to assist.

There will be a state emergency management committee of cabinet meeting at 1.00 p.m. We are arranging briefings from Emergency Management Victoria's Commissioner Lapsley and the deputy chief officer of the SES, Tim Wiebusch, this afternoon. There will be a briefing for the shadow minister and particularly affected opposition members, such as the members for Euroa and Benambra. That will be at 2.00 p.m. today. I will also ensure that the member for Shepparton is briefed this afternoon. At 3.00 p.m. the commissioner and the deputy chief officer of the SES, along with the Bureau of Meteorology, will provide a full media briefing at the State Control Centre.

We will continue to work closely with the sector over coming days and provide them with every support that they need. I would like to thank our emergency services, the men and women at the State Control Centre and the incident control centres and particularly our volunteers with our SES units, thanking them in advance of what will be a very difficult period.

### Northcote by-election

**Mr WALSH** (Murray Plains) (11:13) — My question is again to the Premier. Minister Pulford has stated in Parliament that the government decided to form Animal Welfare Victoria and allocate half a million dollars in taxpayer funds just a few days before its rushed announcement on 19 October. The ballot draw for the Northcote by-election was also conducted on 19 October, with early voting beginning later that same day. Premier, isn't it the case that you had to make the announcement on that day about establishing Animal Welfare Victoria and the half a million dollars in taxpayer funds so the Animal Justice Party would start delivering its preferences to Labor straightaway?

**Mr ANDREWS** (Premier) (11:14) — The answer is no.

*Honourable members interjecting.*

**The SPEAKER** — I warn the member for Warrandyte.

### Supplementary question

**Mr WALSH** (Murray Plains) (11:14) — Premier, if the half a million dollars delivered to Animal Justice Party causes on the day they began preferencing the Labor Party in the Northcote by-election is all just a coincidence, will you now release the list of organisations which were promised a share of the half a

million dollars you announced and whether any of those organisations that were funded are associated with the Animal Justice Party or its members?

**Mr ANDREWS** (Premier) (11:14) — I thank the member for his question. I am happy to arrange a briefing for him on all matters relating to animal welfare, something he knows nothing about.

### Ministers statements: north-east link

**Mr DONNELLAN** (Minister for Roads and Road Safety) (11:15) — It is a pleasure to rise to update the house on the biggest transport project in Melbourne's and Victoria's history. It is very much about giving back local roads to the local community. It is about building that missing link so we get vehicles — cars, the freight industry — around the city of Melbourne. It is also about increasing the capacity of the Eastern Freeway. We know there are those pinch points around Elgar Road and Bulleen Road. I remember that the last time I was down in Bulleen Park it took me an hour on a Saturday morning just to get out of the park because of the gridlock on Bulleen Road.

If you are a local member and you knew that, you would think you would have a policy position on this. You would really think you would have a policy position. If I was a local member in the north-east, I certainly would not be telling my community that they could rot in congestion for the next 20 years.

*Honourable members interjecting.*

**The SPEAKER** — Order! I have warned the house already that I am not going to tolerate that level of shouting across the chamber.

**Mr DONNELLAN** — Thank you, Speaker, for the protection from the screaming banshees. Let us be very clear: if I was in the north-east, I would not be telling them they would have to wait for 20 years for a solution. I certainly would not be telling them that —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for South-West Coast will leave the chamber for the period of 1 hour.

### Honourable member for South-West Coast withdrew from chamber.

**Mr DONNELLAN** — I would certainly be selling the benefits of this project, the 30-minute travel time savings between the north and the south-east. I certainly would not be talking to my federal defence minister,

trying to stop major projects which will get 15 000 trucks off local streets. And I would not come up with the idea that the local community would think that open-cut mining in the middle of suburbia to put big bridges, sky left, sky right, was a solution for their issues. Open-cut mining in the middle suburbs of Melbourne will go down like a lead balloon. I would certainly provide leadership and get on with the job of being a real leader.

### North-east link

**Mr GUY** (Leader of the Opposition) (11:17) — My question is to the Minister for Roads and Road Safety. Within 300 to 400 metres of road tunnel portals sit the smokestacks for exhaust fumes. Minister, can you confirm that within this distance from your proposed north-east link tunnel portal in Rosanna also sits St Martin of Tours Primary School?

**Mr DONNELLAN** (Minister for Roads and Road Safety) (11:18) — I thank the Leader of the Opposition for his question. As the Leader of the Opposition would be well aware, as a former Minister for Planning, at this stage we are developing a reference design. So in terms of how specific we can be, as I have indicated previously, when we went out to the community we indicated that to those who may be affected by this project — and we were very conservative — those 75 houses and 135 businesses. We were very, very open, in the same way as we have put up a design as a proposition currently, which will be worked through to a reference design. Once that reference design is available, again, it will go to the public. Like everything else we have done, we have done it openly. We have not hidden. We have ensured we have engaged with people. There have been many, many thousands of people who have been engaged directly by this, and we will ensure that we will work with them to minimise the impact and ensure the benefits of this project are shared across the north-east.

### Supplementary question

**Mr GUY** (Leader of the Opposition) (11:19) — With the tunnel portal of the north-east link in Rosanna currently planned to exit near Borlase Street, Yallambie, Minister, can you confirm that to pipe the Banyule Creek and pave over the native habitat that the council has designated as wetlands the state government will require environment protection and biodiversity conservation (EPBC) environmental referral to the federal government, and have these discussions commenced?

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the Treasurer. The Leader of the Opposition and the Premier will assist with the running of the house.

**Mr DONNELLAN** (Minister for Roads and Road Safety) (11:20) — I think you better stop that mouth moving. It just does not stop. As I indicated to the Leader of the Opposition a couple of seconds ago, a reference design is being developed presently and is being done openly with the public. We will work intensively with the public to ensure we minimise the disruption and ensure the benefits of this project are shared across the north-east.

### Ministers statements: level crossings

**Ms ALLAN** (Minister for Public Transport) (11:21) — I rise to advise today that yet another level crossing is gone, consigned to the history books. This morning the boom gates at Camp Road in Campbellfield have been removed forever. The member for Broadmeadows is pretty happy with that and the Victorian community is pretty happy with that, particularly given that this was the scene of a tragic fatality. This level crossing is gone and it is gone for good. This takes us to number 11 of the level crossings that are gone in just under three years.

Moving from the north to the south, works are well underway to remove the level crossing at Skye Road in Frankston. Three level crossings are gone on the Frankston line — Skye Road is the fourth — and all up we are removing 13 level crossings on the Frankston line. We know the former Liberal government did not get rid of any level crossings. They did not get rid of any level crossings —

*Honourable members interjecting.*

**Ms ALLAN** — And you can put that in your Frankston line newsletter.

*Honourable members interjecting.*

**The SPEAKER** — Members on my right will come to order.

**Mr Clark** — On a point of order, Speaker, the minister is both misleading the house and debating the issue. I ask you to bring her back to making a ministers statement

**Ms ALLAN** — On the point of order, Speaker, I accept I may have strayed a little in my contribution, but I absolutely refute the claim that I am misleading the house. They did not fund or finish any level crossings during their four years in government.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Burwood will leave the chamber for the period of 1 hour.

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

*Honourable members interjecting.*

**The SPEAKER** — The member for Eltham will leave the chamber for the period of 1 hour.

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

**The SPEAKER** — The minister had strayed from her ministerial statement. I ask her to come back to making a ministers statement.

**Ms ALLAN** — They are a bit touchy because they know that with the removal of 13 level crossings —

*Honourable members interjecting.*

**The SPEAKER** — The member for Ferntree Gully will leave the chamber for the period of 1 hour.

**Honourable member for Ferntree Gully withdrew from chamber.**

**Ms Allan** interjected.

**The SPEAKER** — The Leader of the House will come to order.

**Ms Ryall** — On a point of order, Speaker, the Leader of the House —

**Ms Allan** interjected.

**Ms Ryall** — If the Leader of the House would be quiet for a moment I could actually raise my point of order. The Leader of the House is misleading the house.

*Honourable members interjecting.*

**The SPEAKER** — I warn the member for Ivanhoe.

**Ms Ryall** — The Leader of the House is misleading the house. There was no commitment by Labor, no funding in relation to Mitcham and Rooks roads level crossings. It was fully funded, planned, built and delivered, and the Springvale Road, Springvale, level crossing as well. So clearly she is misleading the house. She has continued to do this for a number of years now, and it is about time she was actually held to account for misleading this house.

*Honourable members interjecting.*

**The SPEAKER** — Order! I understand the point members are making. That accusation can only be made by way of a motion in the house.

**Ms ALLAN** — Me think they doth protest too much, Speaker. The Metro Tunnel project and the 13 level crossings on the Frankston line will give us a chance to run more trains more often on the Frankston line. To achieve this we also need more stabling to run those more trains, and where do we want to do this? At Kananook, to put in extra stabling. You would think this would be something that would be broadly supported, but sadly not. Despite the need to run more trains on the Frankston line and to put in the stabling, those opposite yesterday in the Legislative Council tried to stop the planning scheme amendment that would support the construction of extra stabling at Kananook. This is the Leader of the Opposition instructing his members in the other place to stop these works on these Frankston level crossing, which also puts at risk jobs, while we are getting on with removing level crossings.

### Port of Melbourne

**Mr CLARK** (Box Hill) (11:25) — My question is to the Minister for Ports. I refer to the massive delays, disruption and costs to shipping and port users being caused by the picket imposed at the port of Melbourne by members of the Maritime Union of Australia (MUA) and I ask: what action will the minister take to end this picket and enable urgent medical supplies, Christmas goods and perishables to begin moving again?

**Mr DONNELLAN** (Minister for Ports) (11:26) — I thank the manager of opposition business for his question. It is an enterprise bargaining agreement negotiation. These are matters for negotiations between the employer and the employee, and that is obviously something that we will monitor and ensure is being done appropriately. But these are matters under the federal legislation and very much for them to sort out. It is not something that the state has the capacity to intervene on, because if I remember very correctly, the industrial relations powers of the state were handed over to the Feds many years ago.

*Honourable members interjecting.*

**The SPEAKER** — The member for Hawthorn has been warned.

*Supplementary question*

**Mr CLARK** (Box Hill) (11:26) — I refer the minister to the fact that this picket has nothing whatsoever to do with enterprise bargaining agreement negotiations but relates to a matter of port security and I ask: is it a fact that the government's support of a culture of bullying and intimidation by the MUA and the CFMEU is contributing to the port of Melbourne for the first time ever losing its status as Australia's largest container shipping port?

*Honourable members interjecting.*

**The SPEAKER** — Order! the member for Mordialloc will leave the chamber for the period of 1 hour.

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

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Williamstown is warned.

**Mr DONNELLAN** (Minister for Ports) (11:27) — Very clearly, no, we will not intervene. This is obviously something which needs to be sorted out between the employer and the employee, and it is appropriate in those circumstances they do so.

**Ministers statements: employment initiatives**

**Mr CARROLL** (Minister for Industry and Employment) (11:28) — I rise to update the house on how the Andrews government is creating record job growth in this community. The Andrews government has literally rewritten the rule book on jobs and job creation. Three times the number of jobs have been created under our government compared to those opposite. We inherited a manufacturing sector in decline. Those opposite — their mates in Canberra, while they were chomping on cigars — oversaw the demise of manufacturing.

*Honourable members interjecting.*

**The SPEAKER** — Order! Before calling the member for Box Hill on a point of order, the member for Hawthorn will leave the chamber for the period of 1 hour.

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

**Mr Clark** — On a point of order, Speaker, the minister has immediately commenced to debate the

issue. I ask you to instruct him to make a ministers statement in accordance with sessional orders.

**The SPEAKER** — I ask the minister to come back to making a ministers statement.

**Mr CARROLL** — Coming from Alan Stockdale's apprentice, I will take that as a compliment. We inherited a manufacturing sector in decline. They did nothing opposite. We will support communities. I want to congratulate the members for Broadmeadows and Dandenong, and also the member for Geelong, for what they are doing with their auto transition task force. We are getting results, whether it be right around the state, whether it be in Pakenham.

*Honourable members interjecting.*

**Mr CARROLL** — The member for Bass should pay attention — Rotomould plastics, almost 100 jobs. The Leader of the National Party seems to forget the Northcote by-election has been and gone, but the member for Northcote is here, and out in Fairfield we have created 13 jobs at Shiny Embroidery. With over 100 years experience in car manufacturing — backing manufacturing, backing support — our more than \$100 million in manufacturing support is creating jobs. For the first time in 10 years there have been nine months of consecutive growth and expansion in the manufacturing sector — something they could only dream about. They are now commissioning an audit. They will cut jobs. Here he is — the author of WorkChoices.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Warrandyte will immediately leave the chamber for the period of 1 hour.

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

**Mr Clark** — On a point of order, Speaker, the minister has returned to debating the issue. I ask you to bring him back to making a ministers statement in accordance with sessional orders.

**The SPEAKER** — I ask the minister to come back to making a ministers statement.

**Mr CARROLL** — While Michaelia Cash fails, the Andrews Labor government's \$68 million Jobs Victoria program has been a runaway success. We have rewritten the rule book. Thirty-seven hundred Victorians from disadvantaged backgrounds are in work — 40 to 50 people a week, whether they be

Indigenous Victorians, whether they be from family violence backgrounds, wherever they may come from. I say to the member for Buninyong that Phillip, who we met only recently, was homeless, and he is now in work at the Ballarat observatory cafe. He is doing his certificate in hospitality. That is 3700 in 12 months — 40 to 50 a week — under the Andrews Labor government, which is always putting people first.

**Mr T. Bull** — On a point of order, Speaker, I have got several questions, the answers to which are all overdue, which I would politely request you to follow up on. The first one is constituency question 13 332 to the Minister for Police relating to additional police for Lakes Entrance over the summer holiday period. The rest are questions on notice. There are six questions from 13 167 through to 13 172 to the Minister for Roads and Road Safety in relation to wire rope barriers; question 13 175 to the Minister for Aboriginal Affairs in relation to the Heritage Fund; 21 questions to the Minister for Housing, Disability and Ageing, from 13 176 to 13 197, relating to the national disability insurance scheme (NDIS); a further 21 questions to the Minister for Housing, Disability and Ageing relating to the NDIS, questions 13 198 through to 13 217; a single question to the Minister for Consumer Affairs, Gaming and Liquor Regulation, 13 280; a question to the Minister for Roads and Road Safety relating to deer warning signs, question 13 282; question 13 285 to the Minister for Emergency Services relating to roadside burning; and question 13 288 to the Minister for Roads and Road Safety, again in relation to wire rope barriers. These are all issues that are very important in my electorate. They are overdue, and I would respectfully request that you remind the ministers we want some answers on these questions prior to Christmas. Thank you.

**The SPEAKER** — I will follow those matters up.

## RULINGS BY THE CHAIR

### Questions without notice and ministers statements

**The SPEAKER** (11:33) — Before moving to the first constituency question I will make a quick ruling. On Tuesday the Deputy Leader of the Opposition asked me to review the Minister for Roads and Road Safety's answer to a supplementary question he had asked. I have reviewed *Hansard* and consider that that answer was responsive to the question.

## CONSTITUENCY QUESTIONS

### Rowville electorate

**Mr WELLS** (Rowville) (11:34) — (13 742) The question I wish to raise is for the Minister for Planning. Minister, under changes proposed by Labor's so-called smart planning system what requirements will be in place to ensure communities are consulted about new developments and to protect the freedom of residents to have their say and raise objections to planning applications that impact on their own neighbourhoods? The Rowville residents are deeply concerned that the reform advisory group, the expert panel advising Labor's Victoria Planning Provisions framework, does not include residents or community groups although local government representatives and industry bodies are on the panel. They are also concerned at the prospect of some parts of the planning process being privatised and an expansion of a number of planning applications which will not require a permit, particularly if those include medium and high-density developments.

### Essendon electorate

**Mr PEARSON** (Essendon) (11:34) — (13 743) I direct my constituency question to the Attorney-General, and I ask: what is the latest information about the Moonee Valley Legal Service's applications to the Community Legal Centre Assistance Fund and the Family Violence Duty Lawyer Fund?

### Gippsland East electorate

**Mr T. BULL** (Gippsland East) (11:35) — (13 744) My constituency question is to the Minister for Energy, Environment and Climate Change, and the information I seek is the date the minister will visit East Gippsland to discuss increasing energy prices with business owners, given her commitment to do so last sitting week.

Last sitting week the minister said:

I would be happy to meet anywhere and with any business right across the state to discuss any energy cost challenges that they are facing.

This is on the back of her statement that increases would be in the vicinity of 4 per cent only. I have several businesses keen to take her up on that offer. The Bairnsdale RSL has reported a 95 per cent increase in its electricity bill, adding \$80 000 to its running costs. Cranes Asphalt and Eastern Asphalt are experiencing electricity price increases in the order of 110 per cent, and the Paynesville Hotel is confronting an increase of \$1500 per month. Price hikes of this

magnitude cannot just be absorbed or passed on. They are resulting in staff cuts, reduced investment in plant and, sadly, business closures. So I ask the minister when she will fulfil this commitment and meet with businesses from my electorate.

### **Narre Warren South electorate**

**Ms GRALEY** (Narre Warren South) (11:36) — (13 745) My question is to the Minister for Roads and Road Safety and concerns the Western Port Highway. I ask: what planning has been undertaken for a future upgrade of the Western Port Highway? Many residents who live in my electorate use this road to get to and from work each and every day. One of them, Stuart, recently contacted me to raise his concerns about congestion at the intersection of the Western Port Highway and Hall Road during peak times. He has seen the great progress we are making on the removal of the level crossing at Thompsons Road. We are upgrading the Monash Freeway, the intersection of Pound and Shrives roads and many more local roads. The Andrews Labor government is getting it done, and local residents like Stuart want to see more.

### **Nepean electorate**

**Mr DIXON** (Nepean) (11:36) — (13 746) My constituency question is to the Minister for Roads and Road Safety. Minister, what is the justification for the safety barrier upgrades to the Nepean Highway between Old Moorooduc Road and Wallaces Road, Dromana? There is no crash history on that section of road that I am aware of. Constituents are also baffled as to why this is being done, especially as there are many other more worthy safety projects such as the long overdue sealing of the apron of the Wallaces Road and Nepean Highway intersection, which is quite nearby.

### **Dandenong electorate**

**Ms WILLIAMS** (Dandenong) (11:37) — (13 747) My constituency question is to the Minister for Planning. I ask the minister: how will the recent decision to split and approve part 1 of amendment C182 to the Greater Dandenong planning scheme impact on planning and development in Greater Dandenong, particularly in and surrounding central Dandenong? I have been approached by many constituents over the last year about the importance of making sure that any updates to the planning scheme ensure that zoning for Dandenong achieves high amenity standards while also accommodating expected growth in population. I have been strongly advocating on their behalf for appropriate policies and controls for our area that both protect and enhance Dandenong's

livability while also delivering density in clearly defined and appropriate locations close to the activity centre. Dandenong residents are keen to ensure that they have been heard, and this amendment will deliver on these objectives.

### **Northcote electorate**

**Ms THORPE** (Northcote) (11:38) — (13 748) My question is to the Minister for Education. When will Bell Primary School, Thornbury High School, Northcote Primary School and many other schools in my electorate of Northcote receive the funding they were promised in the Northcote by-election? During the by-election campaign I visited a dozen schools and learned how hard teachers and school communities have been fighting for the resources they need. In some cases school buildings are literally crumbling around students.

Schools in Northcote have been crying out for funding for a long time. While I am glad that the government promised nearly \$20 million to local schools because of the hotly contested by-election, the government must now deliver this urgently needed funding. The government must also make school funding more transparent so that schools are funded across the state based on need, not just on marginal seat status. There are other schools in my electorate that still desperately need proper funding and they cannot afford to wait for another election.

### **Oakleigh electorate**

**Mr DIMOPOULOS** (Oakleigh) (11:39) — (13 749) My constituency question is to the Minister for Energy, Environment and Climate Change. I ask: can the minister inform me and my community how residents in the Oakleigh electorate will benefit from the latest announcements regarding significant rebates on power bills from three major electricity retailers? Could the minister also indicate if there are further plans and options being investigated by this government to provide benefits to electricity customers in the electorate of Oakleigh? I would also like to put on record my appreciation for the minister's work to provide better support to energy consumers in Victoria. Her efforts stand in stark contrast to the lack of leadership coming from Canberra, where the federal government has all but vacated this space. There is also a lack of leadership from those opposite whose only solution is to go back to the past.

### **Bass electorate**

**Mr PAYNTER** (Bass) (11:39) — (13 750) My question is for the Minister for Public Transport.

Minister, I get constant requests from the residents of Pakenham to upgrade the McGregor Road railway crossing. The residents want a solution to the major bottleneck which is causing considerable traffic delays and disruption in the area. I regularly speak to people who have their daily lives disrupted as they drop their children off at school, get to work, attend doctors' appointments and recreational activities and generally move around the community. This request is supported by the Cardinia Shire Council, which has identified the crossing as the biggest bottleneck for traffic in our entire shire. We have the ridiculous situation where McGregor Road goes from four lanes to two lanes to cross the railway line and then back to four lanes. To make matters worse, the signals operate for extended periods when completely unnecessary. I have spoken to train drivers who confirm this. The problem is getting worse on a daily basis. Will the minister commit to upgrading this level crossing without further delay?

### Frankston electorate

**Mr EDBROOKE** (Frankston) (11:40) — (13 751) My constituency question is for the Minister for Industry and Employment, and the question I ask on behalf of my constituency is regarding Frankston Chisholm Institute's \$75.9 million redevelopment. Chisholm's Frankston campus is embarking on this new exciting project that will make it one of the most advanced and innovative training and skills institutes in the region. After the minister and Premier's announcement on Monday I would like to know how local procurement policies and the position colloquially known as the 'jobs cop' will apply to this redevelopment. There are many opportunities for local Frankston and peninsula residents to attain skills and job training at Chisholm, but what opportunities are there for local suppliers to be contracted and for local apprentices to gain employment on this site and also the other massive state government investments in Frankston?

## ROAD SAFETY AMENDMENT (AUTOMATED VEHICLES) BILL 2017

### *Second reading*

#### Debate resumed.

**Mr PEARSON** (Essendon) (11:41) — I am delighted to make a contribution on the Road Safety Amendment (Automated Vehicles) Bill 2017. Previous speakers have outlined the purpose of the bill and its various functions and aspects. I am actually quite interested in this bill just from the broader role this bill will play, assuming it becomes an act of Parliament, in terms of growing and developing the economic fabric

of the state. The reality is that we are living in a rapidly changing environment and certainly a rapidly changing economy. I found this quote from 2015 in an article headed 'The battle is for customer interface':

Uber, the world's largest taxi company, owns no vehicles. Facebook, the world's most popular media owner, creates no content. Alibaba, the most valuable retailer, has no inventory. And Airbnb, the world's largest accommodation provider, owns no real estate.

If you had said that quote five, 10 or 20 years ago, it would not have made sense. It would not have seemed possible that you would have a set of circumstances where this was the case, yet this is the case as we know it. The reality is that we are starting to see rapid technological change which is having a huge impact upon industry, growth and development.

There is a book called *Big Bang Disruption: Strategy in the Age of Devastating Innovation*. In the book it talks about the end of the bell curve as we know it in terms of the product life cycle or the life cycle of the company, where you have a period of start-up, a period of growth, a period of escalation and a period — it is the same period often — of profitability before you see gradual decline and a company ceasing to exist. I think if you look at the New York Stock Exchange, companies which dominated the New York Stock Exchange for decades throughout the course of the 20th century are often now no longer appearing as newer companies take shape.

That has been a standard function of business, industry and economic policy for generations. *Big Bang Disruption* posits that what we are looking at is the destruction of the bell curve. You see rapid adoption, rapid change in terms of technology and innovation and then rapid destruction of that value. For example, if you look at the rise of GPS technology, you had instances where GPS technology was being sold for about \$200 per unit, yet within 18 months of the introduction of navigation apps on smartphones GPS manufacturers had a destruction in their market value of around 85 per cent.

Historically, if you had seen that there was an emergent technology on the horizon, you would have said, 'We've got mature cashflows. We've got a strong balance sheet. We run a good business. We employ a lot of people. Let's create a team of staff to respond to this emerging challenge. Let's fund it, let's respond to it and we will meet that challenge'. You might have had a window or a horizon of five or 10 years. It might have been in the distant future. I know when I spoke one time with Steve Bracks about Toyota's development of electric cars, he said that that came out of the oil price shock of 2000, which led to a team being taken offline

and established to create the electric Camry. When you have got time, when you have got mature cashflows and when you get a strong balance sheet, you have got the ability to respond and respond effectively.

What we are seeing now is that that is no longer the case. You are seeing the massive introduction of technology. You are seeing the massive adoption of that technology. You are seeing the massive and rapid destruction of the technology that predates it. A bill like this one I think is really important because we are the first state that is seeking to introduce legislation of this nature. So from that perspective we will have the benefit of the first-mover advantage, which means we will be able to try and look at this technology, look at the way in which it might function and work, look at its adoption, trial it, test it and refine it.

It is really important when you think about it in the context of the changes to the superannuation industry which were developed under the Keating government. We now have the sixth largest funds under management in the world, at US\$1.6 trillion. We are the largest funds manager in Asia. In many respects we are almost becoming the Switzerland of Asia.

So we have got enabling legislation — potentially enabling legislation, presuming it passes — coupled with a massive influx of funds from compulsory savings through superannuation. We have got the ability to try and find ways in which we can commercialise these assets, to look at the way in which we can utilise technology and to create a new market which has got the potential to be deployed in Asia, which we know will be the area where there is the single highest rate of economic growth activity over the course of the next, possibly, 100 years.

The other point to note, too, in relation to why I am attracted to this legislation is that *Fortune* magazine on 13 March last year found that cars are parked 95 per cent of the time. From the point of view of economic utilisation of an asset, leaving aside a home, a car is probably the most expensive asset a person will buy, and 95 per cent of the time that asset is not being used at all. So if we were to look at greater asset utilisation through driverless cars, then you could conceive of a future where people might have the option to turn around and say, 'Look, I will not worry about buying a vehicle; I will look at using a driverless car'.

Presumably what you would find — and again this is probably gaming it forward a bit — is that you would not have the need for stabling. Indeed I remember back when the Brumby government was looking at the *Meeting Our Transport Challenges* plan, which was a

really insightful policy document from about 2008, one thought at that stage was to look at running the train network all night, because if you have the trains running all the time, you do not have to worry about stabling. I think that is a really important point, particularly if we are looking at Melbourne growing to be a city of 8 million people. Where are you going to park all these cars?

If for 95 per cent of the time a car is not being used, you are going to see more and more constraints, particularly in inner-urban areas like mine. So if we are looking at finding ways in which these assets, being cars, can be more effectively utilised and those assets can be sweated, then you might find that you are going to see less congestion on our roads, which would be a really important issue in terms of trying to get cars in and out of the Hoddle grid, but you will also probably find that you will have less cars being parked on the sides of roads. I certainly think that in an electorate like Essendon, where we are seeing massive population growth and massive residential infill, that would be a significant factor as well.

I was reflecting on an article I read recently about Apple. When it established itself as a company, Apple's real beauty was not the fact that it developed technology. Its real beauty and the success of the company was its ability to integrate a series of technologies in the one platform. The reality is that mobile phone technology had been around long before the iPhone, and Nokia was the world leader in terms of mobile phone telephony. We had emails, and we all remember the early BlackBerry where you combined an email function with a phone function. We also had digital cameras.

The beauty of Apple was its ability to synthesise and systems-integrate those three technologies in the one platform. Nokia had looked at doing that previously, but they felt that people wanted to have a really strong battery and they could not quite get a battery to be powerful enough and small enough to enable that to occur, so they did not go down that path, whereas Apple was able to synthesise those things together.

Enabling legislation like this provides an opportunity for companies to trial the technology, for funds managers to potentially fund the technology and to find ways in which we can commercialise the technology to enable that technology to be exported at a global level. The reality is that as an economy we are quite small — 1 per cent of global trade — but we have a highly educated workforce, we are perfectly located in terms of the Asia-Pacific region and we will be able to trial cars that drive on the left-hand side of the road, which

will be relevant for countries like, say, Indonesia or Japan or Singapore. On that note, I commend the bill to the house.

**Mr DIMOPOULOS** (Oakleigh) (11:51) — It also gives me great pleasure to speak on the Road Safety Amendment (Automated Vehicles) Bill 2017. It is one of those areas of public policy that most people can identify with, or think they can, whether it be an everyday experience or on television like *The Jetsons* or in their dreams. This is one of the opportunities for the future.

**Mr Pearson** interjected.

**Mr DIMOPOULOS** — The member for Essendon talks about my love for George Jetson.

I think there are obviously a couple of things here that are very important. I want to focus a bit on the opportunities the government has as a regulator to achieve some things beyond the rudimentary regulatory framework that is obviously critical in this area of public policy. As a beginning, this bill seeks to develop a permit scheme to clarify the legal obligations that apply to a human driver and to an automated driving system (ADS) permit-holder and to enable the identification of drivers for the purposes of law enforcement and accident investigation. They are very prudent and important things.

The bill also enables the existing offences under the act, regulations and road rules to apply to ensure the safety of the trial for all road users. It enables police to prosecute non-compliance of the conditions of an ADS permit and provides a whole range of other requirements and regulatory protections in relation to safety and the monitoring of these trials.

I had a very unsophisticated understanding of automation when it came to vehicles prior to researching for this bill. In some respects the issue of automated vehicles came up in my consciousness last year in discussions about hire car regulation. There were stories that Uber's ultimate plan was to move to automated vehicles and that kind of thing. I started thinking about what that meant. In researching for this bill it became clear that automation means different things in different contexts. Automation already exists in, for example, mining industries and other industries where there is a particular fixed route that a vehicle or truck or train may travel on. In terms of vehicles for passengers there is a whole range of steps and definitions. There is obviously mild automation — that is my terminology, I think they called it driver assistance. Fundamentally there are things like cruise

control and a whole range of other things. There is partial automation, conditional automation, high automation and full automation, or whatever other terms people prefer.

I think in the future, in terms of some of the contributions from the house, the opportunities are effectively for full automation. Picking up on what the member for Essendon said in relation to a report he quoted that cars are generally parked for a significantly greater amount of time than they are actually driven — when you think about it, that really is a lack of utility of an asset. There is the opportunity for a car to transport somebody to conduct business or leisure or whatever it is, and in the time that they are being transported they can actually devote themselves to other things, including recreation, conversation with family or work. They are then not required to find a parking spot for that vehicle and then either that vehicle or another vehicle can come on its own — I say on its own; I mean through programmed technology — and pick up that person and take them back home. In between times it is being used by others — that could be a privately owned vehicle or some kind of share scheme.

These things are critical obviously, and the protections in this bill for a trial are appropriate; for example, the scheme that this bill would authorise will require an applicant for an ADS permit to demonstrate that it has met minimum requirements as set out in the regulations and guidelines; require that the applicant has a safety management plan in place; and require a fully licensed human driver or vehicle supervisor supervising the trial, who is able to take back control when requested, if required for early trials. Obviously rudimentary things like insurance and those things are important because there is a market out there that needs to determine the threshold for insurance on these things. The ADS scheme also requires that the applicant be subject to conditions set out in the permit by VicRoads or the government. So they are all critically important things.

In the time I have remaining I want to focus a bit more on what opportunities the government, the state and the public fundamentally, through government intervention, can have in an area like this. Of course the market — industry and consumers — primarily will drive advances in technology. It is not necessarily government, but what government does have the opportunity to do is leverage some of those for broader benefit.

There are a couple of areas. One would be the model that the Andrews Labor government has shown with the procurement policies we have, using the power of the Victorian government's procurement to engineer

social outcomes for disadvantaged people and others — for example, the Aboriginal employment targets, the traineeship targets we have in a project in my electorate, the level crossing removals on the Cranbourne-Pakenham line, and the recently released social enterprises strategy around how we engage not-for-profits in these big projects. With all due respect to Lendlease, John Holland and all those other companies, these are the things that they would not even think about doing if it were not for the role of government in the procurement process for those projects. We are doing it in a whole range of projects, including in level crossing removals in other parts of the state, Melbourne Metro and things like that.

A good friend of mine engaged me in a conversation around the opportunities in the regulatory framework that we are developing for the permit system for trials of automated vehicles to incorporate some other elements in relation to gender balance in this sector and this industry, and I will just read out some of her remarks. She says:

... we're at the beginning of almost a new industrial revolution with a brand-new industry creating jobs, university degrees, IT systems and new manufacturing.

Currently these industries are all dominated by men, and my concern is that, as we are moving into essentially 'a new age', it's really important that we make provision for women to be included right from the start. Otherwise feminism will constantly be playing catch-up.

The provisions that encourage women —

as an example —

and girls to study STEM —

science, technology, engineering and mathematics —

are fantastic, and it would be great to see the government actively include women in the new auto industry — for example, by way of quotas —

or targets perhaps —

for jobs in manufacturing, education places and decision-making bodies.

Critically, the people who write the algorithms for these cars will have enormous control on the way we interact in the world, and the way we're going it will only be men. Ultimately my point was that at the moment the AI —

artificial intelligence —

in these cars is developed from the perspective of only half of the population, but we're at the beginning and have an opportunity to change that now.

I have had conversations with the minister, and I have discussed with him the opportunities not just in this bill

but generally in the Victorian government's regulatory oversight and establishment of the regulatory framework to account for some of those social outcomes, if I could call them that, in the development of this infant industry, and we can really only do that through funding incentives and our regulatory role. So I commend the minister for the development of this bill. I commend him also for taking on board those concerns that I expressed — or rather those opportunities in fact that I expressed — and I look forward to the brave new world.

**Ms GREEN** (Yan Yean) (12:01) — I take great pleasure in joining the debate on this driverless car bill. I always enjoy talking on transport bills. As someone has written recently, I think it was in the *Age*, the Minister for Public Transport is in danger of turning into a transport nerd. Well, I think that happened to me a very long time ago when I worked in the then small ministry of transport in the 1980s. I was sucked in as a transport nerd, and that is just how it is.

The next stage for we transport nerds is to embrace the driverless car, and I know from media reports that in Melbourne's north there is actually a trial at La Trobe University for a driverless bus at the moment. That is occurring, so I think that will be a really good opportunity to see how this technology can possibly work. I think one of the questions that we have had in the Australian environment is how driverless vehicles can be adapted to deal with our Australian emblem, the kangaroo. Given that there are quite a few around the La Trobe University precinct — as a former student, I know that — these vehicles travelling at low speeds will be able to assist in the body of knowledge that can ensure that this technology can be applied and used across Victoria and across Australia.

Trials have already begun on specific roads — on freeways on the Transurban network and on EastLink — prior to this bill, but the difference is that they actually have to have a human involved and a hand on the steering wheel. So to actually go to the next evolution there needs to be a legal framework to ensure that these vehicles can be tested without a driver and with use of the technology.

When I look at how long I have been driving a vehicle — and I am not going to exactly say, but if someone wants to look at the parliamentary handbook, they will see how old I am — I got my licence when I was 18 years old, so —

**Ms Thomas** — I know.

**Ms GREEN** — Yes, the member for Macedon knows. She has been driving for about as long as I

have, I think. My first car was a Datsun 180B. My surfing chick friends who I grew up with in Warrnambool thought I had sold out and become a petrol head because the Datsun 180B had been a rally car; it had been in the Repco Reliability Trial. It had a full racing harness, it had a rollover cage and, much to my father's disgust, it had a tachometer and Saas steering wheel.

When I look at the vehicle that I drive now, a Subaru XV, it really is chalk and cheese. The Datsun 180B certainly went like the clappers, but there was a lot of engine noise, no cruise control, no power steering and no airbags on the sides or anywhere else. This model was before the era of retractable seatbelts, although it did have the lap sash racing seatbelts. It was a 1973 model, so I think it would have been produced virtually at the time the first cars that had seatbelts in them were released. It was quite the second-hand car when I got it, and it still had a speedometer that was in miles not kilometres, having been built the year before the metric system was adopted in Australia for that purpose.

I love driving my Subaru XV now. It is simply the best vehicle I have ever owned and extremely safe with the number of airbags that it has. It adjusts for the speed of other vehicles so you do not get too close to the vehicle in front. It is three years old now, and my uncle and aunt have bought the current model. They say that their model even shifts the car back into the lane if they stray out of it.

To get my licence I had to learn how to parallel park. I have a friend who is my age who cannot parallel park to this day. I simply do not know how she got her drivers licence but somehow she managed to. I was always taught to use the shop windows, particularly when I am parking in a shopping strip, and that has pretty much kept me from having bumper-to-bumper problems during parallel parking. It is quite amazing now that many vehicles can park themselves, and tones, bells and whistles let you know you are getting too close to the vehicle in front or at the rear. The reversing cameras are fantastic. I even towed the A'van with the Subaru XV. Even though the A'van is 20 years old, it does have its own braking system, and that is an enormous improvement.

In representing a rapidly growing electorate, which neighbours yours, Acting Speaker Spence — we are sort of having a competition as to how many people can move into our electorates — we both know that there is not enough road surface for a lot of the vehicles that are in our communities. Cabcharge and other companies in the transport industry anticipate that there will be

driverless vehicles, particularly taxis, by 2025 to 2026. Many people who are in this chamber will be in the chamber at that time. The young people who are moving into our electorates will particularly benefit from the new, growing suburbs where there are driverless cars.

With mortgage stress — Mernda is one of the top five mortgage stress postcodes — and with the Mernda rail project, the improvements in the Plenty Valley bus network and the cycling and walking paths that come with the Mernda rail project, I have a very real aspiration that many households will be able to choose to reduce from two and three cars down to one car. The impact of driverless technology could be that almost no-one will have to go to the expense of having to purchase their own vehicle in the future. In terms of land use planning for our growing cities, it could mean the end of the double and triple garage — there may be no garage at all, or just a small one for bicycles. Perhaps the children's pram, some toys and some tools to do some things in the garden might be the only things that a garage might be required for in future.

We are seeing with multi-unit and apartment developments now that a lot of them are including share cars as part of the body corporate fees, which means that people with one car can borrow one if they just occasionally need a second car, and people in high public transport areas may not have a car at all and just use that share car. As the Parliamentary Secretary for Tourism and Major Events, I think this will be amazing, particularly for food and wine producers. The great wine purveyors like us to be able to taste their product, so driverless cars will offer that into the future. I think it will lead to jobs growth.

This is a great innovation. I am glad that Victoria is leading the way at a national level, but I think that the Minister for Public Transport is correct in saying that we do require a national approach to this. State road laws are primarily the responsibility of the states, but I hope that the transport ministers ministerial council will take a coordinated approach to this and that other states will benefit from the trials that will be occurring. I look forward to it not being too many years away, and I certainly hope, not that I am saying I am going to retire any time soon, that when I am in retirement I can be in one of these great driverless cars, sitting back with my feet up, enjoying a glass of wine, watching a movie or just enjoying the countryside. I think it is great. The brave new world is here. I commend the bill to the house.

**Ms HALFPENNY** (Thomastown) (12:11) — I also rise to speak in support of the Road Safety Amendment (Automated Vehicles) Bill 2017 and the amendments to

the Road Safety Act 1986 that are required to allow this to happen. I do not like to brag, but I will anyway. This is another example of the Andrews Labor government really leading the way in a lot of progressive issues, not just social policy issues but also industry issues, because the governments that permit trials and the easy production of innovations such as automated vehicles by loosening regulations while maintaining safety are the governments that will encourage that type of industry and the jobs that go with it into the state.

As I understand it, in November 2016 the National Transport Commission reported that there were 716 regulatory barriers to trials of automated vehicles, and states across Australia have responded in individual ways. The states of New South Wales and South Australia have looked at ministerial directions so that when it comes to trialling automated vehicles ministers must give exemptions or make directions, which is a really ad hoc way of dealing with that. Whereas what we are looking at in Victoria with the passing of this legislation is using the existing regulatory framework, with some changes and amendments, to allow for automated vehicles. In some ways it is a little bit like the learners permit. If the owner of an automated vehicle wants to trial it, they must apply for a permit. They will of course undergo rigorous testing and checks to ensure that they are in a position to test an automated vehicle, be in charge of it and be responsible.

This legislation allows for those permits to be issued, which is better than a one-off arrangement. It provides for all entrepreneurs, all industries and all companies — it is mostly envisaged that companies would be looking at doing the testing and trials of the automated vehicles — in a streamlined way to apply for a permit, be checked, have that permit issued and, with certain restrictions and regulations, be able to test an automated vehicle in order to, hopefully, very soon come up with a design that works and leads the way and then manufacture those vehicles in Victoria.

This legislation has been very carefully considered. It is cautious. It makes use of the existing regulatory framework to provide for regulation for automatic vehicles. It is another example of how the law must change with changes in society. The bill uses what we have already in order to allow for the trialling and testing of automated vehicles. It is of course another lever that governments have to promote and entice businesses to come to Victoria, to innovate and to look at creative ways of developing new products in an environment that allows them to do so in a safe and supported way. Hopefully they can then go to the next step of developing and manufacturing such vehicles in Victoria and thus creating jobs for the future.

**Ms SHEED** (Shepparton) (12:16) — I rise to make a contribution on this bill. Clearly the purpose of it is to set a framework around how we go forward with the testing of these motor vehicles that are now upon us. I think we have been seeing them coming for quite a long time. Some of the motor vehicles that are on the roads now have amazing add-ons that we did not see coming five or 10 years ago, and probably 15 or 20 years ago there was not anything much other than the usual standard features of a motor car. Now you can be driving along and your vehicle will slow down if you get too close to the vehicle in front. There are features like that and also headlights that turn when you turn. There is a whole range of amazing things that are already being introduced into motor vehicles, but this next step of an autonomous motor vehicle is pretty amazing. To set up the environment where we can test them more and more I think is very welcome.

The bill has been on the agenda for quite a while. I was at an Australian Automobile Association conference quite a few years ago when the possibility of this happening was being talked about. Within a couple of years Google had its Google car out on the road in California. In some ways now it looks quite basic when you look at Mercedes, Tesla and some of the vehicles that are coming out looking incredibly new, smart and not at all clunky. The Google car had this great big thing on top like a robot that made it look very odd.

The RACV has been very active in this space for quite some time in working with various motor vehicle manufacturers to be at the forefront of what the industry can look like but also to look at what the environment in Victoria will need to be to allow these vehicles to operate. The RACV has been involved in a lot of the testing. I saw in an article from August this year that RACV drivers and engineers were testing automated vehicles on Melbourne freeways. This was on the Monash-CityLink-Tullamarine corridor. Whilst RACV vehicles program leader Ernest Litera was sitting in the car he was required to have a hand on the steering wheel because the laws at the moment do not provide for you to sit in a car without doing that. So all this testing still requires some level of human intervention.

In today's *Age* there is an article about the difficulty these cars are having with Melbourne's hook turns. It seems that the complexity of the hook turn in our city streets is very challenging for computer programmers, and they are looking at ways to overcome that. There are so many things they have ironed out, but this seems to be one on a global basis that remains a problem for them. I do not know whether Melbourne is the only place that has the hook turn, but it seems to be a great challenge.

The uses of these cars are just mind-boggling. I look to the fact that I have a husband who has glaucoma. His eyesight is deteriorating, and yet he still works full-time and travels around the region we live in to attend schools and clinics. The day will come when he will be told he will not be able to drive, and yet he will still be a productive member of society and will live in a regional area where being able to access something like an automated vehicle would be just an amazing thing in relation to his mobility and his ability to continue providing services.

I recall when my mother decided to give up her licence. Like all such decisions, it is hard to come to it. She has always made good decisions, so no-one had to heavy her in any way. Often making decisions about giving up your licence when you get older can be a real challenge for families. One does wonder whether automated vehicles will provide the opportunity for older people to go on driving way beyond the time the law might require them, or their good sense drives them, to give up their car and stop driving. For a lot of people isolation is a real issue. Access to a motor vehicle and the concept of shared motor vehicles create great opportunities for people in many areas — not only in regional areas — to be able to jointly access vehicles like this. In some ways it will be a very significant challenge to the taxi industry in the future, and we certainly understand that that has had a lot of challenges in recent times.

The Subaru is a car that I have recently had reason to drive. It is interesting to note all the features included. It alerts you if you stray from a lane. It keeps you at a certain distance from the car in front of you. The ability to have an automated vehicle when you drive long distances would be terrific. I must say, I have this vision of the many trips I make from Shepparton to Melbourne being autonomous so that I can be hands-off, sitting in the car reading documents, reading papers and being up-to-date. There is so much time lost behind the wheel of a motor vehicle when you live long distances away from the places you need to go. I know I often hear country people saying, wouldn't it be great if you could be sitting there having your breakfast, reading the paper and be in Melbourne 2 hours later? There are really great opportunities arising out of all of this.

I suppose the challenges that we still have in relation to autonomous vehicles are that despite the fact that we know that they are 90 per cent safer than the human in actually avoiding accidents and the like, they still have some weaknesses. There is a lack of trust in these vehicles because someone is not seen as being in control. The fact that we are putting this legislation in place is a wonderful thing and there is lots of testing

going on out there now. I certainly welcome the day in the not-too-distant future when I will be sitting behind the wheel — I do not know if it will be a wheel, but whatever it is — to travel such long distances and not be exhausted at the end of the trip.

I often talk about passenger rail services. If there is one thing we need for Shepparton it is a fast train. That would solve many problems. Given the difficulties with that, I think we will probably be seeing autonomous cars on the road sooner than very fast trains, but we can certainly hope that we will have better train services much more quickly than that. The advantage of trains, as we all know, is that when you are sitting on a train you can get on with your work or you can be listening to things. It is an incredibly time-saving way of travelling.

I mentioned that 90 per cent figure before. I will read from the article that I was talking about in relation to human error. It says:

With human error contributing to more than 90 per cent of crashes, automated vehicles have enormous potential to reduce the road toll, and to help those with limited mobility travel more easily.

I am sure that when the road rules for autonomous cars come in we probably still will not be able to drive a car in situations where we might be wanting to sleep or we have overindulged in alcohol or the like. I think those road rules will still remain in place because it is very hard to imagine that you would not need to have some level of human control, but that is the challenge. These vehicles may turn out to be such that we can confidently sit back, switch off our minds from the driving task and let the vehicle do all the work. I commend the bill because it is taking us a step further into the future and probably frees us up for much better things.

**Debate adjourned on motion of Mr SCOTT (Minister for Finance).**

**Debate adjourned until later this day.**

## HEALTH AND CHILD WELLBEING LEGISLATION AMENDMENT BILL 2017

*Second reading*

**Debate resumed from 16 November; motion of Ms HENNESSY (Minister for Health).**

**Ms KEALY (Lowan) (12:26)** — It is a privilege to speak today on the Health and Child Wellbeing Legislation Amendment Bill 2017. This is a broad-ranging bill that focuses on four main elements that the government is seeking to address, which are

issues that have come up over the last two years. The first element is to tighten immunisation evidence requirements under no jab, no play; the second is to establish mandatory reporting for cases of anaphylaxis in hospitals; the third is to clarify provisions relating to the reporting of allegations of child abuse, sexual misconduct and other child-related misconduct; and the last is to place under statute the power of the health complaints commissioner to prosecute.

I would firstly like to speak to the first element of the bill, which is around the no jab, no play policy of this government and the associated legislation. This amendment is in relation to an issue that arose in August this year when Dr John Piesse said that he could help anti-vaccination parents sidestep the no jab, no play laws by providing evidence that a child was unable to be vaccinated for medical reasons. To date there have been 42 cases identified where this type of evidence has been provided, perhaps not necessarily based on medical fact, for parents to avoid their children being vaccinated.

The issue of no jab, no play has been controversial in some parts of the community. I think that most people understand the importance of herd immunity. If we have a critical number of people within the community immunised, that will provide greater immunisation for the entire population so that those few people within the community who have a medical reason why they cannot have a vaccination are actually covered because all other people within the population are vaccinated. It could be a virus, which in most instances is what this issue is applicable to, that is not communicable between different individuals who are not vaccinated. Unfortunately we have seen a number of reported cases of measles in pockets of the state recently. This is because if we do not have that herd immunity the virus can easily move from one individual to another individual who is not vaccinated. This is a particularly dangerous situation for people who are immunocompromised: our elderly, people who have an immune disease and people who cannot for medical reasons have vaccinations.

I understand that there are some people in the community who are deeply concerned about the impact of vaccinations on childhood development and what vaccination may result in for their children. This is sometimes on the back of very misleading and false information which has been circulated by some high-profile celebrities and doctors, who have sought to spread misinformation about the implications of vaccination. Most notably this has been a false association between vaccination and autism. This is something that has been absolutely disproved by the

medical fraternity, that there is an association between autism and vaccination. However, because the information has been distributed to the wider community, it is still believed by some that this could be the case.

There are also stories that this is around supporting the pharmaceutical companies, so it is all about big pharma and getting money through to pharmaceutical companies. This certainly is not the case in Australia. I think that is based on situations within the American system, but again I do not believe that it is fact. In Australia there are certainly not those opportunities to get money through to big pharma so that they may support, I guess, government bodies or political parties in certain ways. We do not see that. There are rules and laws against that in Australia, and I do not believe that that is the case, having worked within the health system for all of my career prior to entering Parliament.

It is deeply concerning that the trigger for this amendment to legislation has come about because of a doctor who seemingly has the intention to provide misleading medical certificates that are not based in medical fact to offer parents who do not want their children to be vaccinated an opportunity to use a loophole and not have their children vaccinated. It is disturbing that a doctor would use his position to intentionally target people and market himself as somebody who can work through a loophole in order to get people to come and see him. I think that it is a disgrace upon the medical profession that somebody would operate in that manner and certainly a disgrace to think that a doctor who had undertaken years of medical training would be willing to provide false or misleading medical reports in order to get patients through the door and therefore money into his pocket. This is the sort of individual that we do not need to see in the medical fraternity. It brings a bad name upon everybody. I think that he should be dealt with in the most severe way and that he certainly should not be practising as a doctor any longer.

It is important that we do close some of those loopholes, but unfortunately this legislation does not address many other loopholes that are available for exemptions to vaccination. If the government was serious about closing those loopholes, we would certainly see a much broader array of amendments being put forward in this bill. I think it is disappointing to see that we have targeted only one area, one loophole, because it came through the media that it was an issue, as opposed to addressing some of the other loopholes which were identified when the no jab, no play legislation was brought in in 2015 and came through Parliament in 2016.

For example, there are exemptions around Aboriginal and Torres Strait Islander children being vaccinated. There are also exemptions in place for children who are in the care of concession card holders. That represents about 7000 children in Victoria. We are not talking about small numbers and there being only a small pocket of individuals. If the government's intention is to achieve herd immunity in the community, we need to get the largest possible number of Victorians immunised and we need to close off those loopholes. I would have preferred that this legislation dealt with those loopholes in a much broader sense. However, it is pleasing that at least one of the loopholes may be closed should this legislation pass.

We also do not have an understanding of how effective the no jab, no play policy has been. Unfortunately there is not any data available in relation to the number of exemptions that have been provided within Victoria under the no jab, no play laws. This is something that I think should be addressed. I acknowledge that it is extremely difficult to do so because generally that information is held by the individual centres as opposed to coming through to a central data point such as the department of health. That would be the most likely body that should be the end point of the collection of that data, but generally it is held at a local centre level.

If we are going to measure the success of the no jab, no play legislation and this policy, we really need to get an understanding of whether we are achieving herd immunity. I know that we do receive some statistics about immunisation rates, but we also need to make sure that we understand what are the trends in terms of exemptions. That might provide us with the additional information we need to see if there is a pocket or a section of the state where there is a higher number of exemptions being issued than in other areas of the state. Therefore we could identify if there are any doctors who are intentionally marketing the fact that they will provide a medical exemption for vaccination of children in the same way that Dr Piesse has been found to have worked around that loophole and created a business around that.

Access to data is exceptionally important around reporting but also for transparency and understanding in the community. People who live in an area where there may be a high number of exemptions which therefore results in lack of herd immunity need to be aware of the community that they are living in. Where possible we can give some information to individuals so that, if they are immunocompromised and if there is an outbreak of a certain disease in a region, they can avoid it. This is important information, and I think it is the responsibility of government to ensure that we have

accountability for policy and also that we provide as much information as possible to Victorians.

I would like to now move on to the section of the bill in relation to mandatory reporting of cases of anaphylaxis in hospitals. This amendment to the legislation came about after the very sad story of Ronak Warty, who died from anaphylaxis after consuming a mislabelled beverage bought from an Asian supermarket in Burwood East. Through the coronial inquiry it was found that his parents took every step to ensure that their lovely son Ronak was not exposed to dairy products. He had an exceptional allergy to dairy products. They purchased the coconut milk in good faith. Unfortunately the imported product was not labelled correctly. It was not labelled that it contained cow's milk and the anaphylactic shock that this young man went into unfortunately contributed to his untimely death. I do issue my sincere and heartfelt condolences to the Warty family. It must be absolutely heartbreaking to lose a child. It is something that I cannot imagine, but as the mother of a four-year-old I feel nothing but their pain — to think that they went to every effort to protect their son but due to labelling on a food product that they checked but was mislabelled they now will not have the joy of seeing their young man grow, thrive and be successful. It is a terribly sad story.

Most sadly, it took so long for the government to react and to recall that product through the framework which is currently in place. It in fact took six weeks for the mislabelled beverage to be recalled. It was too long, and in some ways it is a surprise — but a very good thing — that nobody else was involved in a significant allergic reaction during that period of time, or at least there were no reactions that the public have been made aware of.

The coroner did an inquest into this case. A mandatory reporting system was recommended for children presenting to Victorian hospitals and emergency departments with anaphylaxis. Within this bill there is a requirement for hospitals to report cases of anaphylaxis to the secretary of the department. I would like to refer to the coronial investigation and report, because there are a number of recommendations included within this report. First, of course, is ensuring that the Department of Health and Human Services (DHHS) secretary investigate, consult widely and formulate a program for mandatory reporting for children who present to hospitals and emergency departments with anaphylaxis.

The second recommendation is for the DHHS secretary to incorporate into the process of formulating the mandatory reporting program interrogation of the sources of anaphylaxis whereby if, as in Ronak's case,

it becomes apparent that a contributing factor involves a packaged foodstuff or labelling of a packaged foodstuff, the report can be directly referred to the department's food safety unit.

To impose this mandatory reporting upon hospitals is exceptionally difficult, and I think that that was noted within the minister's contribution to this report. Through the reporting system that hospitals all use there may not be an opportunity for hospitals to report whether a foodstuff was believed to be the trigger for the allergic reaction and anaphylaxis. It is something that would be unlikely to be under investigation or to be known at that point when the report is made through the hospital reporting system. So I can certainly understand the coroner's recommendation that there be a link to the food safety unit and that foodstuffs be identified wherever possible. However, it does not appear that this is addressed within the legislation. I acknowledge that it may not be the most appropriate place for relationships to the food safety unit to be included. However, I do urge the minister and the government to ensure that there is a strong linkage in the implementation of this legislation, should it pass, so that there is a secondary investigation into reports where there is anaphylaxis or an allergic reaction and suspicion a food product may be involved, so that we can rapidly recall products.

It is difficult to ensure that we have enough information and enough data reported so that we can scrutinise it to save a life, but it is also difficult to ensure that all of that data is reviewed in a timely manner and action is taken, which in this instance would be the recall of a food product that has been mislabelled and which may potentially save a life. We also need to balance that, though, with responsibility for the incredible amount of additional data and reporting that is put upon our health services with sometimes limited feedback to the bodies. I recall as CEO of Edenhope hospital the sheer amount of additional reporting that we would have to provide and the limited amount of feedback that that would result in to improve the services that we were delivering to the local community.

If the government is imposing additional administrative burden or additional responsibility upon the hospitals, I would urge the government to provide additional funding for hospitals as well. Unfortunately, as the administrative burden increases on our healthcare services, more money has to be put into administration and there is simply less money available for services to buy new pieces of equipment, to provide that paint job to make sure the facility looks of a standard suitable to patients coming through or to make sure they can keep on top of minor building works and maintaining their assets. So I would urge the government to take into

account that this will put an additional administrative burden on our healthcare services and that perhaps it should consider providing some additional funding to our hospitals to make sure that services, particularly in rural areas where there is a much smaller administrative unit, can continue and we do not just end up with a hospital full of administration staff and no patients. I think there might be a *Yes Minister* episode dedicated to that most efficient hospital, which was all managers and where no patients came through the doors.

We do need to take into account as well that this will rely very heavily in a practical sense on human beings, the fantastic staff within our health services, to remember to report these types of instances. It will be something that I think will have to come through looking at a medical review of all cases of anaphylaxis that present within hospitals. That may be occurring in any case, but it will require an amendment and will, again, add additional administrative burden to our health services. I would like to also ensure that we have full coverage of all of the different health services within Victoria. I know under new section 130A, 'Definitions', that:

*anaphylaxis reporting body* means—

- (a) a public hospital; or
- (b) a denominational hospital; or
- (c) a private hospital; or
- (d) a multi purpose service; or
- (e) a privately-operated hospital within the meaning of the **Health Services Act 1988** ...

Just from my perspective, I have three fabulous bush nursing centres in my electorate, at Lake Bolac, Dartmoor and Harrow. They do an absolutely fabulous job. They are legitimate health services that have nurses on site, sometimes nurse practitioners and often visiting GPs. If somebody presented to a bush nursing centre under this legislation, there would not be mandatory reporting. In some instances, such as, obviously, if somebody is in anaphylaxis, it may be of such significance — and it is a significant event — that it is likely that person would be referred on to a hospital setting. However, that may not occur in all instances. Just for completeness of the bill, it may be worthwhile including bush nursing centres within that listing to ensure that no anaphylaxis case is missed within the state of Victoria.

I would now like to move on to the third element of the bill, which is around clarifying provisions relating to the reporting of allegations of child abuse, sexual

misconduct and other child-related misconduct. This is really around the reportable conduct scheme for the child safe standards. There have been conflicting interpretations of some provisions within the statute, and this bill makes three principal changes. The first one is clarification that foster carers and kinship carers will be considered employees of the entity which appointed them; however, this does not create an employment relationship between the parties.

Just on that point, I would like to make special note of the foster carers and kinship carers right across the state. They are poorly funded. They do an incredible job. They pick up children who are in need at sometimes very, very short notice, and they do this really for the reward and love of what they do and to ensure that some of our most vulnerable children actually find a home for a period of time and are safe, nourished and loved and cared for. I thank every foster carer and kinship carer around the state. They do an absolutely amazing job. But we need to make sure that we clarify that relationship and that anyone who is not doing the right thing is picked up and removed from that program. For the most part our foster carers and kinship carers do an absolutely outstanding job, and I thank them for that.

The second element of the proposed section clarifies the definition of the head of an entity, who is required to report under the scheme. This is quite sensible. We need to ensure whose responsibility it is to make a mandatory report so that there is not confusion and so that the report actually does occur. We need to ensure that there is not an out for an entity that has not done the right thing and made a report when it should have. This element of the bill also allows for increased information sharing. Again, it is very important that if we know there is someone not doing the right thing, we can share that information so that other organisations and agencies and the children within that system are protected.

The final element of the bill relates to the health complaints commissioner. Recently the health complaints commissioner, Karen Cusack, raised concerns about her power to prosecute under the Health Complaints Act 2016, including the lack of a specific provision in the statute that would cause unnecessary delay in prosecution if the common-law power of the commissioner were challenged. This bill essentially places that power into the statute. It seems like an eminently sensible move. However, again, if this requires additional work to be undertaken by the health complaints commissioner, I would urge the minister to provide additional resources for the health complaints commissioner so that a backlog of complaints is not created, she is able to undertake her position as

commissioner effectively and, if she has the power to prosecute, she has the resources at her fingertips to enable her to do so.

This bill does have wide support. We will not oppose the bill in the Legislative Assembly, but I would like to just make note of a few other elements. Something that has come through in my research for my contribution today has been around the need for hospitals to have the funding they need to deliver the services that the community relies on.

I recently was privileged to be the number one ticketholder for the Great Wimmera River Duck Race. This event was run last weekend, with all 2000 ducks sold at five bucks a head. It was a fantastic and very competitive race. The wind was challenging at times and it took the ducks from one side of the river to the other, but they did a fantastic job. As a result the friends of the Wimmera Health Care Group Foundation raised about \$9000 for the Wimmera cancer centre, which is an outstanding achievement for a committed group of volunteers. They do an absolutely fantastic job, and I thank each and every one of the friends of the foundation committee for their efforts in continuing to raise great money for our local hospitals.

We have got ladies auxiliaries or hospital auxiliaries right across the region, and they put a tireless amount of work in to raise money for our hospitals so that they can purchase things like televisions and more comfortable seating. I know at Edenhope and District Memorial Hospital our hospital auxiliary raised a lot of money to actually build a hairdressers salon on site so that our elderly residents in aged care could get their hair done nicely and feel like they were actually having an outing. They did not even have to leave their building to feel like they were being pampered. This salon has made an enormous difference to their lives. I thank all of the hospital fundraising bodies across the electorate.

We do need to see more funding for our hospitals. Unfortunately most of our hospitals, in particular the Hamilton Base Hospital, have received little, if any, capital funding over the past three years under the Andrews Labor government. The coalition had an election commitment to provide a significant amount of capital money so they could provide an upgrade to their emergency department (ED) and intensive care unit (ICU). We have not seen the government interested in this at all. It is exceptionally disappointing for the Hamilton community that the people at the hospital have had to make do with a reconfiguration of their ED and ICU, facilities that are simply outdated and desperately in need of an injection of funds. That would certainly help the valuable medical, clinical, nursing

and administrative staff that work at Hamilton hospital. It would help them to do their job. It would make sure that local people have access to the best possible health services, and of course that is what country people deserve. They deserve to have access to the highest quality health services, the same level that a similar hospital would provide if you lived in Melbourne.

Another element of course around healthcare outcomes in our region is access to public transport. Yesterday I heard the story of somebody who had to travel over 7000 kilometres over the duration of their cancer treatment because they were going back and forth to Ballarat. This is simply not good enough. It is incredibly difficult for people to use public transport in that area. Unfortunately under the Andrews Labor government we have seen numerous cuts to services. We have seen the ridiculous changes to schedules so that we now have longer travel times to our part of the state. We have lost services to sections of our state. Something that is being sold as an additional service might involve a bus and a train leaving at exactly the same time from Melbourne. That is not an additional service; it is a cut.

We need to have better access to public transport in our region. It would mean that people who cannot drive, particularly where there is not access to other transport options like a taxi or even a community vehicle, would be able to get to the health care that they need. I know firsthand that people are not accessing health treatment, seeing a GP or even getting their pharmaceutical supplies simply because they cannot get to a medical service, so I urge the government to look at a whole-of-health strategy that is beyond the changes that are included in this bill. We actually need to make sure that people can get to healthcare services as well as delivering high-level services right across the state.

In summary, there are elements of this bill which we think are eminently sensible. It is not a major bill in terms of the changes that are being made. It is making a number of amendments that should improve the overall system. The only concern that I really have is around some of the loopholes. There was further action to close loopholes around the no jab, no play policy to ensure there is greater herd immunity within the state of Victoria, which particularly looked at closing some of those loopholes around the 70 000 Victorian children who are currently eligible for legitimate exemptions. We need to make sure that we have adequate data reported in a public way to understand exactly how many people have been given an exemption under the no jab, no play requirements. We also need to make sure that we sufficiently fund our hospitals so that

where there is an additional administrative burden there is no risk at all that health services will be cut.

I would like to thank everybody involved in the health sector in my electorate; they do an absolutely fantastic job. I urge everybody to take care of their health needs and to make sure that they see a doctor and if they think something is not right, that they follow that up. I know it is exceptionally difficult to get in to see a doctor at the moment; we have had a huge number of GPs leave the area. But please persist; make sure you sort out and deal with the issues that are presenting. It will mean that you are available for your family in the future and it will mean that you will be a much healthier and more productive person. Hopefully you will enjoy a much longer life if you look after your health needs first.

**Ms WILLIAMS (Dandenong) (12:55)** — It is my pleasure to rise in support of the Health and Child Wellbeing Legislation Amendment Bill 2017. As we have heard, this bill will improve the operation of three very important regulatory schemes that have been introduced by the Andrews government, those schemes being the no jab, no play scheme, the reportable conduct scheme and the scheme for complaints about health service providers.

I will start with no jab, no play. All of us in this place know that this has been a signature policy of this government and one that has been very effective. It came into effect at the beginning of last year and was designed to increase immunisation rates among Victorian children by requiring all children to be fully vaccinated before enrolment in either child care or kindergarten. Our most recent data from the September 2017 quarter shows that 94.9 per cent of children aged five are now fully immunised, well above the Australian average of 94 per cent, which is an incredible feat.

To demonstrate the success of the no jab, no play scheme and to compare that to where we were sitting in the same quarter in 2014, the rate at that time was 92.6 per cent, so the scheme has indeed been very successful. Despite this, circumstances have emerged that require us to tighten the no jab, no play requirements. In particular we have become aware of an openly anti-vaccination doctor who has been providing letters for the purpose of assisting families to avoid the no jab, no play laws. We believe he has provided letters to some 42 families so far, which obviously compromises the integrity of our immunisation program but also, quite frankly, compromises the safety of all Victorians. In my view 'extraordinarily reckless' is the most polite way to describe conduct like this.

That demonstrated to us the need for additional legal safeguards, and this bill before us today achieves this by simplifying the definition of immunisation status certificates so that in most situations only an extract from the Australian Immunisation Register will be accepted. The definition as it stands is fairly complex and allows for a range of documentation to be presented to prove immunisation status. This somewhat enabled the anti-vaccination doctor I just referred to to provide misleading certificates to a number of parents, so what we are seeking to do in this bill before the house is to essentially remove the scope for this kind of misleading and ultimately harmful activity.

We have rectified this by making immunisation history statements the only evidence of a child's immunisation status that will be accepted in early childhood services and primary schools. This will ensure that only medical practitioners authorised by the commonwealth will be eligible to certify that a child cannot be vaccinated for medical reasons. All requests for medical exemption will be submitted by an appropriately qualified doctor, with appropriate evidence to the Australian Immunisation Register for noting on a child's immunisation history statement. A letter from a doctor with basic registration will no longer be sufficient. Immunisation history statements are easily available online or via the post from Medicare. They are easy to read and interpret, and we know that most parents already use these statements for enrolment purposes. For those reasons they are an accessible and convenient mode of establishing a child immunisation history.

The bill will also allow, by regulation, for periodic checks of immunisation status post-enrolment in those childcare or kindergarten facilities. As it stands, once a child is enrolled there is no further check to ensure that any further scheduled immunisations have taken place. Of course the vast majority of Victorian families keep their children's vaccinations up to date, but I think an extra prompt will assist in achieving those last few percentage points that we need to get over the 95 per cent rate for vaccinations for all early childhood age groups and in all local government areas across Victoria.

### **Sitting suspended 1.00 p.m. until 2.02 p.m**

**Ms WILLIAMS** — As I was saying before I was rudely interrupted by lunch, of course the majority of Victorian families keep their children's vaccinations up to date. We know that most people do the right thing, but I was also talking about that post-enrolment prompt to ensure that further vaccinations were being kept up. I was saying this is very important in achieving those last few percentage points that we need to get over the

95 per cent rate for vaccinations in all early childhood age groups and in all local government areas across Victoria. It is also worth noting that there will be consultation with the early childhood sector before those regulations are made.

Another element of the bill before the house today relates to the hospital reporting of anaphylaxis. Anaphylaxis is the most severe form of allergic reaction and can be fatal. Many of us will know people who will experience an anaphylactic reaction; indeed many in this place may well have children who do, either temporarily or permanently. We often see this being displayed as a reaction to particular foods. Nearly half of anaphylaxis presentations in hospitals are related to food, and the rate of anaphylactic cases has been steadily increasing since 1993.

The amendments in this bill respond in particular to a coronial recommendation made in 2016 which related to the tragic death of a 10-year-old boy who died after consuming a coconut drink that contained milk, which is a very common allergen. The labelling on the product failed to disclose that the product did in fact contain milk. As you would expect, a food recall was ordered, but this did not take place for five weeks because the Department of Health and Human Services (DHHS) was not immediately informed of the incident.

The amendments before us seek to eradicate this delay so the department can take timely action in response to reported cases of anaphylaxis. It does this by requiring public and private sector hospitals to report cases of anaphylaxis to the secretary of DHHS. The reporting period will be a matter of days rather than months — this will be prescribed in regulations — and will be determined in consultation with hospitals and other public health experts. This information provision is also extremely important in informing research into anaphylaxis, which we would obviously hope would lead to better responses, treatments and ultimately health outcomes for all Victorians.

Moving to other measures in the bill related to the health complaints commissioner, as many of us will recall, the health complaints commissioner role came into effect earlier this year. This role is broader than that of its predecessor and includes the ability to investigate and, where necessary, prosecute both registered and unregistered healthcare providers. The bill before us contains an amendment that clarifies that the commissioner is empowered to issue legal proceedings for breaches of the Health Complaints Act 2016. While this can already take place under common law, the bill makes the power explicit, which will put it beyond

legal challenge. This is important in avoiding any procedural delays that may arise from such a challenge.

Moving to changes in relation to the Child Wellbeing and Safety Act 2005, this government has driven significant reform to protect vulnerable members of the community, including arguably the most vulnerable, being children in our community. These reforms have included the introduction of child safe standards early last year and the first phase of the reportable conduct scheme in July this year. The implementation of these reforms has been closely monitored by the Commission for Children and Young People in conjunction with DHHS, and this process has allowed us to devise measures to improve the operation of the scheme and better support the implementation and operation of these reforms.

To this end, the bill before us proposes amendments to the Child Wellbeing and Safety Act. The key amendments as part of this include some clarification of definitions to ensure the identity of the head of an entity is clear and ensuring that all formal kinship and foster carers are covered by the scheme. That particular part takes place within the definition of 'employee', which I note the previous speaker spoke about in greater detail. It also contains new regulation-making powers to provide for the disclosure of reportable conduct information to relevant interstate, territory and Commonwealth bodies in certain circumstances. This reflects the original intent of these reforms and will ensure the commission can appropriately consult and liaise with relevant bodies in other jurisdictions — for example, the national disability insurance scheme (NDIS). The bill also contains some technical amendments to clarify the application of child safe standards to certain organisations.

This bill is an exercise in further strengthening very sound Andrews government reforms, with the objective of protecting vulnerable cohorts in our community. For that reason it should be supported, and I commend the bill to the house.

**Ms VICTORIA** (Bayswater) (14:07) — I too rise to speak on the Health and Child Wellbeing Legislation Amendment Bill 2017. This bill does four main things: it tightens immunisation evidence requirements under the no jab, no play legislation; it calls for anaphylaxis cases in hospitals to be mandatorily reported; it also clarifies provisions relating to allegations of child abuse, sexual misconduct and other child-related misconduct; and it places under statute the power of the health complaints commissioner to prosecute.

We are certainly not opposing this bill, and we think there are some good provisions within it. One of the things that I am very passionate about is child immunisation. I am a mother of one and stepmother to four and, touch wood, none of them has ever been ill with these sort of illnesses that we know should have been eradicated an awfully long time ago. Unfortunately there are people still out there — the anti-vax movement — who believe it is their right to be able to not vaccinate their children and will go on flouting the law, which unfortunately then goes and puts other children at risk.

I have just come back not so long ago from a global women's leadership forum in Houston. One of the speakers that I was so impressed by was a woman by the name of Dr Rebecca Richards-Kortum, the director of Rice 360 Institute for Global Health at Rice University. One of the things that Rebecca has done is spend her entire career — she and her colleagues — trying to keep babies alive in sub-Saharan Africa. We have people like these who are putting their entire careers — their entire lives — into the preservation of life, and then there are others who are quite happy and willing, because it is trendy or they are out there under false information, to put other children's lives at risk. We know that that happens. I find it reprehensible in this day and age when the internet is used — Dr Google, as they call it — that people find one bit of false information and that is perpetuated and leads to harm to others. Obviously there has got to be that herd immunity — that mass of immunisation — to protect most. The more we see coming through who choose not to — and it is an elective — immunise their children, for whatever reason they have in their heads, the more they are putting everybody else at risk.

You only have to look at the revelation earlier this year when Dr John Piesse said he would help anti-vax parents get their piece of paper saying that there were valid medical reasons why their children could not be vaccinated. A whole lot of them were coming out; in fact 42 cases were identified. That is 42 children who could be putting other children and themselves at risk. Their parents are putting their own children at risk.

The bill helps tighten the evidence requirements for immunisation and the evidence to say, 'No, I can't immunise'. There needs to be a medical reason. I certainly think that that is a very, very good step forward to tighten up against people like that. Obviously that doctor has been suspended — his medical registration has been suspended, as it rightly should be — while the investigation continues. But we basically need to be able to tighten up, and that is something that this bill allows to happen.

Only an immunisation history statement from the Australian Immunisation Register will be accepted as evidence for enrolment as far as preschool and playgroups and those sorts of things goes. That is great. The requirement is that it will have to be issued no more than two months before the date when the child starts at the centre and there will need to be periodic checks after that. There are very tight guidelines that the immunisation history statement have around those who can certify medical contraindications where it is harmful for a child to be immunised, but they are very, very rare. They are not conscientious objections; they are valid medical reasons.

Primary schools will now need to record the immunisation status of each child so information is available in case there is an outbreak. I think that is incredibly important. As a parent, and as somebody who still has a child and a stepson at school, we need to know if something does happen and who around us is not playing ball.

Some of the other things that are coming about by way of introduction of this legislation are that there will be changes made to the Public Health and Wellbeing Act 2008 around the reporting of anaphylaxis cases in hospitals. I want to place on record my sincerest thanks to the Royal Children's Hospital and its allergy clinic. Many years ago — probably about 10 or so years ago — my daughter had penicillin for an earache and I had to rush her down to Maroondah Hospital. She was not able to breathe, was blotchy and was swollen — it was horrendous — and of course they said she had an allergic reaction to penicillin. A childhood allergy specialist said to me about a year or two ago, 'You know, they can grow out of it. There might have been other things going on at the time in Charlie's body. Why don't you get her tested?' Of course as a mum you do not want to put them in any harm's way.

The Royal Children's Hospital allergy clinic were just sensational. We had a couple of visits and then on the last one they actually had her in for the best part of a day. She was given microdoses of penicillin and then increasing doses over the course of quite a few hours. As there was no reaction, she was allowed to take some penicillin home and we monitored her very carefully for a few days. Happily, it has come back that she is no longer allergic to penicillin. So I want to place on record my thanks to the people who do work in the space of childhood allergens and the good work they do in giving comfort to those of us who want to find out whether in fact it is an ongoing concern. One of the biggest fears is, if your child is like me and likes to wander off around the world, what happens if she ends up in hospital somewhere in a country where she does

not speak the language and they do not know that she has an allergy to something like penicillin and she ends up dying. So we are over that one. For some parents of course that is not as easily done. Their children do in fact have an anaphylactic reaction to whatever it might be, whether it be peanuts or lactose or whatever, so it is really important that hospitals do have mandatory reporting of this. They can then of course not only just look at the clinical side of that for the case of that child but also see if there is an increase in prevalence of these sorts of events.

Of course that was after — and other speakers have spoken about this — the death of a beautiful young boy who was allergic to milk. Due to the inaccuracy of labelling on a coconut milk product he unfortunately died, but it took a very long time for that beverage to be recalled — I think it was about six weeks — and obviously it put other people at risk during that time. So with mandatory reporting we can obviously get information out there. As for the shadow minister for consumer affairs, I point out that one of the things we do need to know is if there is a trend happening. I remember when I was minister, for example, we had an issue where I think five or six people went to hospital because of synthetic marijuana that they had bought in a sex shop — or something along those lines. It is the sort of thing that you need to get on top of very quickly to be able to shut it down before any more harm is done, so I think that is certainly a very logical thing to do.

There are other changes that are happening, and there are some technical amendments that have got to happen. I think there are some very logical changes. Perhaps even other places in the world are looking towards those jurisdictions that are doing the right thing around the immunisation space and, as I said, there is no reason for us to oppose this.

**Ms SULEYMAN (St Albans) (14:16)** — I rise to speak on the Health and Child Wellbeing Legislation Amendment Bill 2017. The bill ensures that Victoria's child immunisation laws are absolutely up to scratch and that they protect every child in Victoria. This will make it harder for dodgy healthcare providers to operate in our state. This bill will also strengthen and clarify existing legislation to improve its operation. Specifically the bill will strengthen and simplify the no jab, no play scheme. It will also implement compulsory reporting of all children who are brought to hospital with various conditions, in particular anaphylaxis, and will crack down on dodgy doctors by improving the power of the health complaints commissioner to bring healthcare providers to prosecution.

The no jab, no play legislation has existed since 2016. It makes sure that Victorian kids are immunised before they attend kinder. As a proud aunty of an eight-year-old and a five-year-old, I have had the firsthand experience of seeing my niece and nephew going through the immunisation process, so I understand wholeheartedly the importance of making sure that every child is protected and immunised before they get to kinder, during their stay at kinder and also through their primary school years. By next year it is expected that 95 per cent of schoolkids will be immunised as a result, and this is fantastic for our community. The high rates of immunisation are vital to ensuring that diseases and illnesses are not spread in Victorian schools. I am extremely proud of the Brimbank community's high statistics when it comes to children that have been immunised. Over 80 per cent of kids in Brimbank are protected, so this means that the legislation does work, and it does save lives.

The proposed amendments will just simplify the scheme and of course all the requirements. The amendments centralise proof of immunisation to an Australian immunisation history statement, which is easily accessible by parents online. It is important for parents to be able to have access to this sort of information online and also via Centrelink. The amendments also allow for checks to be conducted on a regular basis to make sure that schoolkids continue to be immunised and also, most importantly, to remind parents and carers to do so if children are not immunised.

Another key element of the bill is the compulsory reporting of cases of children that do have a number of diseases, and let me say that in these amendments is something that the coroner recommended: that this mandatory reporting system be established. Unfortunately this comes after the tragic death of a child due to him drinking mislabelled milk. We have all heard some pretty horrible and quite sad and tragic stories of babies and children that have lost their lives due to incorrect information, so it is important that the reporting continue. It will allow the department, when there are cases that are not quite right, to investigate and most importantly to take immediate action to make sure that these incidents do not occur. We must do this to protect the lives of the most vulnerable in our community, and they are our babies and children.

As I have previously said, there is a lot of false information relating to immunisation, and it saddens me that many parents are being tricked and misled into thinking that immunisations could actually harm their children. As we have heard from speakers today, and I say this again, there is absolutely no evidence that immunisation harms children. This is a myth that does

damage and can have serious effects to the extent of someone losing their life. So Victorian parents need to be aware and be vigilant about dodgy doctors and health providers who choose to ignore the facts and encourage the spread of preventable diseases. This is not medicine. It is an absolute lie and no better than a witch tale, and it is hurting vulnerable Victorian children and destroying families.

Earlier this year the Andrews government established the office of the health complaints commissioner, and one of the powers of the commissioner is the ability to investigate and prosecute all health providers. This is an important step. In its first five months the commissioner has reported receiving a 500 per cent increase in complaints about health service providers compared to the previous year. The message is getting out there. These new laws also give the commissioner the power to name risky providers in order to protect other parents and the public from dodgy health services. This is key, I believe, to making sure that other parents and, most importantly, our community are aware of these dodgy practices.

It is important that the commissioner has the power to prosecute health providers. There is no point having a commissioner who just investigates and names dodgy operators. Those who are breaking the law or providing misleading advice that can take someone's life must be prosecuted. The bill makes it clear that the commissioner can take serious action in order to protect Victorians and our most vulnerable. As an aunty, I know that the most precious things are our children, and we owe every single vulnerable Victorian and every single child and infant protection. We must as legislators protect them against these dodgy healthcare providers. We will put a stop to those who harm Victorian kids and stamp out dodgy operators.

In my electorate of St Albans, in Brimbank, we saw that in October more than 500 new babies were born at Sunshine Hospital. There is no doubt that the western region corridor continues to grow at a rapid pace. This is more than 100 more births than at the same time last year, and that is why the Andrews Labor government is delivering the new Joan Kirner Women's and Children's Hospital, and I am very proud of that. It is so important that we marry this up with good legislation that protects our children and makes sure that there is an opportunity for every child to be protected against unnecessary preventable diseases by being immunised.

I am very happy to see this legislation being tightened up. The Andrews Labor government is taking childhood immunisation very seriously. This is a serious issue in our community. We are taking real action to stamp out

dodgy health providers. They should not exist, but the ones that do exist should feel the full force of the law. Since the introduction of the no jab, no play legislation almost 95 per cent of school kids will be immunised. That is a significant number, and we need to make sure that we continue to monitor these numbers and increase them so that we have 100 per cent immunised. That is the result we should be aiming for. This policy works. This policy saves lives. I thank the Minister for Health for bringing this bill to the house.

**Mr McCURDY** (Ovens Valley) (14:26) — I am delighted to rise and make a brief contribution on the Health and Child Wellbeing Legislation Amendment Bill 2017. As our lead speaker, the member for Lowan, has indicated, we will not be opposing this bill. There are four main elements that I want to go through and get a few things on the record in my brief contribution.

The bill will establish mandatory reporting for cases of anaphylaxis in hospitals, which is an important step forward, and I will go into that in more detail in a moment. It places under statute the power of the health complaints commissioner to prosecute. It clarifies provisions relating to the reporting of allegations of child abuse, sexual misconduct and other child-related misconduct. It tightens immunisation evidence requirements under the no jab, no play legislation, which we have just heard about from the speaker on the other side.

The mandatory reporting of anaphylaxis is an essential part of this bill, and it is important that what is being reported locally is reported on a broader scale. We know that Ronak Warty died from anaphylaxis after consuming what was a wrongly labelled drink bought from an Asian supermarket in Burwood East. It took six weeks for that beverage to be recalled, and as a result the coroner has recommended there be a mandatory reporting system for children presenting to Victorian hospitals and emergency departments with anaphylaxis. The bill requires hospitals to report those cases of anaphylaxis to the secretary of the health department. Hopefully this will improve reporting and reduce risk into the future.

The no jab, no play legislation came into effect on 1 January last year. In August this year Dr John Piesse said he could help anti-vax parents sidestep the no jab, no play laws by providing evidence that a child was unable to be vaccinated for medical reasons. That is just flouting those laws, and so far there have been 42 such cases that have been identified. This bill will tighten the evidence requirements for immunisation so that the only immunisation evidence that will be accepted for enrolment will be with an immunisation history

statement from the Australian Immunisation Register dated no more than two months prior to the date on which the child first attends an early childhood service, and periodically after that.

The third element is the reportable conduct scheme for child safe standards. Firstly, it clarifies that foster carers and kinship carers are to be considered employees of the entity which appointed them, even though this does not create an employment relationship between the parties. Secondly, it clarifies the definition of the head of an entity who is required to report under the scheme. Lastly, it allows for increased information sharing.

In terms of the health complaints commissioner, another element in this bill, Karen Cusack, the health complaints commissioner, raised concerns recently about her power to prosecute under the Health Complaints Act 2016, including the lack of a specific provision in the statute that would cause unnecessary delay in prosecution, particularly in the common-law power, if the commissioner were challenged. Because of this, the bill places that power in the statute.

We have a couple of concerns around the extra reporting by hospitals. We do not want to make compliance too difficult for the hospitals, but I am sure it will be rolled into their standard operating procedures. I see that the modifications to the Health Complaints Act 2016 are a good step forward. The health services in my electorate — Alpine Health in Myrtleford, Northeast Health in Wangaratta, Yarrawonga Health and Cobram District Health — are exceptional health services. In terms of complaints, we get more compliments than complaints in my office about those health services, so I do not see that that will be a major issue.

Numurkah District Health Service, Nathalia District Hospital and Cobram District Hospital have suggested that they are going to have a possible merger, and that was floated last week. I have not heard any downsides to that just yet. The irony is that Numurkah hospital, which was flooded back in 2010, was rebuilt through a coalition commitment so we have a new hospital, which is a great facility. We certainly have been champions for country health in our communities. Ironically I have just come from a flood briefing about what is going to happen in the next couple of days and we could find communities like Numurkah coming under the pump again. Numurkah District Health Service is now about 1 metre higher than it once was, so I do not think there will be any dramas there.

This bill clears up a few significant steps in the four main elements that have been raised by both sides. I

think it is a positive step forward as it will tidy up some grey areas in those four areas that we have discussed.

**Ms HALFPENNY** (Thomastown) (14:32) — I rise to speak briefly on the Health and Child Wellbeing Legislation Amendment Bill 2017. The Andrews Labor government has already introduced a number of child welfare and health policies and initiatives into this chamber. The no jab, no play laws were introduced a short time ago by the Andrews Labor government to ensure that we work towards all Victorian children being fully vaccinated before they start kindergarten or school. Of course it is a very important thing to protect those children as well as other children and others in the general community and to ensure that everybody is vaccinated for diseases — diseases that really are awful, fatal, debilitating and which vaccination will hopefully one day be able to eradicate completely from the world.

The no jab, no play policy was clearly successful. It put in place what it set out to do, which was to increase the rates of vaccination amongst children. We are getting closer to the 95 per cent immunity target that the government is aiming for. Of course we need to do this to stop the spread of diseases and to try to eradicate some of them. Victoria now has a record-high rate of children aged five years and over that are fully vaccinated. The rate in Victoria is even higher than the Australian average. We believe that the health and wellbeing of every Victorian child is a priority, and we are protecting our most vulnerable Victorians with these initiatives.

The bill we are debating today seeks to make small changes to the scheme that is already in place. With regard to the no jab, no play scheme, the bill clarifies the definition of ‘immunisation status certificate’. The current definition is broad and allows for a range of documents to prove one’s immunisation status. By making the official Australian Immunisation Register extracts, known as immunisation history statements, the only acceptable evidence of a child’s immunisation status in order to be enrolled in early childhood education and care we are creating a more streamlined and simplified system as well as a more regulated system.

These particular amendments came about in response to the need for a more regulated scheme after it was exposed that something like 42 families provided misleading certificates to a number of early childhood centres, certificates that had been written by a particular anti-vax doctor from Melbourne. Such certificates were not created as intended under the act, and the situation was allowing those parents that did not believe in vaccination to put other children at risk by providing

certificates from a doctor who was against vaccination. As a result, this bill seeks to remove the option of providing a doctor’s letter to show that a child cannot be vaccinated for medical reasons. There has to be more evidence than that.

The amendments will also require early childhood education and care services to collect and provide information which will be used in conjunction with periodic checks of immunisation status after the child is enrolled. We are making these amendments to ensure there is ongoing accountability from both parents and services, as enforced by the Department of Education and Training.

It is important to note that there will be consultation with early childhood services with regard to developing the regulations around the frequency and timing of immunisation checks. Early childhood services, primary schools, parents and immunisation providers will be supported through a joint communications strategy to ensure that they all have access to information and resources. By amending these aspects of the current legislation we will also ensure that potentially harmful and misleading activity by the anti-vaccination movement and anti-vaccination doctors is minimised, thus giving further protection to the rest of the community.

This bill also seeks to make changes to the Health Complaints Act 2016, which came into effect earlier this year, to protect Victoria from unregistered healthcare providers. The act established the role of the health complaints commissioner. This appointment has been extremely successful, with many complaints being registered from those that have been unhappy with the health care they have received. The amendments to this act also provide the commissioner with a more clarified role, which includes investigating and, where necessary, prosecuting registered and unregistered health service providers in Victoria.

The bill provides explicit power to the commissioner to issue legal proceedings, whereas previously this power did not exist. This will work to avoid any potential legal challenges or procedural delays and will put the matter beyond doubt to ensure that healthcare providers that are in breach of the act and are putting the community at risk are dealt with quickly. It is vital that we make these amendments to the act to provide further protection for the Victorian community from providers that are not doing the right thing as well as to put appropriate systems in place that will allow the commissioner to be more efficient and effective in resolving and responding to complaints.

The bill also makes minor amendments to the Child Wellbeing and Safety Act 2005 to further improve the regulation of the way that organisations manage the prevention and response to allegations of child abuse and child-related misconduct. Although some of these changes are quite small and very technical, they are essential to clarify definitions within the act and to ensure that the act and legislation achieves its purposes — that is, the protection of children from abuse while under the care or authority of supervisory organisations.

There have been numerous inquiries and reports on the necessity to further protect our children through law, but of course when laws are introduced there is a period when you need to see how that legislation is being implemented. Then if necessary, we need a flexible system through which we can make amendments and changes — technical changes; whatever it is — to ensure that the legislation in its implementation period is working the way that it should be and is not being used in a way whereby loopholes are taken advantage of. Therefore we need to make sure that bills like this one, which is an omnibus of various changes, are based on the operation of systems in place prior to the changes being implemented.

There are also amendments within the bill that create new powers to facilitate interaction with other state and commonwealth bodies and allow reportable contact information to be shared with the relevant bodies in other jurisdictions when and where this is necessary. There have always been restrictions around the sharing of data due to privacy concerns. This legislation implies that issues such as the protection of children outweigh issues of privacy and that we ought to be able to share information with different agencies but in such a way that —

**An honourable member** interjected.

**Ms HALFPENNY** — Sorry, I have lost my train of thought. In terms of the sharing of information, we need to have a system that provides for privacy and the confidentiality of information but also allows for data to be shared with other states, for example, and with other departments within our own state. Both the Commission for Children and Young People and reporting organisations have responsibilities under the reportable conduct scheme, and these amendments and other minor amendments will allow them to perform these responsibilities in a more streamlined manner whilst keeping with the intent of the act.

Overall this bill tidies up a number of areas where there seem to be some shortcomings in the legislation. The

Andrews Labor government is working very quickly and very hard to ensure that these technical amendments are introduced to this Parliament and passed as soon as possible so that the full force of legislation around the protection of children through the no jab, no play provisions are put in place so they can do what they are intended to do in accordance with the title of this bill, which is to protect the health and wellbeing of children in our state.

**Mr CRISP** (Mildura) (14:42) — I rise to make a contribution on the Health and Child Wellbeing Legislation Amendment Bill 2017. The purpose of the bill is to tighten the immunisation and evidence requirements for no jab, no play regulations; to establish mandatory reporting for cases of anaphylaxis in hospitals; to clarify provisions relating to the reporting of allegations of child abuse, sexual misconduct and other child-related misconduct; and to place under statute the power of the health complaints commissioner to prosecute. I will discuss each of these purposes.

The mandatory reporting of anaphylaxis is very important. I know it does not affect a large section of the population, but for those it does affect it is a life-and-death issue. This bill requires that hospitals report cases of anaphylaxis to the secretary of the department. That is about collecting the data and being able to use it to save lives.

I will now discuss the reportable conduct scheme for child safe standards. Following conflicting interpretations of some of the provisions within the statute, this bill makes three principle changes: it clarifies that foster carers and kinship carers are to be considered employees of the entity which appointed them — however, this does not create an employment relationship between the parties; it clarifies the definition of the head of an entity that is required to report under the scheme; and it allows for increased information sharing.

The bill also deals with the health complaints commissioner. The health complaints commissioner has raised concerns about her power to prosecute under the Health Complaints Act 2016, including the lack of a specific provision in that statute that would avoid unnecessary delays in prosecution if the common law power of the commissioner were challenged. This bill places that power in the statute. This provision is important. I have referred people to the health complaints commissioner over the years. It is part of our health system that if there is an outcome at a hospital or health service that people are unhappy with, they first need to approach the health service that they

have a concern with and go through a complaints process with them. Then if they are not happy with that, they can proceed to the health complaints commissioner. I support the idea of trying to resolve the issue first with the health service, but we do need the health complaints commissioner as an extra measure. If there is a serious issue, the commissioner needs to have powers to ensure that we learn from the bad outcomes within our health system. Unfortunately the system is not perfect. We do not expect it to be, but do we expect to learn from the problems that arise.

Now to the no jab, no play provisions, which I think are an extremely important part of this legislation. The no jab, no play laws came into effect on 1 January 2016, and in August 2016 an issue arose around them which meant that we needed to tighten the laws. The laws need to be tightened in order to ensure that those who should be immunised can be immunised.

We need to bear in mind the issue of herd immunity and what we need from vaccination levels or immunisation levels within our community. Herd immunity means that a group or 'herd' can avoid exposure to disease by ensuring that enough people are immune so that no sustained chains of transmission can be established. This protects the entire population, especially those who are too young or too sick to be vaccinated. We need to know how many people need to be immune to a disease to achieve herd immunity. That is calculable by knowing how infectious diseases are transmitted. At the very top end, with measles, 95 per cent plus is required. For other diseases such as flu, which this year was of considerable concern to our community, it is a little less than that.

Whatever the figure is, evidence has emerged that suggests that our immunity tends not to be homogeneous across the population that we are trying to protect. There are enclaves or subsets of a population that are not immunising their children. This then potentially leads to a situation where we have high immunisation rates — those that theoretically should give us herd effect — but this does not actually provide herd effect in certain enclaves due to some socio-economic or ideological reasons. There might be clusters of people who are not immunised adequately, and they then risk an outbreak occurring in that microsection of the population.

Some of these diseases and how serious they are have been very quickly forgotten across our community, but not for someone of my age. I went to school with someone who had a leg in a caliper from having had polio. Many of us can remember tuberculosis being an issue in our community. Many of these diseases were

thought to have actually been eliminated from our community. They are back, for various reasons. The importance of that I think is something that we need to remind the community about. Just because we have not seen them does not mean that we should stop immunising our children, because once these diseases take hold back in our community the consequences are really horrific.

The no jab, no play law is the front end of that, but what should be on people's minds is responsible parenting and realising that in order to protect those in the community who genuinely cannot be immunised, everyone else needs to be. Otherwise we will go through some tragic stages in our community that we had left behind or should have left behind. We have wonderful rates of health in our community, but if enough people drop us below that herd effect and do so in certain enclaves, then we are going to see a resurgence of diseases and the consequences of those diseases that we do not want to see.

I spent many, many years in health governance, and much of that time was spent across some isolated rural communities, many of which did not enjoy very good socio-economic status. Maintaining immunisation in those microgroups at a level to protect them was something that was of great concern to me and to all those health professionals who were involved. It was a challenge, and at times it was a challenge that was extremely frustrating and disappointing because for various reasons we had outbreaks of diseases that I never wanted to see again — and there were consequences.

This is legislation that I feel very strongly about. We still need to be vigilant in this space to continue to deliver a very strong message to our community that immunisation is vital for the safety of our children.

**Ms THOMAS (Macedon) (14:50)** — I am really pleased to rise today to speak on the Health and Child Wellbeing Legislation Amendment Bill 2017. I want to say how refreshing it is on this Thursday afternoon to be here and to really be as one in this Parliament in our support of doing everything that we can as a Parliament and in our community to boost our vaccination rates and in doing so ensure that we are looking after the most vulnerable children and people in our community who for some medical reasons are not able to be vaccinated and ensure that we build and boost that herd immunity. So I commend the member for Mildura for his contribution, and the member for Bayswater also. In doing that I might say that the member for Bayswater and I probably agree on very few things but on this one we are as one.

I reflect again on how important it is that our parliaments be really diverse in the way in which they are made up. It makes me proud again to reflect on the number of women that now sit in this house, particularly on this side of the chamber, and those of us who as mothers or carers and others who have had very real and direct experience of caring for tiny babies and understanding the real impact that some of these diseases can have. The member for Bayswater talked about one of her own children. I had an experience when my daughter was in about year 10 and, despite being a fully immunised child, she contracted whooping cough because of its increased prevalence in our community. It was quite horrendous. It was very difficult for Olivia. It impacted her schooling substantially. It is very difficult to care for a child with a disease like whooping cough because it is very hard to alleviate any of the symptoms.

The bill will improve the operation of the following regulatory schemes to ensure they achieve their policy purpose: no jab, no play; the Health Complaints Act 2016 in relation to the ability of the health complaints commissioner to bring legal proceedings; and the reportable conduct scheme and child safe standards. The bill also provides for mandatory reporting of cases of anaphylaxis in hospitals.

The bill tightens and simplifies immunisation requirements for enrolment in an early childhood service or primary school. It clarifies and provides certainty about the health complaints commissioner's ability to issue legal proceedings for offences under the Health Complaints Act 2016. It provides for various minor and technical amendments to the Child Wellbeing and Safety Act 2005; and as I said, for mandatory reporting of cases of anaphylaxis by hospitals.

I really did want to concentrate my contribution today on the really excellent work that this government has done with our no jab, no play policy, which is doing so much to boost levels of immunisation in this state. I make the observation, Acting Speaker Richardson, now that I am looking at you on this Thursday afternoon, that this will be something that is of deep concern to you as the father of a very small child. Victoria's no jab, no play laws came into operation on 1 January 2016. They promote the immunisation coverage by requiring all Victorian children to be fully vaccinated before their enrolment in child care or kindergarten can be confirmed. In the September 2017 quarter 94.9 per cent of children aged five are now fully immunised. This is fantastic. This is real cause for celebration. But we cannot rest on our laurels; we need to continue to keep getting the message out there.

As the Minister for Health has said, we are on the cusp of reaching the Holy Grail of 95 per cent, which is the target immunisation coverage which will ensure, as I said before, that herd immunity to halt the spread of dangerous virulent diseases such as measles. I really do congratulate the Minister for Health on everything that she has done in this space. It is very fair to say that our Minister for Health has stood firmly on the side of the health and wellbeing of children against the relentless campaigning of those in the anti-vaxxer movement, who I have to say have been quite vicious in their campaign techniques. I am so pleased that in this debate the science, the evidence, is clear and, as I said before, we as a Parliament are all as one on this issue.

I did want to point out that today I have received some data on my own electorate. If we look at the percentage of children aged five and above in my electorate who are now fully immunised, the figures tell an interesting story. In Macedon Ranges shire 98.9 per cent of all children are immunised. That is awesome. I am very, very pleased with that, and I have to use opportunity to congratulate Jeandanielle Evans, who is the coordinator of maternal and child health services, for this result in Macedon Ranges shire. This is a fantastic achievement. Mount Alexander shire is predominantly within the electorate of the member for Bendigo West, but I have some of that shire within my electorate. It has an immunisation rate of 95.9 per cent. But Hepburn shire, which includes the towns of Daylesford and Hepburn in my electorate, is sitting at 90.9 per cent. So there is clearly work to be done.

This bill is about taking away those excuses, if you like, that some parents might proffer for not getting their children immunised. We are really incentivising them to get their children immunised by saying, 'Actually, it's no longer okay'. We know that there is a group who are steadfastly against vaccination and who hold quite confused views. But there is another group of parents, and they are a significant element of those whose children are not immunised. They simply really struggle to remember or struggle to get to the doctor or the maternal and child health centre on time or indeed because of a range of other circumstances, including disadvantage, family violence or poverty, are just not able to attend to the healthcare needs of their children. It is people like that, families in those circumstances and children in those circumstances, that I really spend my time trying to reach out to to ensure that we can boost immunisation rates amongst some of the most disadvantaged cohorts in our community.

While I am discussing immunisation, I did want to commend my parliamentary intern from first semester this year, Rachel Collins of Monash University. I asked

Rachel to do a report for me on the health literacy of parents in the Macedon Ranges, with a specific focus on the understanding of oral health care needs of babies and small children and of immunisation. Having just told you about the immunisation rates in Macedon, you will not be surprised to discover that what Rachel did indeed find was that parents in Macedon Ranges were very well-informed and ready to get their children immunised. I did want to put that on the record because I know that the Minister for Families and Children in the other place would be very delighted to learn that parents in my community in a focus group said that the maternal and child health nurses are always talking about immunisation with parents and the importance of complying with the national immunisation program.

Again, a big shout-out to the maternal and child health nurses in the Macedon Ranges shire and across our community. Of course we are celebrating 100 years of maternal and child health care in the state. It is so vital for supporting babies and their mothers and fathers in that really very precious time when there is so much information that you need to take on board. Our maternal and child health nurses truly are a godsend. They are very precious, and I am always in awe of them and their work. They of course are hugely supportive of the work that this government has done in immunisation.

Before I conclude, one thing that Rachel did discover was that VaxOnTime is not as well-known as it perhaps could be, and I would suggest that we might do some more promoting of VaxOnTime. I commend the bill.

**Mr McGUIRE** (Broadmeadows) (15:00) — Protecting our children's health is crucial. This bill introduces a series of changes to make improvements. But it would be remiss of me not to mention and acknowledge a significant event that occurred today. A world-first initiative was announced that will transform Victoria into a living laboratory to ensure better health, development and wellbeing for our children and their families — this is how the head of the Murdoch Children's Research Institute, Professor Kathryn North, defined its significance. It is the Generation Victoria (Gen V) initiative, and the aim is to invite parents of all babies born in 2020 and 2021 across the state to participate. Together they will create a holistic picture of the health and wellbeing of Victorian children and uncover the causes of a broad range of conditions pertinent to this bill and to the strategy of the Andrews government.

Gen V has been made possible through a partnership with philanthropy. The Paul Ramsay Foundation committed nearly \$25 million over five years and the

Victorian government put in \$2 million now, which is in addition to the government's more than \$33 million investment in genomic sequencing, which is helping thousands of Victorians with rare diseases or cancers get the diagnosis and treatment they need faster. This also goes to our medical research leadership and excellence, because we have the Murdoch Children's Research Institute at the heart of it, the University of Melbourne as a major contributor and also the Royal Children's Hospital. For the University of Melbourne it is their department of paediatrics. This is a coalition across health and education sectors.

One of the key things that it will do is embed this approach into our education and health systems. We will be able to extract the data and get the research that counts and then be able to mine it in a way that protects privacy but allows us to actually look at what the critical issues are that we need to address now and in the future. So that has been a wonderful announcement today, and I want to commend the Minister for Health, who I think is Australia's most effective health minister — that stands on a whole range of initiatives that she has delivered, particularly with this one. I supported the 'big idea', as the Murdoch Children's Research Institute called it, from the first time I heard it. You can see, if we get the alignment right, how important this will be.

Here is a modern epidemic put simply: one in 20 children has food allergies, one in five children born into disadvantage is intellectually impaired before they get to school and they do not catch up, one in four children has mental health problems and one in three children is obese or overweight. These are the modern issues and dilemmas that Professor Kathryn North cited at today's announcement. The whole proposition about this Generation V strategy is that we will embed the research into medical institution systems, we will look at how to prevent childhood problems and then hopefully our children will be the healthiest generation ever by 2030. That is her stated objective. This is a groundbreaking, internationally leading proposition that has happened here in Melbourne and, again, it goes to our international leadership and excellence.

It is one of our great sectors, medical research. I have been humbled to be a part of working with some of the brightest people you could meet anywhere, who dedicate their lives. They are culturalists, not monetarists. They are making an effort that gives them meaning, and their applied intelligence is of the utmost significance.

I think if you look across the range of initiatives that the health minister has brought in in legislation, this is another one to actually counter this conflict that we

have between culture wars and knowledge wars. Particularly on the no job, no play issue — I referenced this when the bill was originally introduced in 2015 — knowledge is power, and we as a community have to decide whether we support enlightenment — that is, evidence-based science rigorously tested, independently reviewed by experts — or whether we will be captured by fear and prejudice. These are the core issues at the heart of the introduction of the Andrews government's no job, no play bill because it is intended to boost immunisation rates right across the Victorian community, and unfortunately they have to be tightened up. That is what these amendments are designed to do.

The amendments in relation to no job, no play, the Health Complaints Act 2016, the reportable conduct scheme and the child safety standards are intended to improve the operation of these regulatory schemes to ensure they achieve their policy purpose. The commitment to the implementation of mandatory reporting of anaphylaxis responds to a coronial recommendation. The amendment will ensure the Department of Health and Human Services can respond and take timely action where necessary in response to reported cases of anaphylaxis.

What the bill is directly aimed at doing is improving the operation of the three important regulatory schemes introduced by the Andrews Labor government — no job, no play; the reportable conduct scheme; and the statutory scheme for responding to complaints made about health service providers — and providing for mandatory reporting of cases of anaphylaxis to the Department of Health and Human Services by public and private hospitals, so there is the key mandatory reporting proposition. It will also tighten and simplify immunisation requirements for enrolment in an early childhood service or primary school and clarify and provide certainty about the health complaints commissioner's ability to issue legal proceedings for offences under the Health Complaints Act 2016.

On immunisation, this is still an issue that is being debated and contested within the community. I just want to reference how it was put — I thought very well — in the book called *The Knowledge Wars* by Nobel laureate Peter Doherty. He made the point that parents feel that they are empowered to say whether or not their children should be vaccinated and that can immediately distance us from any desire to understand where the risks really lie.

All these reactions are very human.

The problem is, though, that real advances in human wellbeing are based in discovery and innovation, not in the dogmatic pronouncements of dubious 'leaders' or in widely

shared but uninformed views. If you want to engage with a world where authority, belief, fear, prejudice and 'natural' remedies ruled, take a look at life as it was in the 13th century! Then think again how the culture of reason, rigorous inquiry and innovation that defines 'western' values since the time of the enlightenment has so transformed human existence. Ultimately, the abandonment of reason and intellectual integrity is not in the best interests of any of us.

I think that eloquently sums up what is at the heart of this bill: the necessity to keep legislating, to keep educating and to try to get people to understand where the real risk lies and what its consequences could be. I recommend the bill to the house.

**Ms COUZENS** (Geelong) (15:09) — I am pleased to rise to speak on the Health and Child Wellbeing Legislation Amendment Bill 2017. I know in my electorate families are very happy to see this bill come to the house. I want to acknowledge the work of the minister and the importance of this bill to my community of Geelong. I have met with quite a few families who have experienced the shocking circumstances of their children developing childhood illnesses which never should have happened, which were preventable, particularly things like whooping cough. For those families to have to sit by and watch their child virtually choking to death has been horrendous, so the support for this bill in my community of Geelong has been very, very strong.

This bill will tighten and simplify immunisation requirements for enrolment in an early childhood service or primary school — so no job, no play — clarify and provide certainty about the health complaints commissioner's ability to issue legal proceedings for offences under the Health Complaints Act 2016 and provide for various minor and technical amendments to the Child Wellbeing and Safety Act 2005, to ensure the reportable conduct scheme operates as intended and to clarify the operation of the child safe standards. In relation to the reportable conduct scheme, this includes clarifying the range of kinship and foster care arrangements covered by the scheme.

The bill will also provide for mandatory reporting of cases of anaphylaxis by hospitals to enable timely intervention to prevent further cases wherever possible — for instance, where the cause was consumption of food in particular and the product label did not disclose the presence of an allergic substance. The amendments in relation to no job, no play, the Health Complaints Act 2016, the reportable conduct scheme and the child safe standards are intended to clarify implementation matters regarding these existing regulatory schemes.

The majority of parents do the right thing for their children. I am sure all parents want what is right for their children. We also have the anti-vaxxers, which are a very small group in my community. There are also issues around lack of transport, lack of access to services, poverty and affordability that do have an impact on people.

But in saying that, I know that our maternal health nurses are playing a critical role in educating our community and in educating families that are reaching out. Straight after the mother has come out of hospital they go to the home, and in what they determine to be at-risk cases they will continue to go to the home to ensure that the support that family needs is provided. Parents can also go to a centre located in their local community. So the work of maternal health nurses is really critical. They do an amazing job. I have respect for the maternal health nurses in my community because I know the vital role they play and the support they give, particularly to disadvantaged communities in my area. I know that we as a government are providing more and more resources for maternal and child health nurses, providing more training and picking up on a lot of areas that traditionally have not been but are now becoming a priority, especially in the area of family violence and disability.

In terms of family violence, there are a number of families in my community that have needed to be supported to go to the maternal health nurse because of the family violence that is occurring in their home. They do not want the nurses to go to their home; they want to be able to access the service outside their home because of that family violence, which is why their children are not up to date with their vaccinations. In probably a small minority of families there are very specific issues that I know the maternal health nurses are working on, but of course we have the anti-vaxxers who, as mentioned earlier, are quite vicious in their opposition to immunisation of their children.

The Minister for Health has made a public commitment to implement mandatory reporting of anaphylaxis in response to a coronial recommendation in 2016, which is referred to in this bill. But in relation to no jab, no play, there is no doubt that immunisation at an early age helps protect children from serious childhood illnesses. As I said, my community supports this very strongly, and I have met with many parents with children who have experienced terrible childhood illnesses that were obviously quite preventable.

Serious side effects from and allergic reactions to vaccines are very rare. Scientific evidence proves vaccines are safe and effective and have saved millions of lives since community vaccinations began in Australia

in 1932. Prior to vaccination, children were dying or left with serious damage from smallpox, diphtheria, polio, tuberculosis, whooping cough, measles, rubella, mumps and chickenpox, to name a few. The introduction of vaccinations has seen these diseases almost eradicated, but unfortunately some are now making a comeback due to a small group in our community who do not support the immunisation program or are not educated enough to understand their importance or, as I said earlier, have extreme difficulties in accessing or even thinking about those issues.

As I said, our maternal health nurses play a vital role in providing professional support to babies, children and their families, and they do an amazing job along with other professionals who provide support as well. The strong community expectation is that we ensure that no-one in our community is exposed to the risks of these diseases and that we must close any loopholes that put the community at risk. I know that my community in Geelong do not want their children put at risk and have a very strong position in support of this bill.

The reporting of cases of anaphylaxis by hospitals to enable timely intervention and prevent further cases wherever possible — for example, where the cause was consumption of a food and the product label did not disclose the presence of an allergenic substance — is important. Anaphylaxis is a serious allergic reaction and can cause death without prompt medical attention. Within minutes of exposure to the allergen or trigger the person can have potentially life-threatening symptoms such as breathing difficulties. One of the more common triggers that can lead to anaphylaxis is food. There can be allergic reactions to crustaceans — lobsters, prawns, crabs, those sorts of things — eggs, fish, milk, peanuts; tree nuts such as almonds, cashews, pecans and walnuts; and sesame or soy products.

A lot of parents are very diligent in ensuring they know what their children are eating, but when they go out publicly to eat, whether that be at a cafe or restaurant or at a birthday party or whatever, it is more difficult for them to be able to prevent their child from eating something that is going to cause a reaction. Reporting the reaction through hospitalisation ensures that there is some follow-up on whatever that child may have eaten. It may not have been labelled correctly, and therefore the parent or whomever has care of the child may not have known that whatever that child ate caused the reaction. That reporting can then trace back to what the child ate and whether labelling, for example, was an issue. If it was, it can then be dealt with.

This is a great preventive measure, not necessarily for that person, because they have already had the

reaction, but being able to identify those issues around labelling and what is being provided will make a significant difference to other people. I commend the bill to the house.

**Mr RICHARDSON** (Mordialloc) (15:19) — It is a pleasure to rise and speak on the Health and Child Wellbeing Legislation Amendment Bill 2017 and contribute to the debate. There is no greater gift, I have recently learned, than becoming a parent. I think anyone that has children or interacts with little ones will know how precious they are, and how dedicated you become to every single thing that they do and all their interactions. You live and breathe every little ailment and every little issue, and you want to protect them forever. One of those important things when you become a parent is that engagement with the maternal and child health nurse, and the importance of setting the agenda of their health care. I put on record the important services that our maternal and child health nurses provide in our community. I know that we made an announcement to bolster their support in the disability space earlier this week.

The bill also sets out an agenda for dealing with some of those nasty diseases that 100 years ago claimed children's lives. Particularly, the first one being the whooping cough vaccination in the first eight weeks that all the family have to get — their immunisation is very important before they meet little bubby. I think every person comes to that position of loving, supporting and caring for their children from a happy space.

We have a very concerning trend, with the elevation of social media in an online world, where opinion is taken as fact, and where institutional, well-known literature — empirical evidence and peer-reviewed science — is undermined by bloggers, by so-called contributors and by opinion leaders. I think a really difficult challenge in our society is how that impacts on the health, wellbeing and approaches that people take. I do not think anyone that puts forward their supposed issues undermines the strong empirical evidence about vaccinations. The people that I talk to, some of them in my community, are genuinely interpreting them and coming from a place of what they truly believe. That is terribly worrying when we have the weight of empirical evidence, that people come to a sense of belief based on things that they have read or contributions which take a long time to track down.

We have seen this in other areas where science is denounced and empirical evidence is torn apart by contributions in the media or in blogs. We must address these issues, and work for science to be given respect. If empirical evidence is being held to the standards that

we all respect — like for our doctors, the CSIRO, our researchers and our universities — there would not be a need to mandate these types of approaches. We would have that respect and people would understand things like herd immunity. The fact is that without herd immunity we undermine the safety of children who physically cannot be vaccinated for whatever health issues. We undermine their safety and their wellbeing.

So we have a significant challenge that the Victorian government is looking to address in the no jab, no play policy. I will acknowledge that we were one of the first jurisdictions to really mandate that you could not go to kinder unless you had the relevant vaccinations. I think that is important to protect those kids who cannot physically be vaccinated. I think we have a duty to all Victorians to protect those that cannot be vaccinated, to ensure we have that magic number — over 93 per cent — so that no-one is put at risk from these severe illnesses.

To people who raise concerns about vaccinations: we have had a substantial decrease in some debilitating illnesses — illnesses that plagued us and killed people, where we lost hundreds, thousands of people, to diseases that medical advances have meant that a simple vaccination now protects us from. So it would be troubling, I think, as a parent if my child was not able to be vaccinated. I think we have an obligation as a society, for the greater good, to ensure that we respect that empirical evidence and ensure that our children are vaccinated. No jab, no play has been taken up by other jurisdictions. I think the federal government now has a version of that and other states, I have seen, are looking at that.

We have still got so much more to do. I acknowledge, importantly, that there was a campaign earlier this year — the Victorian government is working towards a 95 per cent vaccination rate across our state — to protect our children and their wellbeing. I think that is critically important. Further addressing the narrative around the undermining of empirical evidence, I have been astonished and angered by reports that certain doctors are trying to circumvent people getting vaccinations by basically saying that they are exempt and providing exemption letters for vaccinations. I am so pleased to see that this will be banned. They have to be struck off the register — there are no two ways about it — for circumventing their duty of care, undermining the profession and the absolute critical care that they provide. We have seen throughout the Voluntary Assisted Dying Bill 2017 that, whatever people's views, the high level of care that doctors have for their patients, the obligation they have and that very personal relationship. For those people to undermine

their profession and empirical evidence is outrageous, and they have no place in any connection with care. They should feel the full force of the law for risking the health and safety of the people that they should be advising and supporting.

Finally, this bill has a number of parts but one is the mandatory reporting by hospitals if someone has an anaphylactic reaction, and that is mandated. We had the very tragic death of a young 10-year-old boy, Ronak Warty, in 2013, who had coconut milk and thought that it did not have any milk products in it, but sadly passed away. For months there was no coverage or reporting of that incident and the potential dangers of the labelling, so you could say there was a real hole in our system and a risk to Victoria's health and wellbeing. This bill addresses some of those challenges. We put on the record our condolences, but at least from that tragedy Victoria's legislation and lawmaking has responded. Hopefully no family has to go through that and no-one is put at risk of harm in the future as a result of a labelling issue. If there is an instance where an anaphylactic reaction has occurred, for whatever reason, the mandatory reporting of that reaction will ensure coverage and support going forward.

This bill strengthens the Victorian Labor government's investment in and support for the health and wellbeing of Victorians. We are looking to invest in our hospitals, support our nurses and doctors, properly resource our primary health network and then ensure that our children are given the greatest protection, that no child is put at risk, that we mandate the numbers for herd immunity and we continue to strive for the protection of our little ones. As a father, I could not think of anything more important than protecting my little girl and all the children in Victoria against some of the nastiest diseases we have seen. I commend the bill to the house.

**Ms KILKENNY** (Carrum) (15:28) — I rise to contribute to the debate on the Health and Child Wellbeing Legislation Amendment Bill 2017. As we have heard, this bill will improve the operation of three important regulatory schemes introduced by this government to make sure that they achieve their intended policy purpose. They include: the no jab, no play laws; the reportable conduct scheme; and the statutory scheme for responding to complaints made about health service providers. We have also heard that this bill will provide for the mandatory reporting to the Department of Health and Human Services of cases of anaphylaxis at public and private hospitals. This is in response to a coronial recommendation.

All these amendments are designed to ensure that the health and wellbeing of our children — the youngest

and most vulnerable members of our community — are safeguarded. In my contribution today I am going to focus on amendments to the no jab, no play laws. In terms of public health outcomes these laws have been so important here in Victoria. Our no jab, no play laws followed an election commitment to increase immunisation rates for young children in our communities. This is because we obviously value science and we most certainly value the health and wellbeing of our young children, but we also know that immunisation — or vaccinations — of children is one of the best forms of prevention of some of the diseases that did in fact take away children in years not that long ago, in some cases only 30 or 40 years ago.

Health and wellbeing is everybody's business, and perhaps this is nowhere more relevant than in the case of immunisation where we need to achieve what is known as herd immunity. That is to ensure optimal protection, particularly for our most vulnerable and certainly our youngest members in the community. It is very pleasing to read that since we introduced these laws in 2014 our immunisation rates have jumped from around 92 per cent in 2014 to 94.9 per cent now. I place on record that this is in fact a record high for Victoria and above the national average of 94 per cent. It is very close to the herd immunity required, which is 95 per cent. It is a significant achievement. Parents, childcare workers, health providers and healthcare workers should all be commended for the role they have taken in ensuring that we achieve this quite significant target.

We know that all children in Victoria should be receiving their scheduled vaccinations at six different points in their early childhood. These are at two months, four months, six months, 12 months, 18 months and then finally at four years of age. The no jab, no play laws we introduced and which came into operation on 1 January 2016 obviously promote immunisation coverage by requiring all children to be fully vaccinated before their enrolment in child care or kindergarten can be confirmed. We know that the case for vaccines is backed up by science. The scientific evidence is clear. Vaccines work; vaccines save lives. We also know that prevention is obviously much better than cure.

The proposed amendments in the bill that relate to the no jab, no play laws will tighten and simplify immunisation requirements in a couple of ways. Why are we doing this? We saw earlier this year a handful of medical practitioners trying to help families deliberately circumvent or avoid compulsory immunisation. The bill before us will reduce the number of options for documents that may constitute an immunisation status certificate. New section 147

will make immunisation history statements, which are official extracts from the Australian Immunisation Register, the only evidence of a child's immunisation status that can be accepted as evidence of immunisation status by early childhood services and primary schools. These statements are available online or by post from Medicare. In fact it is what I use for my son; it is what most people use. It is what childcare providers and kindergartens are used to seeing.

Prior to the amendments in this bill the law allowed parents and guardians to provide a letter from their medical practitioner which said their child had a particular medical condition, such as a form of anaphylaxis or a compromised immune system, that prevented them from being immunised. Earlier this year we saw a raid on the clinic of a Melbourne GP. He was ultimately suspended from practising following allegations that he was helping anti-vax parents sidestep the no jab, no play laws. Forty-two cases are known with this particular doctor. The doctor provided what he claims were medical contraindication letters to families in Victoria with the stated intent of avoiding immunisation for their children.

What the amendments in this bill will do is make it a requirement that medical practitioners must be authorised by the commonwealth to be eligible to certify that a child cannot be vaccinated for medical reasons, and it must be on an immunisation history statement. Under this bill parents will be required to provide and early childhood services will be required to collect immunisation history statements to make sure and to verify that each child has received their age-appropriate vaccines and that they are permitted to enrol in and attend that childcare or kindergarten service. As we know, again this is to ensure that we are encouraging, we are promoting and we are supporting parents and carers to have their children properly vaccinated before they attend childcare services and kindergartens.

The bill also allows, by regulation, for periodic checks of immunisation status after the children have enrolled. This is important because at the moment, once a child enrolls in kindergarten or child care, there are no further checks to ensure that that child then meets the requirements for the age-appropriate immunisations or the next scheduled immunisations or to ensure that those have taken place. Periodic checks will address this. They will also act as a prompt for parents to make sure that their child's vaccinations are all up to date.

Victoria's no jab, no play laws apply to approximately 3300 childhood services, so this is an awfully large number of services supporting an estimated

285 000 Victorian children. The reach is very broad. It is important that we do simplify this to make sure that everyone is aware of the certificates that are required and that any exemptions that are permitted are given only on the one immunisation statement.

Obviously for the health and wellbeing of our young children it is absolutely imperative that we achieve herd immunity with vaccinations in this state. We know that unvaccinated children lower the level of protection for everyone, not just for themselves but also for babies who may be too young to be vaccinated or other children who for various medical reasons — for example, if their own immune systems are compromised — may not be able to be vaccinated themselves, so they need to rely on the rest of us achieving herd immunisation with our own children. Unless children cannot be immunised on legitimate and compelling medical grounds, all children in Victoria should be immunised.

The case for vaccines is one which has certainly been made through scientific advancements. It is backed up by the science. The experts have maintained that this is the best way to prevent those childhood diseases that unfortunately have afflicted so many children in the past. Vaccinations really have resulted in one of the most significant historical public health advancements and achievements for us all.

We know vaccinations work. They save lives. They protect lives. Certainly practitioners who peddle misinformation about immunisation are putting the health and wellbeing of all of our children at risk, and it is entirely unacceptable that they continue to do this. We do not need rogue anti-vaccination doctors operating in secret, trying to help families avoid the requirement to immunise. For the health and wellbeing of the youngest members of our community we need to make sure that as many children as possible are immunised. I commend this bill to the house.

**Mr STAIKOS** (Bentleigh) (15:39) — It is a pleasure to rise to speak on the Health and Child Wellbeing Legislation Amendment Bill 2017. It is a bill that makes amendments in relation to the no jab, no play policy, the Health Complaints Act 2016, the reportable conduct scheme and the child safe standards, and these amendments are intended to clarify implementation matters regarding existing regulatory schemes. I hope to touch on each part of the bill, but I will focus principally on the no jab, no play section of the legislation.

We know how important vaccinations are. Vaccinations in many cases have eliminated diseases, but if

vaccination rates are not kept up, then the risk is still there. We need to keep implementing this important policy so that Victorian children are protected from serious and potentially life-threatening illnesses. Vaccinations provide young children with maximum protection against serious and potentially life-threatening illnesses and help control and manage public health risks. The removal of the exemption last year was in line with changes made by the federal government to eligibility for childcare benefit payments. This has been a policy that the Victorian government has pioneered, and it is further strengthened by this bill.

I have some interaction with this policy personally. I have been just re-elected for a ninth term as chair of Godfrey Street Community House in Bentleigh. I wish Victorian parliamentary elections were that easy. I could only dream of a ninth term in this seat, but nonetheless —

**Mr Walsh** — That's probably true.

**Mr STAIKOS** — Well, that is what history shows, Leader of The Nationals, but we will see.

It has been nine years that I have been chair of Godfrey Street, and Godfrey Street has always meticulously and very strictly implemented the no jab, no play policy. There have been times — these have been very rare occurrences — when our staff have come into contact with a family who has sought enrolment but has objected to vaccination, and at all times the Department of Health and Human Services has been very, very helpful in dealing with those matters.

The no jab, no play laws came into operation on 1 January 2016, and there has been some notable success. As of the September 2017 quarter, 94.9 per cent of children aged five are now fully immunised. That is a record high for Victoria, well above the Australian average of 94 per cent, and it compares to 92.6 per cent in the same quarter of 2014. This is a significant achievement, close to the 95 per cent herd immunity target necessary to halt the spread of dangerous diseases such as measles.

This bill, in relation to no jab, no play, does two things. It simplifies the definition of 'immunisation status certificate' so that in most situations only an extract from the Australian Immunisation Register will be accepted. The current definition is complex and allows for a range of documentation to be presented to prove immunisation status. This has contributed to the ability of that anti-vax doctor, John Piesse, to provide misleading certificates to a number of anti-vax parents.

We have heard quite a bit in the media about Dr Piesse, who by all accounts is a very, very irresponsible fellow. I understand he has supported around 600 families to dodge these vaccination laws and has been banned from practising by the Australian Health Practitioner Regulation Agency (AHPRA). Back in September this year, when he was at AHPRA's Melbourne offices, he was met by 50 of his supporters. One of them, according to some media reports, was holding up a placard which read 'Piesse = Galileo'. What a ridiculous claim. Galileo was one of history's most pioneering scientists. Galileo backed science. It is clear from the actions of Dr Piesse that he does not back science. In fact Galileo was said to have been the father of modern science. What Dr Piesse has been doing, by contrast, is completely irresponsible.

The community overwhelmingly is with us on the no jab, no play policy and wants us to strengthen it, because it is not just in the interests of the children of those families who are objecting; it is in the interests of all children, because vaccinations have been hugely successful in eliminating disease and preventing serious disease and death. This is a policy that enjoys full bipartisan support. The federal Minister for Health, Greg Hunt, is a significant supporter and is on the record as saying:

Vaccination saves lives and it protects lives ... It's safe, as the Chief Medical Officer and all of the body of research points out, and if it is accurate that there are registered doctors who are advocating an anti-vaccination position then they will have the full force of the authorities come down on them.

I have no doubt that the families who have objected to vaccination love their children and want what is best for them but are very, very misguided. A lot of them claim a link between vaccination and autism, a link that was only suggested in 1998 by a UK researcher, whose research was based on only 12 children and has since been proved to be completely wrong. This is something that our government has pushed and our government has supported, and we continue to strengthen it through important changes to the legislation like this one.

The bill also allows, by regulation, for periodic checks of immunisation status post-enrolment. Currently, once a child is enrolled, there is no further check to ensure that any further scheduled immunisations have taken place. Periodic checks will serve as an important prompt to parents to stay up-to-date with vaccination schedules. There will be consultation with the early childhood sector before regulations are made.

The bill also makes some important changes in relation to the way we deal with anaphylaxis. This comes out of a very tragic event, the death of 10-year-old Ronak

Warty, who drank a coconut drink that was imported from Taiwan and contained an undeclared milk ingredient. This bill includes amendments to require hospitals to report all cases of anaphylaxis to the Department of Health and Human Services. This will ensure that the department can respond and take timely action in its response. Reports made under this bill will trigger immediate action, where necessary, and also inform research. For example, where anaphylaxis was triggered by an allergen in mislabelled food, the response would include removing it from sale and ensuring appropriate labelling. The reports will also play an important role in research into anaphylaxis.

The bill also contains an amendment to clarify that the health complaints commissioner is empowered to issue legal proceedings for breaches of the Health Complaints Act 2016. While any such prosecution could currently rely on common law, the bill makes the power explicit to put the matter beyond legal challenge and avoid any potential procedural delays.

The bill also makes an important change which comes out of the Betrayal of Trust inquiry into the handling of child abuse by religious and other non-government organisations. In response to that inquiry the government introduced child safe standards from 1 January 2016 and the first phase of a reportable conduct scheme, which commenced on 1 July 2017. The main amendments to the reportable conduct scheme are to clarify that kinship carers and foster carers are covered by the reportable conduct scheme — that was the original intention of the scheme — and to clarify the definition of ‘head’ of an entity in order to clearly identify who is responsible for notifying and responding to allegations of reportable conduct. It is an important bill. It makes important changes. I commend it to the house and I wish it a speedy passage.

**Mr PEARSON** (Essendon) (15:49) — I am delighted to make a contribution on the Health and Child Wellbeing Legislation Amendment Bill 2017. This is a really important piece of legislation because it builds on some earlier initiatives by the Andrews Labor government in relation to the no job, no play policy, which the member for Bentleigh was just explaining.

It is interesting to look at the rates of childhood mortality over the passage of time. In ancient times they were always quite high. In fact if you look at 18th century Sweden, one-third of children died in infancy. In the 19th century in Germany it was every second child who died.

I remember reading with great interest about the rise and the development of the Enlightenment. As you

would appreciate, that was a movement in the 18th century which sought to use reason, intellect and understanding as a way to build a better society, a more just society and a fairer community. There was a notion that manifested itself in different ways which was then called ‘the noble savage’, which was that people who lived in a non-westernised society lived an idealised existence before colonisation. But it also represented itself in the perfection of childhood. It was Jean-Jacques Rousseau who said:

Man is born free, and everywhere he is in chains.

The notion was that childhood was seen to be a wondrous and very special gift and something that would be cherished. There was an English nobleman called Sir Brooke Boothby who only had one daughter. Her name was Penelope. He very much embodied the spirit of the Enlightenment and believed deeply in his daughter. He wished her to be exposed to all the wonders of the world, to live a privileged life and to fulfil her potential. He doted on his daughter in a very significant way. Sadly, when Penelope was five she contracted an illness — we do not know what it was — and she died. Boothby was devastated by the loss. He wrote on her tombstone:

She was in form and intellect most exquisite. The unfortunate parents ventured their all on this frail bark. And the wreck was total.

After he lost his daughter his marriage dissolved. He fled England. He went to live in France and died in abject poverty and misery. It might have been that he lost his daughter through a non-infectious disease. She may have had cancer or she might have had any other disease. In light of the times in which they were living it is reasonable to suppose that if Penelope had been born today, the disease would have been treated and she would have survived.

Even in 1960 the global infant mortality rate was 18.2 per cent. That was the global level, so that obviously includes the industrialised world, what would have been the communist world and the developing world. It fell to 4.3 per cent globally in 2015, and in Western societies now it is less than 1 per cent. We are seeing these rapid changes and rapid improvements in childhood mortality as a result of tackling infectious and communicable diseases. But of course, as others have indicated in their contributions, this does run the risk of being undone when herd immunity falls below 95 per cent, because when you get to the point where vaccination rates drop, there is a great risk of these sorts of illnesses coming back and children finding themselves victims of these diseases. The bill before the house further strengthens the regulatory regime to

ensure that this does not occur and that the broader community is not put at risk by the cavalier actions of a few, because we know that the applications of this can be profound.

Others have spoken about their experiences as parents. It is a moment of great fear when you have a child who is ill and you just do not know why they are ill. My youngest daughter had two week-long stints in the Royal Children's Hospital before she was aged one. I remember talking to this fantastic doctor at the Kids. He was an Irishman. He looked at my wife and me one night and said, 'I just don't know what is wrong with her'. You have a feeling of absolute fear and panic when you have got a paediatric specialist who cannot work out what is wrong with your daughter. You know that she is ill, and you know that she is not responding to treatment. It is scary. In our case we were really fortunate. She came good; she was fine. But that was with a really high standard of care in a world-class facility in an environment where you have got herd immunity and in an industrialised society where the mortality rate is less than 1 per cent.

The reality is that if Juliet had been born when Penelope was born, I suspect that we would have lost her. When I think of missing out on all the joys I have had in the last six years, of the dark cloud that would have hung over me for the last six years and the pain, the trauma, the fear and the hurt that I would have endured if I had lost her, I cannot contemplate what that would have been like. I just cannot conceive of what that would be like. Understanding that there are people in the community who, for whatever reason, have taken it upon themselves to flout the law, to put the health and safety of their children at risk and to put the health and safety of other children and the community at risk demands a strident response. It demands a proper response to deal with those matters. The bill, I think, does that and does it well.

The bill also ensures that there is a level of standardisation in relation to aligning the state with the commonwealth immunisation requirements. I have been on the record many times indicating my strong view that having that level of standardisation is a really important initiative. It is desirable that there be a standard response between us and the federal government and across other jurisdictions as well. It leads to better outcomes when you are looking at these baseline issues. That will reduce the regulatory burden, and it will reduce the level of complicity in this area. I think that is really important as well.

I note that clause 20 of the bill substitutes new section 143B into the Public Health and Wellbeing Act

2008. That relates to the obligations of people in charge of early childhood services. From my perspective a lot of the early childhood services that I see in my community do a fantastic job. There is a growing body of evidence that shows that the first 1000 days in a child's life are vitally important.

I was really pleased when I saw the news this morning about Generation Victoria being established and the first longitudinal study of every child in Victoria born in 2021. There will be a longitudinal study developed, and it will enable data to be captured and analysed as part of that process. I think it will play a really important role in trying to understand and pick trends that are emerging and will be a more effective and efficient way of delivering public policy outcomes. It is a really important initiative. With those words, this is a really important bill, and I am delighted, on this fine Thursday afternoon, to commend the bill to the house.

**Mr HOWARD** (Buninyong) (15:59) — I am pleased to add my comments on the Health and Child Wellbeing Legislation Amendment Bill 2017 that is before the house. As the name of the bill indicates, this government continues to be committed to addressing a broad range of issues associated with health and wellbeing. In relation to children, we know that we need to be even stronger in our advocacy and ensure that our laws are the best they can be to protect children and to support the ongoing good health of our children.

Looking at the central issue of this bill, which is around the vaccination of children, it is amazing to think how far we have come in the last 100 years. It is not that long ago that we had very high child mortality rates. It must have been so distressing for families 100 or 200 years ago to know that many of their children would not live to adulthood. Of course many families had a large number of children to protect against the loss of some of their children so they could at least get some of them through to adulthood. It must have been hugely distressing to lose any children.

All of us in this house who have children quake when we consider the potential mortality of our children, so we are pleased to live at a time when a great deal of progress has been made in many areas of medicine but particularly in the area of vaccination. We can vaccinate our children for all of the major health threats that are out there, including tuberculosis and polio. They are diseases that were of great concern when I was a child, but fortunately we do not hear much of them these days. When I was in early primary school there was a child in my class who had suffered from polio and wore a caliper to school. Fortunately he was not too badly affected, but what an awful disease polio

was. But other awful diseases, whether it be tuberculosis, whether it be typhoid or whether it be cholera — which we know still affects people in a serious way in Third World countries — are all preventable diseases today, and the capacity of our system of vaccination has meant that in countries like ours these diseases are no longer a threat.

Thirty years ago when medical professionals provided advice to the community, the community was almost in awe of that advice. We understood that we needed to take the advice of the scientists of the medical profession. We were impressed that science was making great headway and we responded to that science. Perhaps partly because of the internet and social media there now seems to be a group of people who call themselves scientists whose sole role is to challenge the views of the majority of scientists and, as a result, put doubt into the minds of community members, who then start to question mainstream science and, in this case, the validity of vaccination. We know that there is also questioning of global warming. Fortunately the people on this side of the house understand and appreciate the science of global warming and know we need to do more about it, but it is sad that people are questioning a whole range of these areas of science, which means that we do not make the headway that we would if we listened to the advice of mainstream scientists.

In regard to vaccination, we know that there are parents who listen to these oddball scientists, these people who clearly are acting without looking at mainstream science. These people give advice to parents that by vaccinating their children they might be putting them in harm's way rather than out of harm's way. It is incumbent upon governments to try and fight these oddball scientists by countering the media that is critical of medical science.

This government recently introduced no jab, no play legislation, which took effect at the start of last year. That legislation makes clear that this government recognises that vaccination is important and that not only is the government going to promote vaccination but it is going to try and enforce vaccination for most children in the childcare system and the school system.

Of course we do recognise that there are cases where vaccination might not be appropriate for some children in certain circumstances, but we do not want to see that becoming a loophole. What we have seen since the legislation was proclaimed last year is that there are some doctors who, for one reason or another, want to support parents who are not happy about vaccination and who have these false concerns. These doctors are

happy to write letters that schools have then accepted as a waiver on a child's need for vaccination. This is clearly not in the interests of the children. It is good that doctors who are willy-nilly signing to say that children do not need vaccinations are being reviewed.

As part of this process I have learned a new word, 'contraindication'. These doctors can write these letters of medical contraindication, which means that children do not need immunisation. This legislation will ensure that letters from individual doctors are no longer acceptable to childcare agencies, kindergartens and schools and are not sufficient to confirm that those children do not need vaccinations. We will have a system involving national immunisation statements where people will need appropriate doctors to state the reasons why a child should not be vaccinated, and only in those cases will the vaccination requirement be waived. It will be a much more restrictive system and will recognise appropriate paperwork on a national basis, as has been outlined by other members of this house.

It is disappointing that there are not more members on the other side of the house taking an interest in this debate. It appears that they are ready to go home today. But on this side of the house we continue to recognise that this is a very important issue that we need to follow up on. In this bill before the house the government is taking sound action, as any good government does. It looks at legislation that is in place to see that it continues to work as it is intended to, but where there are unseen cases where the law is not functioning as it should be, it adjusts that legislation. That is what this bill is doing, following up on the issues that we have identified over the past year.

The other major issue that is contained in the bill relates to anaphylaxis. Again, this is another amazing area. We see that there are so many more children these days who are reporting to hospitals or to others in the medical profession with severe allergies to food, insects or other things, and they are having severe reactions that we know are resulting in death. We know that we have had a substantial system of training those in our healthcare system, child-care system, kindergartens and schools to be able to use EpiPens where they are appropriate for students who have a potential for these anaphylactic reactions, and that is a good thing. But this bill recognises that there has been an issue sometimes of slower reporting of anaphylactic reactions identified in hospitals, particularly where they relate to food allergies. We have heard of the case of the 10-year-old boy who died in 2016 after consuming coconut milk. It is a matter of ensuring that in those cases hospitals or anybody who identifies these concerns report them as

quickly as they can so that they can be followed up and the food can be removed.

**Mr NOONAN** (Williamstown) (16:09) — I am very pleased to join this debate and speak in support of the Health and Child Wellbeing Legislation Amendment Bill 2017. We have now had a good run of speakers who have covered many aspects of this particular bill. It is an omnibus bill and there are principally four aspects to it. The first and probably the most prominent aspect of this bill is really about tightening the no jab, no play provisions in the Public Health and Wellbeing Act 2008. As other members have also indicated, there is provision in the bill for mandatory reporting of anaphylaxis in hospitals. There are some minor changes made in relation to the Health Complaints Act 2016 to make clear that the health complaints commissioner can issue legal proceedings. Finally, there are also some clarifying provisions within the bill which relate to the reportable conduct scheme for child abuse allegations.

I want to spend a bit of my contribution on the area that other speakers have gone to. I do note that this bill is being broadly supported across all parties. I make the very clear point that vaccines save lives and that there have been many wonderful health advances over many decades. I think it is important to recognise the contribution, if you like, of both Melbourne and Victoria in terms of those advances that have been made. I had the great pleasure as industry minister to visit both CSL in the north of Melbourne and GSK in the outer east. These are very, very big outfits employing many highly skilled workers making a vast array of vaccines which are distributed throughout the world. It is really one of Victoria's great industry success stories as much as anything else, the area of pharmaceuticals, medical technologies and biotech. It is an area where I think we will continue to see significant growth by way of contribution to the Victorian economy. By extension, when we look at that economic contribution, we can also take great pride I think as a state and as a country that many of the greatest medical minds in terms of the health protection vaccines are concentrated here in Victoria. Embedded in that work is obviously the great research that underpins many of these medical advances.

We know that the vaccines that have been developed over the years provide very critical and very effective interventions to prevent diseases across the world. We know that it is estimated that worldwide immunisation programs probably prevent in the order of the 2.5 million deaths each year. That is a very significant outcome by way of health protection and health promotion. Within the context of this debate it is

important I think to recognise that immunisation is not just about protecting individuals but is also about protecting communities and stopping the unnecessary spread, if you like, of preventable diseases in communities where vaccination rates are lower than they should be.

I am drawn to the origins of the no jab, no play legislation that was brought in in Victoria. Going back to a period in opposition I remember that we had higher rates of whooping cough starting to emerge throughout the community. I note that back in August 2015 in an ABC news report the Minister for Health said that there had been about 1000 more cases of whooping cases in the year before that particular report in 2015. One of the things that I think we can be very proud of in government is the reintroduction of the free whooping cough vaccination for parents, again as a preventive mechanism to ensure that whooping cough is prevented by way of higher rates of vaccination. The Andrews Labor government obviously made no apologies in terms of its approach in relation to not only putting forward legislation such as the no jab, no play legislation but also investing in areas where we know we can in fact reduce preventable health problems such as whooping cough, which obviously cause great havoc across our community.

The other observation I will make is that if you go back a couple of years ago it had become clear that the level of vaccination rates had started to plateau. Again you have to ask what policy levers you have available to you as both state and federal governments in order to address those sorts of policy challenges where you know that the broader benefit that can be derived from policies for the community generally should absolutely outstrip and outweigh those minority views in the community where individuals may have great volume to their voices but the outcome for the community without lifting those vaccination rates can be the onset of preventable illnesses and indeed in some of the worst cases, death. We had vaccination rates in Victoria hovering around 92 per cent for a number of years, and then we saw a level of plateauing.

There is much talk. As a local member I have also been contacted by anti-vaxxers, as I think they are probably best known, in relation to this issue of choice, with people not being able to essentially enrol their children in early childhood development, child care and the like. They are absolutely opposed to this as some sort of assault on their civil liberties. I think it is really important to look at the scientific evidence around vaccination and vaccination rates, because it is absolutely overwhelming, and it is very clear that the benefits of vaccination far outweigh the very low risks.

It is also important to point out that all vaccines must pass stringent safety testing. That safety testing is required by law, and once the vaccines are in use, their safety is continually monitored by the Therapeutic Goods Administration and indeed other organisations as well. So the scientific evidence is absolutely clear.

One of the hardest parts I think of being in public life and public office is when we become the subject of outrageous attacks by people who have a very strong ideological view which clearly stands poles apart from the scientific evidence that is available to us. I want to commend the health minister, because I think we all recall that the health minister came under significant attack by trolls through social media. I will not put any of the comments on record because those comments are really despicable and of course were targeted at our health minister. The health minister stood up and called those people out for what they in fact are — a great risk to the health and wellbeing of our community at large. She had the courage to stand up, as a lot of us have had to from time to time, and say, ‘The evidence does not support the attacks that you are making, and further, the attacks that you make are really about destabilising public confidence in this very important policy area’. I commend the health minister for her courage, but I suspect it was not courage she drew on, it was common sense.

It is very pleasing to know as we stand here today that Victoria has achieved its best ever immunisation coverage — 94.9 per cent of five-year-olds have up-to-date vaccinations. That is a very good effort. That reverses a situation we had a couple of years ago when we had essentially plateaued in terms of those immunisation rates. That in part, if I go back to it, is to do with the reintroduction of free whooping cough vaccinations for expectant mothers and parents of newborns. That is a very good policy. It has been my pleasure and in fact my privilege to be able to speak in support of this. I have not gone to all aspects, but I certainly commend the bill to the house.

**Mr WALSH** (Murray Plains) (16:19) — I move:

That the debate be now adjourned.

The reason I move that the debate be adjourned is that during the debate on the government business program on Tuesday the Leader of the House said:

I signal to the opposition that the government is agreeable to that, time permitting —

that being consideration in detail on the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016 —

As has been our recent practice, that time will be made available on Thursday afternoon.

I have been sitting here for quite a period of time as we have been talking about the Health and Child Wellbeing Legislation Amendment Bill 2017. The debate has gone for quite some time and has become repetitious. Given that there was an agreement to deal with the puppy farms bill in consideration in detail, I would like to see that agreement honoured. There were 32 pages of amendments that only became available to the opposition on Monday, and there are a lot of questions that we would like to take into consideration in detail and ask the minister representing the Minister for Agriculture in this house.

The dog owners who have contacted us have raised, as I said, a lot of issues. There is something like 600 dog owners and members of Dogs Victoria in the Macedon Ranges area who have come to me specifically with a whole range of questions that they would like answered. I would like the opportunity to put those questions to the minister and get those answers rather than have the debate gagged.

There are very important questions to be asked on behalf of the cage bird sellers. As we all know, there were some consequences for those who sell non-native birds that have meant it has been very, very difficult for them to hold bird sales since this issue has been raised. They have also sent some questions to us as well.

For those who will be applying to be commercial breeders in the future, there is nothing in the legislation that gives any time line for when the additional regulations will be needed or when it will be determined that they will have to comply with them to become a commercial breeder in this state. I can see nothing in the legislation before us, which is why I would be looking to ask the minister questions about the process for developing those regulations. Will there be a regulatory impact statement about those particular regulations, and will they be disallowable regulations into the future? This side of the house would like some scrutiny around that.

When those regulations are finally developed and they are finally in place for people to apply for — which again is something I would like to raise with the minister — as I understand it, if the chief veterinary officer gives reasons as to why someone should not have a licence to be a commercial breeder, there is no right of appeal around that particular provision in the legislation. We would like to get those answers for those people out there who are conducting commercial businesses and have significant financial investment in

those businesses. They are at risk if they cannot get answers like this from the consideration-in-detail stage.

If someone does go through that process and does finally get a permit to operate a commercial business, they initially only get that licence for 12 months. Subsequently they can get it renewed for three years. We would like there to be some certainty for those people. They need to know what rights they have in that particular time frame so that they can go to their bank manager and understand what risks the bank would take with people not having a licence to operate into the future.

As I understand the amendments — and this is why I want to ask the minister some questions in consideration in detail — there is in new section 58AH detail about a commercial dog breeding business transferring from one property to another, but there is nothing that I can see that talks about how someone could actually sell their business to another person and how that licence and business can be handed across. That is another question I would like to ask of the minister.

This legislation sat around for over 12 months, and then 32 pages of amendments were dropped on the table on Monday. There are a lot of questions to be answered, and I am bitterly disappointed that the Leader of the House, after giving a commitment on Tuesday, would now renege on that commitment. On behalf of the 10 000 to 15 000 dog owners in Victoria who are very, very interested in this legislation, I advise that they are bitterly disappointed in the Andrews government and the minister.

**Ms D'AMBROSIO** (Minister for Energy, Environment and Climate Change) (16:24) — We oppose this procedural motion, and we do that for very, very good reason. We have some very serious issues that are managed through the Health and Child Wellbeing Legislation Amendment Bill 2017 that we on this side of the house want to be able to speak on. To attempt to trump this by moving a procedural motion is very much a denial of a number of speakers on this side of the house who have campaigned really, really strongly for a long time to improve the health outcomes of many, many people in our community.

We understand that of course the mandatory reporting of cases of anaphylaxis by hospitals is a really important issue, and it is one that is very much near and dear to the hearts of so many people on this side of the house. We know, each of us, many stories of families who have had significant health issues that have arisen out of anaphylaxis, and the treatment and the mandatory reporting of these cases which this bill

facilitates is really going to be very welcomed by the broader community, especially young families with children who suffer from what can be a very, very deadly health situation.

Denying the opportunity for members on this side of the house to contribute, share their stories and tell the stories of families that they know with respect to the impact that this bill and its provisions will have to improve health outcomes is something that we do not support. This is really important to understand. Also of course the bill that we have got in front of us contains many, many other important and consequential changes to shore up our policy of no jab, no play laws, which came in on 1 January 2016 — something that our government is very, very proud to have delivered. To give full force to those commitments is something that is really important. We have a number of speakers on this side of the house that want to have the opportunity to put on record the views of their communities on such an important health issue.

Our government was elected to deliver on four key areas in government, and those are better health outcomes, education, better public transport and transport options, and jobs. Health is a critical issue that is very much near and dear to the hearts of so many members on this side of the house. As of September this year, just in this past quarter, 94.9 per cent of children aged five are now fully immunised. This is something that is a direct result of the terrific work of the Minister for Health in our government, and the bill that we have got here before us is about trying to get even more young people immunised and given that protection from deadly diseases.

People are really wanting to get up and actually contribute to this bill, and we want to make sure that members on this side of the house are afforded that. This is a very important piece of legislation. It is legislation that speaks to our commitment as a government to improving the health outcomes, and the lives of course, of so many people right across our state, no less so young people — children aged five in terms of their immunisation outcomes.

We have seen for too long a decline in the rate of immunisation. I myself have had many families come to me and many people who run kindergartens really concerned about the spread of diseases that we once thought were eradicated, that had once been eliminated from our environment and from our community. This bill, the opportunity to be able to speak on these really critical issues, is so important, and this is what needs to be allowed to continue. We know of course that the proposed amendments to the Public Health and

Wellbeing Act 2008 and this bill will tighten and simplify requirements for immunisation in a couple of ways. These are really important issues that need to be allowed to be debated and contributed on by people on this side of the house.

It is also important of course that when we talk about the importance of health outcomes we understand that health outcomes and health experiences can be very different across the whole area of Victoria. The experiences in Williamstown, the experiences in Frankston, the experiences in Albert Park and the experiences in regional Victoria will differ. We know that health evidence differs across the state, and that is why it is so fundamentally important to provide the full opportunity to members on this side to have their say.

**Ms KEALY** (Lowan) (16:29) — I rise to speak in support of the member for Murray Plains's motion to adjourn debate. Clearly the Health and Child Wellbeing Legislation Amendment Bill 2017 is an important bill, and I do not think that that has been in question. However, we have heard from members of the government reading the same speech notes and delivering the same speech over and over again for the past 2½ to 3 hours. We are not hearing any new material being brought to the debate, and I think it is disappointing that this filibustering is continuing when there have been so many concerns raised around the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016.

If we refer back to the Leader of the House, what she stated on Tuesday of this sitting week was:

I signal to the opposition that the government is agreeable to that, time permitting. As has been our recent practice, that time will be made available on Thursday afternoon.

We had the inaugural speech from the new member for Northcote, but this is reference that we will have opportunity to bring the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill into consideration in detail today. There is a very good reason that we want to debate this bill and bring it into consideration in detail. There are 32 pages of amendments in relation to this bill, and we were only briefed on these amendments on Monday afternoon. There are many, many questions that need to be answered and these are not questions that we are raising ourselves — these are questions that have been raised by people in our own electorates, people who are deeply concerned about how this bill will impact on their business and their industry.

I think that it is certainly warranted that those questions are allowed to be asked of the minister responsible in

this place and that we should be able to seek answers so we can relay this important information back to them because, seeing that there are 32 pages of amendments, there really is a lot of material to go through and we know that this bill has been deeply flawed from the beginning. This bill, as I said, is from 2016 originally. It has gone through an inquiry. The government took it out of circulation and made a huge number of changes to it because it simply did not hit the mark. It was going to create enormous damage to legitimate breeders within our state.

One of the key questions that I wanted to ask the minister responsible in this place was for an explanation as to how this bill will operate in relation to working dogs, particularly how it will impact on the working dog auction which is featured as part of the Casterton Kelpie Association festival which is held every year in beautiful Casterton. The working dog auction is held on the Sunday of this weekend event and is the main fundraiser which keeps that event going. It is now in its 21st year and the voluntary committee do an outstanding job, but they have expressed to me deep concern that any changes to this legislation may mean they can no longer hold those kelpie auctions. It may mean they can no longer have their main stream of revenue that will keep the festival alive. If Casterton is at risk of losing its festival, then I think that we should certainly see some amendment to this bill to make sure that is not the case.

This is a very important community event. If people have not been to that event before, it is not just about the working dog auction; there are fantastic dog events over the entire weekend with lots going on in Casterton. The auction in itself has raised in excess of \$2 million over the past 21 years. That is an enormous amount of money going through this very small community, and it is something that supports so many businesses in the region. I still would like that question answered, if at all possible, to support the fantastic Casterton Kelpie Association, the hard work of Karen Stephens, the president of the committee, and also Nancy Withers, who does a fantastic job in running the working dog auction as chairperson of that subgroup.

We need to make sure we have adequate time for consideration in detail of this bill. There are 32 pages of amendments which were briefed to us on Monday afternoon, with many more questions from breeders right across the state. There are lots of questions also from not just dog breeders but also cat breeders and people in the bird industry — right across the board. We need to have those questions answered. The people who are involved in and who rely on this industry deserve to have these questions answered, and I urge

the government to support this motion to adjourn debate immediately.

**Ms GREEN** (Yan Yean) (16:34) — Quelle surprise! The National Party want to adjourn an important health bill. So they would because we saw what they did in government. They could not have cared less about health, particularly regional health. For the member for Lowan, who has come out of the health sector and is on the front bench in relation to mental health and other matters like that, to be speaking in support of her leader's desire to adjourn this important bill, which goes to ensuring that we have herd immunity for human beings — I would have thought that that is something the National Party might actually know a bit about or be a bit concerned about —

**Ms Kealy** — On a point of order, Acting Speaker, I think the accusation that in any way, shape or form I do not care for my fellow human beings is deeply offensive. I certainly have deep care for many people, and I think I show that on many occasions through the contributions I make in this place. I think what the member for Yan Yean said is deeply offensive, and I ask her to withdraw those comments.

**Ms GREEN** — I withdraw. I think that no-one should be surprised that those opposite would seek to shift conversation from an important bill around public wellbeing to move back onto a bill that has had lots of ventilation over a very long period of time and will get, I am sure, very detailed scrutiny with the relevant minister in the other place. Why wouldn't we be surprised that the National Party would want to adjourn a public health and wellbeing bill and complain about consideration in detail of another bill? We should not be surprised that there is a lack of interest in health.

I draw to the attention of those that have been tut-tutting on the other side who have just come into the Parliament during this term — the member for Lowan and the member for Ripon — that I cannot even count on one hand the number of times we went into consideration in detail on a bill between 2010 and 2014. The manager of government business indicated on Tuesday that we would go into consideration in detail on this bill if we had time, but we do not have time because there are a number of people, me included, who have not yet gotten to speak on the Health and Child Wellbeing Legislation Amendment Bill 2017. I desire to speak on that bill, as I know a number of other people do.

**Ms Kealy** interjected.

**Ms GREEN** — I have not had the opportunity to speak. I really would not want to speak while the

member for Lowan is interrupting, but I would actually like to be able to get up and speak on this bill, because herd immunity for our children is incredibly important. It is incredibly important to actually take it up to those anti-vaxxers, those kooks, and the Minister for Health has certainly done that. There are also other changes that are needed to ensure that further recommendations of the royal commission into the abuse of children are able to be implemented. We also need some changes to the food standards so that products can be removed in a speedy way and we deal with those who have transgressed in having products like that. We need to really ensure that that little boy, Ronak Warty, did not die in vain and that this bill is effectively debated.

The Leader of The Nationals knows full well that his colleagues in the upper house will get a very long period of time to consider this bill in detail. I oppose the adjournment of the Health and Child Wellbeing Legislation Amendment Bill 2017. It is an important bill before the house, I desire to speak on it and I am opposed to its adjournment to go into consideration in detail on another bill.

**Mr D. O'BRIEN** (Gippsland South) (16:39) — I rise to support the motion of the member for Murray Plains and Leader of The Nationals to adjourn this bill. In doing so, I take up some of the comments by the member for Yan Yean that we have not had enough debate on the current bill, the Health and Child Wellbeing Legislation Amendment Bill 2017.

There have been 16 speakers on this bill so far, 12 of them from the government benches. Now, if the member for Yan Yean cannot get herself on the list when there are 12 other government speakers, then that is her problem, not ours. There have been 12 speakers on this bill from that side and we have gone into this in great detail.

The Leader of the House made it clear that she would be happy for us to go into consideration in detail on the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016 legislation. She said there are some other features on the program that we have to get through, including the inaugural speech for the new member for Northcote, which we have done. We have had 16 speakers on this bill. There is no need for us to continue debating the Health and Child Wellbeing Legislation Amendment Bill 2017 when there is important business to deal with on the puppy farms legislation. Just like the government is breaking its promise to go into consideration in detail on this legislation, it made a promise in 2014 to introduce this puppy farms legislation and it has messed it up completely.

The government is expecting us to have just a quick debate on this legislation, having given us the bill over 12 months ago and then adjourn it off. The government then dumped on the Parliament on Monday 32 pages of amendments to this important domestic animals legislation, and now are saying that we do not have time to debate it. Now there are numerous questions that are still unanswered on this legislation. As I said, the government messed up this legislation from the start. We have had a commitment, and the legislation includes a cap of 10 on the number of breeding females, but there is supposed to be an exemption provided by the minister with certain conditions for up to 50 breeding females. We do not know what those exemptions and criteria will be for a registered business being able to get a permit for up to 50 breeding females. What are the criteria? What are the regulations? What are they going to be? What is the rationale for the limits that the government has committed to?

We have heard from many speakers this week, including myself, that the RSPCA and the Australian Veterinary Association (AVA) do not support a cap on the number of breeding females, because the AVA says there is no scientific justification for it. Indeed the AVA makes the point that putting these arbitrary limits on the number of breeding females a registered business can have could actually be counterproductive when it comes to animal welfare. In addition we need the government to explain what its rationale is. It is time the minister faced the Parliament and explained where she got these figures from because they make no sense from a scientific perspective and they make no sense from an animal welfare perspective.

The other matter that is of concern to a number of the breeders in this state is the implementation date of 2020. When the government made its commitment in 2014, it set 2020 as the implementation date to give the industry time to transition. However, we are now three years down the track; we are into the end of 2017. We have just gone past the three-year point since the last election and the government still has not got its act together to get this legislation through. We believe the implementation date of 2020 should be extended. Of course it is our view that this legislation should not be passed. But if it is to be passed then the government at least needs to be giving the industry a proper transition period. Two years and a maximum of three years is not enough. As I said, for the government to have dropped 32 pages of amendments on us on Monday, having briefed industry only late last week and having not briefed some of the key players on this at all, to now say, 'We're not interested in letting you discuss the issues or to ask questions of the minister more particularly' is a disgrace. The government should be

supporting the motion of the member for Murray Plains, the Leader of The Nationals, to adjourn the health and wellbeing bill now so that we can debate the detail of this very important domestic animals bill immediately.

**Mr EDBROOKE** (Frankston) (16:44) — I rise to reject any notion that we should be delaying anyone talking on this bill today. It is an important bill and adjourning debate today means that people like myself, with a right to speak on this bill as an elected member, will not have that right. The bill covers three very important aspects of our health system. The one that is closest to my heart though, as some people on this side of the house will know, is the mandatory reporting of cases of anaphylaxis by hospitals to enable timely intervention and also making sure that product ingredients reflect correctly what is in the jar or what is in the can.

Members on this side of the house will know that my daughter, Charlotte, was born in 2004, and we almost lost her at two-years-old because she has got a very severe nut allergy. We found out the hard way. She had a sliver of peanut butter on a slice of toast. I remember the day profoundly because I was suffering from an illness at the time and was stuck in bed but ended up being in hospital on a drip myself when they saw me. Like I said, we almost lost her. Her airways closed up, and it was only probably because of some of the training I had as a firefighter that we were able to keep her alive until the ambos got there.

The journey from there has been a lot about that fear and hoping that the people who work at these companies care as much about people with anaphylaxis as I do. We often go shopping and see the labels that say, 'May contain traces of nuts', or 'Produced on machinery that also produces products that contain nuts'. It is a lifelong journey and I would like to say that I am very proud of Charlotte in the way that she has handled it. She has got an EpiPen with her at all times of the day. From three years of age she would go to children's parties and actually ask the parents, 'Does this cake contain nuts?'. That is the life she has.

We still have this fear — when we are at the supermarkets, when we go to an ice-creamery, any kind of place where there might be peanuts contaminating food products or food handling equipment — that this could be the day. It is a very important bill for people suffering anaphylaxis in their families. I would certainly like the time nominated to me to actually tell our story and talk about how important this bill is.

Then of course we go across to the no jab, no play policy aspect of this bill. We have seen the amount of venom that has been directed at people who speak with science on their side. We have seen the Minister for Health come out and disclose some of that abuse that she has copped. This bill is very important to ensure that we have herd immunity, which is the only thing protecting a lot of kids. The irony of this of course is that while many of us donate money to different agencies to go overseas to missions or whatever to inoculate children, and immunise them against diseases that we no longer have, we sit in a country today with people, as someone on the other side of the house mentioned today, who look up Dr Google and who make these assumptions about immunisation causing autism, for which there is no evidence, and that immunisations cause other kinds of debilitating illnesses or that people can catch what they are being immunised against from the immunisation itself, even though the immunisations are basically inert proteins.

I think we should be able to get up and voice our opinion on this. That is not to say that the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016 is not an important piece of legislation, but we have spoken on the puppy farm bill before. It has been aired quite a lot. We heard a member opposite saying we have had 12 government members speak on this bill. There are a lot more than 12 government members on the benches. I think I have the right to speak on this bill and that no-one on the opposite side of the chamber can deny me that right. I have not heard an argument contrary to that.

At the moment I have told part of my story, but there is definitely a conversation that I have had with my family about this bill and I would like to ensure that it goes into *Hansard* and that my support for this bill is noted in perpetuity. I will not be supporting any amendment.

**Ms SHEED** (Shepparton) (16:49) (*By leave*) — The Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016 was tabled in this house in September 2016. When it reached the upper house it went into committee, and there were subsequently a number of recommendations made. On Monday of this week most of us received 32 pages of amendments to this bill, and here it is on the business program for this week. While, generally speaking, I supported the government business program in terms of the bills that were to be discussed, I say there should be an opportunity for us to be able to go into detailed consideration on this bill. This bill caused a lot of angst out in the wider community, and certainly in regional communities, because it is not just about puppy farms; it is about a whole range of things to do with the management of

domestic animals. I myself have spoken with people who breed birds and people who breed dogs in small numbers, and they have expressed a lot of concern about it.

The amendments that are here and the bill indeed itself certainly introduce what we might call a lot of red tape, it seems to me. It would be my desire to have much more time to deal with this bill and to be able to go back to some of the groups I met with earlier to help them understand what the amendments are and get an understanding from those constituents as to what they are thinking about this. But in any event, to go into detailed consideration gives us the opportunity to ask some of those questions on behalf of our constituents.

I understand that the bill that is currently under consideration is a very important bill and that many people have spoken about it. It deals with important issues in our community, but similarly the time frames we are given in this place to deal with things do at times require the fact that not everybody gets to speak on everything. This is an important, large piece of legislation that would dramatically change the landscape for the management of domestic animals in this state, and to not have the opportunity to be able to have some detailed discussion and ask the minister questions about it is, I think, very disappointing.

I do not think it is appropriate that we should have to just tick off a bill one way or the other here and hope that the other place will deal with it. That is not what this house is really about. Unfortunately there are times when you might genuinely support a bill and vote in favour of it hoping that it will be improved in the upper house. That is a really unsatisfactory set of circumstances. We ought to have the opportunity in this house for more debate and to go into the bills before they are put to a vote. I really cannot emphasise that enough. So many bills are put through the guillotine before sufficient opportunity to debate them not only in the way, for instance, the member for Frankston has talked about but in a detailed way.

I think that many of these amendments are consequential, but many of them are also quite significant. For instance, there are changes to definitions to what a farm working dog is. That may seem trivial to some, but it is probably quite important to people out there on farms and to those people who also breed very specialised breeds of dogs for working on farms. I support the member for Murray Plains's motion on this and hope we can go straight into detailed consideration of this bill.

**House divided on Mr Walsh's motion:***Ayes, 39*

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

*Noes, 43*

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

**Motion defeated.**

**Ms GRALEY** (Narre Warren South) (16:59) — It is a pleasure at this lovely time of the day to speak on the Health and Child Wellbeing Legislation Amendment Bill 2017. What a terrific piece of legislation it is. I have got the Minister for Health in front of me, and I am very glad to see that she has been so vigilant and so thorough in bringing such a comprehensive bill to the house on some very, very important matters.

**The SPEAKER** — Order! The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business.

**Motion agreed to.****Read second time.***Third reading***Motion agreed to.****Read third time.**

**WATER AND CATCHMENT  
LEGISLATION AMENDMENT BILL 2017**

*Second reading*

**Debate resumed from 28 November; motion of Ms NEVILLE (Minister for Water); and Ms Ryan's amendment:**

That all the words after 'That' be omitted with the view of inserting in their place the words:

'this house refuses to read this bill a second time until there is a regulatory impact statement completed on the bill's proposed regime for salinity impact and until the government agrees to revert to the original time frame with respect to reviewing northern Victoria's long-term water assessment plan for 2018'.

**The SPEAKER** — The question is:

That the words proposed to be omitted stand part of the question.

Those supporting the reasoned amendment by the member for Euroa should vote no.

**House divided on question:***Ayes, 47*

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

*Noes, 35*

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

**Question agreed to.****Motion agreed to.****Read second time.***Third reading***Motion agreed to.****Read third time.**

**DOMESTIC ANIMALS AMENDMENT  
(PUPPY FARMS AND PET SHOPS) BILL  
2016**

*Second reading*

**Debate resumed from 29 November; motion of Ms ALLAN (Minister for Public Transport); and Mr WALSH'S amendment:**

That all the words after 'That' be omitted with the view of inserting in their place the words:

- (a) this house refuses to read this bill a second time until a thorough, transparent public consultation phase is conducted; and
- (b) this bill be withdrawn and redrafted, following the consultation phase, into a form which —
- (i) is based on animal welfare assessments and outcomes and not arbitrary animal number limits; and
- (ii) improves regulation for sale of puppies and kittens without creating risk of pet black markets, or restricting an individual's ability to acquire an affordable family pet of choice'.

**The SPEAKER — The question is:**

That the words proposed to be omitted stand part of the bill.

Members supporting the amendment moved by the member for Murray Plains should vote no.

**House divided on question:***Ayes, 46*

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

*Noes, 36*

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

**Question agreed to.****The SPEAKER — Order! The question is:**

That the bill be now read a second time, government amendments 1 to 156 inclusive be agreed to and the bill be now read a third time.

**House divided on question:***Ayes, 46*

Allan, Ms	Knight, Ms
Andrews, Mr	Languiller, Mr
Blandthorn, Ms	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr

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

Neville, Ms  
Noonan, Mr  
Pakula, Mr  
Pallas, Mr  
Pearson, Mr  
Perera, Mr  
Richardson, Mr  
Sandell, Ms  
Scott, Mr  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Thomas, Ms  
Thomson, Ms  
Thorpe, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

*Noes, 36*

Angus, Mr  
Asher, Ms  
Battin, Mr  
Britnell, Ms  
Bull, Mr T.  
Burgess, Mr  
Clark, Mr  
Crisp, Mr  
Dixon, Mr  
Gidley, Mr  
Guy, Mr  
Katos, Mr  
Kealy, Ms  
McCurdy, Mr  
McLeish, Ms  
Morris, Mr  
Northe, Mr  
O'Brien, Mr D.

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

**Question agreed to.**

**Read second time.**

*Circulated amendments*

**Circulated government amendments as follows agreed to:**

1. Clause 2, line 13, omit "33 and 35" and insert "34 and 36".
2. Clause 2, line 16, omit "Sections 22 and 90(2)" and insert "Section 22 and Division 2 of Part 3".
3. Clause 2, after line 17 insert—  
“(3) Sections 35, 66(2), 76(3), 84(2) and 91(2) come into operation on a day or days to be proclaimed.  
(4) If a provision referred to in subsection (3) does not come into operation before 1 July 2018, it comes into operation on that day.  
(5) Division 1 of Part 3 comes into operation on a day or days to be proclaimed.

- (6) If a provision referred to in subsection (5) does not come into operation before 1 July 2019, it comes into operation on that day.”.
4. Clause 2, line 18, omit “(3)” and insert “(7)”.
5. Clause 2, line 18, omit “(4)” and insert “(8)”.
6. Clause 2, line 21, omit “(4)” and insert “(8)”.
7. Clause 2, line 21, omit “(3)” and insert “(7)”.
8. Clause 2, line 22, omit “2017” and insert “2018”.
9. Clause 5, lines 23 to 31 and page 4, lines 1 to 8, omit all words and expressions on these lines and insert—  
“(b) an enterprise which carries out the breeding of dogs (other than GRV greyhounds) to sell, if the enterprise has 3 or more fertile female dogs and the proprietor is not a recreational breeder; or  
(c) an enterprise which carries out the breeding of cats to sell, if the enterprise has 3 or more fertile female cats and the proprietor is not a recreational breeder; or  
(d) an enterprise which trains or boards dogs (other than GRV greyhounds) or cats for the purpose of profit; or”.
10. Clause 5, page 4, after line 24 insert—  
“*farm working dog* means a dog that herds, droves, protects, tends or works stock on land used solely or primarily for primary production;  
*farmer* means a person engaged in primary production whose primary source of income is from that primary production;”.
11. Clause 5, page 5, after line 7 insert—  
“*microbreeder* means—  
(a) a person who carries out the breeding of dogs to sell, who is not a member of an applicable organisation, if the person has no more than 2 fertile female dogs; or  
(b) a person who carries out the breeding of cats to sell, who is not a member of an applicable organisation, if the person has no more than 2 fertile female cats;  
*primary production* means the maintenance of animals or poultry for the purpose of selling them or their natural increase or bodily produce;”.
12. Clause 5, page 5, after line 10 insert—  
“*recreational breeder* means—  
(a) a person who carries out the breeding of dogs to sell, who is a member of an applicable organisation, if the person has no more than 10 fertile female dogs; or

- (b) a person who carries out the breeding of cats to sell, who is a member of an applicable organisation, if the person has no more than 10 fertile female cats;”.
13. Clause 5, page 5, line 19, omit “definition” and insert “definitions”.
14. Clause 5, page 5, line 22, omit ‘58R(1);’ and insert ‘58N(1);’.
15. Clause 5, page 5, after line 22 insert—
- ‘caged bird sale* means an event conducted over a day or days at which caged birds are sold;
- declared bird organisation* means an organisation that is declared to be a declared bird organisation under section 58T;”.
16. Clause 5, page 6, after line 4 insert—
- ‘() In the definition of *breeding domestic animal business* in section 3(1) of the Principal Act, after “paragraph (b)” *insert* “or (c)”.
- () For the definition of *applicable organisation* in section 3(1) of the Principal Act *substitute*—
- “applicable organisation* means an organisation that is the holder of an applicable organisation approval;”.
- () **Insert** the following definitions in section 3(1) of the Principal Act—
- “applicable organisation approval* means an approval under section 5A(1), including an approval that is renewed under section 5C;
- approved commercial dog breeder* means a person who has a commercial dog breeder approval;
- chief veterinary officer* has the same meaning as in the **Meat Industry Act 1993**;
- commercial dog breeder approval* means an approval under section 58AA;
- relevant Council*, in relation to a domestic animal business, means the Council of the municipal district in which the premises is situated on which the domestic animal business is being or is proposed to be conducted;”.
17. Clause 5, page 6, line 16, omit ‘old.’ and insert “old.”.
18. Clause 5, page 6, after line 16 insert—
- ‘(6) For the purpose of paragraph (b) of the definition of *domestic animal business*, a farmer is not to be taken to be conducting a domestic animal business in respect of any fertile female dog that the farmer has that—
- (a) is primarily being kept or worked by the farmer as a farm working dog; or
- (b) is primarily being trained to be a farm working dog by the farmer.”.
19. Clause 6, lines 19 to 23, omit all words and expressions on these lines and insert—
- ‘(1) In section 5A(1) of the Principal Act—
- (a) for “may declare, by notice published in the Government Gazette, that an organisation is an applicable organisation” **substitute** “may approve an organisation as an applicable organisation, by notice published in the Government Gazette;”;
- (b) in paragraph (a), for “declared” **substitute** “approved as”.
- (2) Section 5A(1AA) of the Principal Act is **repealed**.’.
20. Clause 6, after line 26 insert—
- ‘() In section 5A(2) of the Principal Act **omit** “an applicable organisation or”.’.
21. Clause 6, lines 28 to 30, omit all words and expressions on these lines and insert—
- “(3) An application for an applicable organisation approval—
- (a) must include a report containing the prescribed details about the organisation and its activities; and
- (b) must include the organisation’s code of ethics and details of how the code is enforced; and
- (c) must include the outcome of any disciplinary action taken by the organisation for breaches of the code of ethics during the preceding year; and
- (d) must include any other information required by the Minister; and
- (e) must be accompanied by the prescribed application fee.
- (4) In making a decision to give an applicable organisation approval, the Minister may consider any information included in or accompanying the application for the approval.
- (5) An applicable organisation approval must specify the following—
- (a) the period for which the approval is to remain in force, which must not exceed 3 years;
- (b) the matters that must be set out in the report required by the condition in section 5D(b);
- (c) any condition to which the Minister considers that the approval should be subject.

- (6) An applicable organisation approval remains in force until the earlier of—
- (a) the period determined under subsection (5)(a); or
  - (b) the revocation of the approval.”.
22. Clause 7, page 8, line 23, after “organisation approval” insert “or applicable organisation approval”.
23. Clause 7, page 9, lines 6, 7 and 8, omit all words and expressions on these lines and insert—
- “(4) The Minister may renew the approval if—
- (a) in the case of a dog obedience training organisation approval, the Minister continues to be satisfied of the matters set out in section 5B(2)(b); or
  - (b) in the case of an applicable organisation approval, the Minister continues to be satisfied of the matters set out in the relevant guidelines referred to in section 5A(1)(b).”.
24. Clause 7, page 9, line 31, after “organisation approval” insert “and an applicable organisation approval”.
25. Clause 7, page 9, line 33, omit “30” and insert “31”.
26. Clause 7, page 10, line 6, after “organisation approval” insert “or an applicable organisation approval”.
27. Clause 7, page 10, lines 10 and 11, omit all words and expressions on these lines and insert—
- “(b) in the case of a dog obedience training approval, the Minister is not satisfied of any of the matters set out in section 5B(2)(b); or
  - (c) in the case of an applicable organisation approval, the Minister is not satisfied of any of the matters set out in the relevant guidelines referred to in section 5A(1)(b).”.
28. Clause 7, page 10, lines 13 and 14, omit “**dog obedience training organisation**”.
29. Clause 7, page 10, line 16, after “organisation approval” insert “or an applicable organisation approval”.
30. Clause 7, page 10, lines 17 and 18, omit “a dog obedience training organisation approval” and insert “such an approval”.
31. Clause 7, page 10, lines 26 and 27, omit “dog obedience training organisation”.
32. Clause 7, page 11, line 3, omit “dog obedience training”.
33. Clause 7, page 11, lines 4 and 5, omit “a dog obedience training organisation approval” and insert “an approval”.
34. Clause 7, page 11, line 10, omit “dog obedience training”.
35. Clause 8, lines 25 and 26, omit all words and expressions on these lines and insert—
- “(c) to appoint Departmental authorised officers under section 71 or restricted authorised officers under section 71A; or”.
36. Clause 8, line 33, omit ‘premises.’ and insert “premises; or”.
37. Clause 8, after line 33 insert—
- ‘(e) under Division 3B of Part 4.’.
38. Clause 8, page 12, lines 1 to 10, omit all words and expressions on these lines.
39. Clause 10, lines 26 to 31, omit all words and expressions on these lines and insert—
- ‘(1) For section 12A(1) of the Principal Act **substitute**—
- “(1) A person must not sell, or give away, a dog or cat unless the dog or cat has been implanted with a prescribed permanent identification device.
- Penalty: 10 penalty units.
- (1A) It is not an offence under subsection (1) for a person to give away a dog or cat that is not implanted with a prescribed permanent identification device to a shelter or pound.”.
40. Clause 10, line 32, omit all words and expressions on these lines and insert—
- ‘(2) For section 12A(2) of the Principal Act **substitute**—
- “(2) A person must not advertise a dog or cat for sale or giving away, or cause a dog or cat to be advertised for sale or giving away unless—
- (a) one of the following applies—
    - (i) the advertisement includes the unique number contained in the microchip contained in the prescribed permanent identification device implanted in the dog or cat;
    - (ii) the dog or cat is the subject of written veterinary advice under section 10D(2) and (2A); and
  - (b) if the dog or cat is being sold by or on behalf of a registered domestic animal business, the advertisement includes—
    - (i) the registration number issued by the Council for the registration of the premises on which the business is being conducted; and
    - (ii) the name of the Council that registered the premises.

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- Penalty: 5 penalty units.”.’.
41. Clause 11, omit this clause.
  42. Clause 13, page 18, lines 4 and 5, omit “under section 69(1)(aa)” and insert “under section 69 in respect of the registration or renewal of registration of a dog”.
  43. Clause 13, page 18, lines 16 and 17, omit “under section 69(1)(a)” and insert “under section 69 in respect of the registration or renewal of registration of a cat”.
  44. Clause 22, line 5, before “A proprietor” insert “(1)”.
  45. Clause 22, line 12, omit ‘units.’.’ and insert “units.”.
  46. Clause 22, after line 12 insert—
 

“(2) A person who is the proprietor of the breeding domestic animal business does not commit an offence under subsection (1) if the person is an approved commercial dog breeder.”.’.
  47. Clause 23, after line 25 insert—
 

“(2) A person who is the proprietor of the breeding domestic animal business does not commit an offence under subsection (1) if the person is an approved commercial dog breeder.”.
  48. Clause 23, line 26, omit “(2)” and insert “(3)”.
  49. Clause 29, page 26, line 9, before “The Council” insert “(1)”.
  50. Clause 29, page 26, after line 14 insert—
 

“(2) Subsection (1) does not apply if the breeding domestic animal business is to be conducted by a proprietor who is an approved commercial dog breeder.”.
  51. Clause 29, page 26, line 18, before “The Council” insert “(1)”.
  52. Clause 29, page 26, after line 24 insert—
 

“(2) Subsection (1) does not apply if the breeding domestic animal business is to be conducted by a proprietor who is an approved commercial dog breeder.”.
  53. Clause 29, page 26, line 28, before “On and from” insert “(1)”.
  54. Clause 29, page 26, after line 35 insert—
 

“(2) Subsection (1) does not apply if the breeding domestic animal business is being conducted by a proprietor who is an approved commercial dog breeder.”.
  55. Clause 29, page 27, after line 13 insert—
 

“(2) Subsection (1) does not apply if the breeding domestic animal business is to be conducted by a proprietor who is an approved commercial dog breeder.”.
  56. Clause 29, page 27, line 14, omit “(2)” and insert “(3)”.
  57. Clause 29, page 27, line 16, omit “(3)” and insert “(4)”.
  58. Clause 32, page 28, lines 5 to 32, page 29, lines 1 to 33, page 30, lines 1 to 26, omit all words and expressions on these lines.
  59. Clause 32, page 30, line 27, omit “**58Q**” and insert “**58M**”.
  60. Clause 32, page 31, lines 6 to 11, omit all words and expressions on these lines.
  61. Clause 32, page 31, line 12, omit “(3)” and insert “(2)”.
  62. Clause 32, page 31, line 15, after “Minister” insert “, which must require the applicant to provide information concerning the matters in section 58O(1)”.
  63. Clause 32, page 31, lines 18 and 19, omit all words and expressions on these lines.
  64. Clause 32, page 31, line 20, omit “(d)” and insert “(c)”.
  65. Clause 32, page 31, line 23, omit “will—” and insert “will remain on call for the duration of the sale; and”.
  66. Clause 32, page 31, lines 24 to 29, omit all words and expressions on these lines.
  67. Clause 32, page 31, line 30, omit “(e)” and insert “(d)”.
  68. Clause 32, page 32, lines 1 to 4, omit all words and expressions on these lines.
  69. Clause 32, page 32, line 5, omit “(g)” and insert “(e)”.
  70. Clause 32, page 32, line 7, omit “**58R**” and insert “**58N**”.
  71. Clause 32, page 33, lines 3 and 4, omit “, and the number of each species of animal,”.
  72. Clause 32, page 33, lines 6 to 8, omit all words and expressions on these lines.
  73. Clause 32, page 33, line 9, omit “(c)” and insert “(b)”.
  74. Clause 32, page 33, line 11, omit “(d)” and insert “(c)”.
  75. Clause 32, page 33, line 13, omit “(e)” and insert “(d)”.
  76. Clause 32, page 33, line 14, omit “**58S**” and insert “**58O**”.
  77. Clause 32, page 34, line 5, omit “58U(1)” and insert “58Q(1)”.
  78. Clause 32, page 34, line 9, omit “58U(2)(e)” and insert “58Q(2)(e)”.
  79. Clause 32, page 34, line 14, omit “**58T**” and insert “**58P**”.
  80. Clause 32, page 34, line 19, omit “to—” and insert “to the relevant Council.”.

81. Clause 32, page 34, lines 20 to 22, omit all words and expressions on these lines.
82. Clause 32, page 34, line 23, omit “58U” and insert “58Q”.
83. Clause 32, page 35, line 22, omit “58V” and insert “58R”.
84. Clause 32, page 36, line 19, omit “58R(2)(b)” and insert “58N(2)(b)”.
85. Clause 32, page 37, line 1, omit “58W” and insert “58S”.
86. Clause 32, page 37, line 18, omit ‘units.’ and insert “units.”.
87. Clause 32, page 37, after line 18 insert—

**‘Division 3C—Bird sales held by declared bird organisations**

**58T Minister may declare an organisation to be a declared bird organisation**

- (1) The Minister may declare that an organisation is a declared bird organisation if—
- (a) the organisation has applied to the Minister to be declared a declared bird organisation; and
- (b) the Minister is satisfied that the organisation represents members with an interest in—
- (i) birds and bird keeping; and
- (ii) the promotion of aviculture; and
- (iii) the wellbeing of birds, whether in captivity or in the wild; and
- (c) the Minister is satisfied that the organisation has processes in place to educate its members about, and to ensure that its members comply with—
- (i) the Code of Practice for the Housing of Caged Birds made under the **Prevention of Cruelty to Animals Act 1986**, as varied from time to time; or
- (ii) any other code of practice relating to caged birds approved by the Minister for the purposes of this section.
- (2) An application for a declaration under subsection (1) must be made in the form approved by the Minister.
- (3) A declaration under this section remains in force until the earlier of—
- (a) the end of the period (if any) specified in the declaration; or
- (b) the revocation of the declaration.

- (4) The Minister must cause a notice of a declaration made under this section, or a revocation of such a declaration, to be published in the Government Gazette.

**58U Notice to Secretary of caged bird sales**

- (1) A declared bird organisation that intends to conduct a caged bird sale from any place other than the following places must give notice in accordance with this section, to the Secretary of its intention to hold the caged bird sale—
- (a) a premises registered under Part 4 for the purpose of conducting a domestic animal business from which caged birds may be sold;
- (b) a person’s residence.
- Penalty: 10 penalty units.
- (2) The declared bird organisation must notify the Secretary in writing of the caged bird sale at least 14 days before the caged bird sale commences.
- (3) The notification to the Secretary must include the day or days on which the caged bird sale is to be conducted and any other prescribed details.
- (4) A declared bird organisation does not commit an offence under subsection (1), if the organisation intends to conduct the caged bird sale in accordance with an animal sale permit.”.

88. Clause 34, page 38, line 5, omit “disposal” and insert “giving away”.
89. Clause 34, page 38, line 8, after “sell” insert “or give away”.
90. Clause 34, page 38, line 18, after “sold” insert “or given away”.
91. Clause 34, page 38, line 24, after “sale” insert “or giving away”.
92. Clause 34, page 39, line 3, omit “disposal” and insert “giving away”.
93. Clause 34, page 39, line 9, omit “disposal” and insert “giving away or provision”.
94. Clause 34, page 39, line 11, omit “dispose of” and insert “give away”.
95. Clause 34, page 39, line 21, omit “disposed of” and insert “given away”.
96. Clause 34, page 39, line 29, omit “of or under 6 months” and insert “that is not of a certain age”.
97. Clause 34, page 39, line 30, omit “dispose of” and insert “give away”.
98. Clause 34, page 40, line 1, omit all words and expressions on this line and insert—
- “(b) under—

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- (i) 6 months of age, if a dog; or
- (ii) 8 weeks of age, if a cat.”
99. Clause 34, page 40, line 7, omit “disposed of “ and insert “given away”.
100. Clause 34, page 40, line 12, omit all words and expressions on this line and insert—
- “(b) under—
- (i) 6 months of age, if a dog; or
- (ii) 8 weeks of age, if a cat.”
101. Clause 34, page 40, line 18, after “sale” insert “or giving away”.
102. Clause 34, page 40, line 21, omit all words and expressions on this line and insert—
- “(b) under—
- (i) 6 months of age, if a dog; or
- (ii) 8 weeks of age, if a cat.”
103. Clause 34, page 40, line 28, omit “disposal” and insert “giving away”.
104. Clause 34, page 41, line 1, omit all words and expressions on this line and insert—
- “(b) under—
- (i) 6 months of age, if a dog; or
- (ii) 8 weeks of age, if a cat.”
105. Clause 34, page 41, line 6, omit “etc.”.
106. Clause 34, page 41, lines 8 and 9, omit “sell or exchange a dog or cat for payment or reward” and insert “sell a dog or cat”.
107. Clause 34, page 41, lines 17 and 18, omit “or exchanged for payment or reward”.
108. Clause 35, line 30, omit “3 November 2017” and insert “4 December 2021”.
109. Clause 36, page 46, line 22, omit “registration.” and insert “registration.”.
110. Clause 36, page 46, lines 23 to 29, page 47, lines 1 to 31, page 48, lines 1 to 32, page 49, lines 1 to 35, page 50, lines 1 to 32, page 51, lines 1 to 34, page 52, lines 1 to 33, page 53, lines 1 to 8, omit all words and expressions on these lines.
111. Clause 46, line 18, omit all words and expressions on this line and insert—
- “(b) for “12A,” **substitute** “12A(1), 12A(2), 13.”.
112. Clause 47, lines 28 and 29, omit all words and expressions on these lines and insert—
- “(a) section 12A(1) or (2) or 13(1) or (2);”.
113. Clause 47, page 57, lines 9 and 10, omit “or Council authorised officer” and insert “, a Council authorised officer or a Departmental authorised officer”.
114. Clause 47, page 59, lines 25 and 26, omit “or Council authorised officer” and insert “, a Council authorised officer or a Departmental authorised officer”.
115. Clause 64, line 19, after “means” insert “a Departmental authorised officer;”.
116. Clause 65, line 10, before “After” insert “(1)”.
117. Clause 65, line 13, after “means” insert “a Departmental authorised officer;”.
118. Clause 65, lines 27 to 29, omit “44B, 45A, 63A, 63AAB, 63AAC, 63AAD or 63AAE” and insert “45A, 58AF or 63A”.
119. Clause 65, page 72, after line 2 insert—
- “(2) In section 82B(2)(b) of the Principal Act, for “or 63A” **substitute** “63A, 63AAB, 63AAC, 63AAD or 63AAE”.
120. Clause 73, line 18, after “If” insert “a Departmental authorised officer;”.
121. Clause 75, page 77, lines 8 to 10, omit “44B, 45A, 63A, 63AAB, 63AAC, 63AAD, 63AAE” and insert “45A, 58AF, 63A”.
122. Clause 75, page 77, after line 27 insert—
- “(3) In section 84Q(2A) of the Principal Act, after “63A” **insert** “, 63AAB, 63AAC, 63AAD, 63AAE”.
123. Clause 83, line 28, before “In” insert “(1)”.
124. Clause 83, lines 29 and 30, omit “44B, 45, 45A, 63A, 63AAB, 63AAC, 63AAD, 63AAE” and insert “45, 45A, 58AF, 63A”.
125. Clause 83, after line 30 insert—
- “(2) In section 84WA(1) of the Principal Act, after “63A” **insert** “, 63AAB, 63AAC, 63AAD, 63AAE”.
126. Clause 90, page 83, in Column 2 of the proposed Table to be inserted by subclause (1), omit “12A,” and insert “12A(1), 12A(2),” (where twice occurring).
127. Clause 90, page 83, in Column 2 of the proposed Table to be inserted by subclause (1), omit “12B(1), 12B(2), 12B(3), 12C(1), 12C(2), 12C(3),” (where twice occurring).
128. Clause 90, page 83, in Column 2 of the proposed Table to be inserted by subclause (1), after “37(2),” insert “37A,”.
129. Clause 90, page 83, in Column 2 of the proposed Table to be inserted by subclause (1), omit “41EA(1),”.

130. Clause 90, page 83, in Column 2 of the proposed Table to be inserted by subclause (1), omit “58V(1)” and insert “58R(1), 58U(1)”.
131. Clause 90, page 83, in Column 2 of the proposed Table to be inserted by subclause (1), omit “63AAE(1), 63AAE(2),”.
132. Clause 90, page 83, in Column 2 of the proposed Table to be inserted by subclause (1), omit “63AAB(1), 63AAB(2), 63AAB(3), 63AAB(4), 63AAC(1), 63AAC(2), 63AAD(1), 63AAD(2), 63AAD(3), 63AAD(4),”.
133. Clause 90, page 83, in Column 2 of the proposed Table to be inserted by subclause (1), after “63J(1)” (where secondly occurring) insert “, 96”.
134. Clause 90, page 84, in Column 2 of the proposed Table to be inserted by subclause (1), omit “12A,” and insert “12A(1), 12A(2),” (where twice occurring).
135. Clause 90, page 84, in Column 2 of the proposed Table to be inserted by subclause (1) of that clause, omit “12B(1), 12B(2), 12B(3), 12C(1), 12C(2), 12C(3),”.
136. Clause 90, page 84, in Column 2 of the proposed Table to be inserted by subclause (1), after “37(2),” insert “37A,”.
137. Clause 90, page 84, in Column 2 of the proposed Table to be inserted by subclause (1), omit “41EA(1),” (where twice occurring).
138. Clause 90, page 84, in Column 2 of the proposed Table to be inserted by subclause (1), omit “58V(1),”.
139. Clause 90, page 84, in Column 2 of the proposed Table to be inserted by subclause (1) of that clause, omit “63AAB(1), 63AAB(2), 63AAB(3), 63AAB(4), 63AAC(1), 63AAC(2), 63AAD(1), 63AAD(2), 63AAD(3), 63AAD(4), 63AAE(1), 63AAE(2),”.
140. Clause 90, page 84, in Column 2 of the proposed Table to be inserted by subclause (1), omit “12B(1), 12B(3),”.
141. Clause 90, page 84, lines 1 to 4, omit all words and expressions on these lines and insert—
- ‘() In the Table at the foot of section 85(1) of the Principal Act—
- (a) in Column 2 opposite the reference to Departmental authorised officer in Column 1, after “63A(1),” **insert** “63AAE(1), 63AAE(2),”;
- (b) in Column 2 opposite the reference to Restricted authorised officer in Column 1, after “63A(1),” **insert** “63AAB(1), 63AAB(2), 63AAB(3), 63AAB(4), 63AAC(1), 63AAC(2), 63AAD(1), 63AAD(2), 63AAD(3), 63AAD(4), 63AAE(1), 63AAE(2),”;
- (c) in Column 2 opposite the reference to Council authorised officer in Column 1, after “63A(1),” **insert** “63AAB(1), 63AAB(2),
- 63AAB(3), 63AAB(4), 63AAC(1), 63AAC(2), 63AAD(1), 63AAD(2), 63AAD(3), 63AAD(4), 63AAE(1), 63AAE(2),”.
142. Clause 93, line 9, omit ‘permit; or’.’ and insert “permit; or”.
143. Clause 93, after line 9 insert—
- ‘(ac) unless, in the case of a caged bird, the bird is sold at a caged bird sale that is notified to the Secretary by a declared bird organisation in accordance with section 58U; or’.’.
144. Clause 95, page 86, line 21, omit ‘and’.’ and insert “and”.
145. Clause 95, page 86, after line 21 insert—
- ‘(af) the sale of caged birds, including the details to be included in a notification of a caged bird sale given to the Secretary by a declared bird organisation under section 58U; and’.’.
146. Clause 95, page 87, line 10, omit “and” and insert ‘and’.’.
147. Clause 95, page 87, lines 11 to 19, omit all words and expressions on these lines.
148. Clause 98, line 12, before “In Column” insert “(1)”.
149. Clause 98, after line 18 insert—
- ‘(2) In Column 2 of Part 1 of Schedule 1 to the Principal Act, for “Dogs kept for working stock.” **substitute** “Dogs kept or used as or being trained to be farm working dogs.”’.
150. Part heading preceding clause 99, omit this heading and insert the following headings—
- “Part 3—Further amendment of the Domestic Animals Act 1994**
- Division 1—Advertising and information register amendments”.**
151. After the New Clauses proposed by amendment number 155 insert the following heading—
- “Division 2—Amendments relating to commencement of 10 fertile female dog limit”.**
152. Clause 99, omit this clause.
- NEW CLAUSES
153. Insert the following New Clause to follow clause 13—
- ‘AA Registered dog or cat to have identification marker outside premises**
- For section 20(2)(b) and (c) of the Principal Act **substitute**—

- “(b) a dog that is being kept or used as or being trained to be a farm working dog; or
- (c) a dog that is going from place to place for the purpose of being kept or used as or being trained to be a farm working dog, if it is under the effective control of a person; or”.

154. Insert the following New Clause to follow clause 31—

**BB New Division inserted after Division 3 of Part 4**

After Division 3 of Part 4 of the Principal Act insert—

**“Division 3AA—Commercial dog breeder approval**

**58AA Approval of commercial dog breeders**

- (1) The Minister may approve the proprietor of a breeding domestic animal business that is conducted on a registered premises to conduct that business on that premises as a commercial dog breeder, on receiving an application for the grant or renewal of approval under section 58AC.
- (2) Within 40 days of receiving an application under section 58AC for the grant or renewal of approval, the Minister must give the applicant for the approval written notice—
  - (a) of the decision; and
  - (b) if the approval is granted or renewed, of any other conditions imposed on the approval under section 58AF(6).
- (3) A decision by the Minister to grant or renew an approval under subsection (1) takes effect on the later of the following—
  - (a) the day the notice under subsection (2) is given to the applicant;
  - (b) the date specified in the notice.

**58AB Considerations in deciding to grant or renew approval**

- (1) The Minister must not grant or renew an approval of the proprietor of a breeding domestic animal business to conduct that business as a commercial dog breeder under section 58AA unless—
  - (a) the chief veterinary officer has recommended, under section 58AE, that the Minister do so; and
  - (b) the Minister is satisfied that the approval should be granted or renewed after considering—
    - (i) the chief veterinary officer’s recommendation under section 58AE and the reasons for making it; and

- (ii) any information contained in or accompanying the application under section 58AC.

- (2) The Minister may refuse to grant or renew the approval of the proprietor of a breeding domestic animal business as a commercial dog breeder if—

- (a) the proprietor has been found guilty of—
  - (i) an offence under this Act or regulations made under this Act; or
  - (ii) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act; or
  - (iii) an offence against a law of another State or a Territory of the Commonwealth that corresponds with a law referred to in subparagraph (i) or (ii); or
- (b) the Minister reasonably believes that the proprietor has failed to comply with this Act or any regulations made under this Act; or
- (c) the Minister reasonably believes that—
  - (i) in the case of a grant of an approval, the applicant will not be able to comply with a condition on the approval under section 58AF; or
  - (ii) in the case of a renewal of an approval, the applicant has not complied with a condition on the approval under section 58AF.

**58AC Application to Minister for commercial dog breeder approval**

- (1) The proprietor of a breeding domestic animal business may apply to the Minister for the grant or renewal of a commercial dog breeder approval.
- (2) An application under subsection (1)—
  - (a) must be in the form approved by the Minister; and
  - (b) must contain and be accompanied by any information required by the Minister; and
  - (c) must be accompanied by a business plan for the next 3 years of the business which includes and is accompanied by any prescribed information about the business; and
  - (d) must contain and be accompanied by any other prescribed information about

- the business or other relevant matters;  
and
- (e) must be accompanied by the prescribed fee.
- (3) An approved commercial dog breeder may apply for a renewal of the current approval no later than 60 days before the expiry of the approval.

**58AD Chief veterinary officer may ask for report and monitoring**

- (1) For the purpose of making a recommendation under section 58AE, the chief veterinary officer may—
- (a) ask the relevant Council for a report on the premises on which the domestic animal business is conducted; and
- (b) ask for a Departmental authorised officer to enter and search the premises under Part 7, for the purpose of monitoring compliance with a relevant provision (within the meaning of section 74AB), and give a report on that entry and search.
- (2) For the purpose of subsection (1)(a), a report of the Council must include a copy of any report from an entry and search of the premises under Part 7 carried out in the 5 years preceding the application for grant or renewal of approval.
- (3) For the purpose of subsection (1)(b), a Departmental authorised officer may exercise any power that a Council authorised officer has under Part 7.

**58AE Chief veterinary officer may make recommendation**

- (1) After considering any report under section 58AD(1), the chief veterinary officer may make a recommendation as to whether or not the proprietor of a breeding domestic animal business should be granted a commercial dog breeder approval or the commercial dog breeder approval of the proprietor of a breeding domestic animal business should be renewed.
- (2) The chief veterinary officer must give reasons for any recommendation made under subsection (1).

**58AF Conditions of commercial dog breeder approval**

- (1) It is a condition of a commercial dog breeder approval that a Departmental authorised officer may monitor compliance with a relevant provision under Part 7 on the premises on which the breeding domestic animal business is being conducted when—

- (a) the approval is being renewed; or
- (b) the premises on which the breeding domestic animal business is being conducted is being transferred.
- (2) It is a condition of a commercial dog breeder approval that the holder of the approval must not keep more than 50 relevant fertile female dogs.
- (3) It is a condition of a commercial dog breeder approval that the approved commercial dog breeder submit a report to the Minister containing the prescribed information at the time required by the Minister.
- (4) It is a condition of a commercial dog breeder approval that the approved commercial dog breeder maintains public liability insurance for the breeding domestic animal business as prescribed.
- (5) It is a condition of a commercial dog breeder approval that the manager of the breeding domestic animal business and any employees of the business have the prescribed qualifications or training.
- (6) A commercial dog breeder approval is subject to any other conditions—
- (a) that are imposed on the approval by the Minister; or
- (b) that are prescribed, including conditions for or with respect to—
- (i) the keeping of dogs and related matters; and
- (ii) the premises on which dogs are kept and related matters; and
- (iii) the staffing of premises and related matters.
- (7) An approved commercial dog breeder must comply with any condition of the approval under this section.
- Penalty: In the case of a natural person, 246 penalty units;
- In the case of a body corporate, 600 penalty units.

**58AG Period of approval**

- (1) A commercial dog breeder approval remains in force—
- (a) for the initial grant of the approval, for a period of 12 months after the approval is granted; and

- (b) for any renewal of the approval, for a period of 3 years after the approval is renewed.
- (2) If an approved commercial dog breeder has applied for renewal of an approval, the approval remains in force until the application for renewal is determined.
- (3) If an application for approval is made because an approved commercial dog breeder is selling or otherwise transferring the breeding domestic animal business to another proprietor, the commercial dog breeder approval remains in force until the application for approval of the new proprietor has been determined.

**58AH Transfer of premises**

- (1) If an approved commercial dog breeder transfers the premises of the breeding domestic animal business for which the breeder is approved to another premises, on the transfer of the premises the approval is cancelled.
- (2) Despite subsection (1), if a new application for approval for the new premises has been made before the expiry of the existing commercial dog breeder approval, the existing approval remains in force until the application is determined.

**58AI Automatic cancellation or suspension of approval**

- (1) If the relevant Council—
  - (a) cancels or does not renew the registration of a premises on which a breeding domestic animal business is being conducted for which there is a commercial dog breeder approval, the approval is cancelled; or
  - (b) suspends the registration of a premises on which a breeding domestic animal business is being conducted for which there is a commercial dog breeder approval, the approval is suspended.
- (2) A Council must give the Minister notice of any suspension, cancellation or refusal to renew to which subsection (1) applies.

**58AJ Revocation of approval by Minister**

- (1) The Minister may revoke a commercial dog breeder approval if—
  - (a) the approved commercial dog breeder has been found guilty of—
    - (i) an offence under this Act or regulations made under this Act; or

- (ii) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act; or

- (iii) an offence against a law of another State or a Territory of the Commonwealth that corresponds with a law referred to in subparagraph (i) or (ii); or

- (b) the Minister reasonably believes that the approved commercial dog breeder has failed to comply with this Act or any regulations made under this Act; or

- (c) the Minister reasonably believes that the approved commercial dog breeder has not complied with a condition on the approval under section 58AF.

- (2) The Minister must give written notice of the Minister's decision under subsection (1) to the holder of the approval.

- (3) A decision by the Minister to revoke an approval under subsection (1) takes effect on the later of the following—

- (a) the day the notice under subsection (2) is given to the holder of the approval;

- (b) the date specified in the notice.

**58AK Notice of and submissions on proposal to revoke a commercial dog breeder approval**

- (1) If the Minister proposes to revoke a commercial dog breeder approval, before doing so the Minister must give notice in writing to the holder of the approval stating—
  - (a) the reasons for the proposal; and
  - (b) that the holder may make submissions to the Minister on the proposal within the period specified in the notice.
- (2) The holder of the approval may make written submissions to the Minister in relation to the proposal to revoke the approval within the period specified in the notice under subsection (1).
- (3) The Minister must consider any submission made under subsection (2), before deciding to revoke the approval.

**58AL Council to be notified of commercial dog breeder approval**

The Minister must give notice of the grant, renewal, revocation or cancellation of a commercial dog breeder approval to the relevant Council as soon as possible after it occurs.”.

155. Insert the following New Clauses to follow clause 98 and the headings proposed by amendment number 150—

**CC Amendment of definitions**

**Insert** the following definitions in section 3(1) of the Principal Act—

*“information register* means the register established and maintained under section 68M;

*source number* means a number issued under Division 3 of Part 5C;”.

**DD Repeal of section 12A(2), advertising of dogs or cats**

Section 12A(2) of the Principal Act is **repealed**.

**EE New sections inserted after section 12A**

After section 12A of the Principal Act **insert**—

**“12B Offence as to advertising dogs or cats for sale**

A person must not advertise a dog or cat for sale, or cause a dog or cat to be advertised for sale, unless—

- (a) the advertisement includes the source number of the person who is selling the dog or cat; and
- (b) one of the following applies—
  - (i) the advertisement includes the unique number contained in the microchip contained in the prescribed permanent identification device implanted in the dog or cat;
  - (ii) the dog or cat is the subject of written veterinary advice under section 10D(2) and (2A).

Penalty: 5 penalty units.

**12C Offence as to publication of advertisements for dogs or cats for sale**

A person must not publish an advertisement of a dog or cat for sale, or cause the publication of an advertisement of a dog or cat for sale, unless—

- (a) the advertisement includes the source number of the person who is selling the dog or cat; and
- (b) one of the following applies—
  - (i) the advertisement includes the unique number contained in the microchip contained in the prescribed permanent identification device implanted in the dog or cat;

- (ii) the dog or cat is the subject of written veterinary advice under section 10D(2) and (2A).

Penalty: In the case of a natural person, 5 penalty units;

In the case of a body corporate, 20 penalty units.

**12D Interpretation of sell**

In section 12B and 12C a reference to *selling* or *sale* includes a reference to *giving away*.”.

**FF Amendments consequential to repeal of section 12A(2) and insertion of new sections 12B and 12C**

- (1) In section 74A of the Principal Act, for “12A(2),” **substitute** “12B, 12C;”.
- (2) For section 74AB(a) of the Principal Act **substitute**—
 

“(a) section 12A(1), 12B, 12C, 13(1) or 13(2);”.

**GG New Part inserted after Part 5B**

After Part 5B of the Principal Act **insert**—

**“Part 5C—Information register and source numbers**

**Division 1—Definition**

**68L Definition**

- (1) In this Part—
 

*inspect*, in relation to the information register, includes the obtaining of information kept on the register either orally or in writing.
- (2) In this Part, a reference to *sell* or *selling* includes a reference to *give away* or *giving away*, and a reference to *sale* includes a reference to *giving away*.

**Division 2—Information register**

**68M Secretary to keep information register**

- (1) The Secretary must establish and maintain a register—
  - (a) of information relating to—
    - (i) domestic animal businesses; and
    - (ii) registered foster carers; and
    - (iii) recreational breeders; and
    - (iv) microbreeders and others who sell dogs or cats; and

- (b) of source numbers issued under Division 3 and related matters; and
  - (c) of information relating to the keeping and breeding of dogs or cats.
- (2) The register must contain—
- (a) the source numbers issued by the Secretary under Division 3 and related information; and
  - (b) the information given to the Secretary under this Part; and
  - (c) any other prescribed information.

**68N Information as to domestic animal businesses to be given to Secretary**

- (1) For the purpose of keeping and maintaining the information register, a Council must give to the Secretary the information set out in section 68Q(1) and (2) relating to each registration of a premises by the Council under Part 4.
- (2) The Council must give the information to the Secretary under subsection (1) within 7 days after making a decision under Part 4 to grant the registration or renew or transfer the registration under that Part.

**68O Information as to registered foster carers to be given to Secretary**

- (1) For the purpose of keeping and maintaining the information register, a Council must give to the Secretary the information set out in section 68Q(1)(a), (c)(ii) and (iii), (d)(ii), (h), (i) and (j), relating to each registration of a foster carer by the Council under Part 5B.
- (2) The Council must give the information to the Secretary under subsection (1) within 7 days after making a decision under Part 5B to grant or renew the registration.

**68P Information to be given to Secretary for source number applications**

- (1) A recreational breeder who is applying for a source number under Division 3 must give the information set out in section 68Q(1)(a), (c), (d)(i), (e), (f), (g), (h), (i), and (j) and (3) relating to the recreational breeder, to the Secretary with the application for the source number.
- (2) A microbreeder who is applying for a source number under Division 3 must give the information set out in section 68Q(1)(a), (c), (e), (h), (i) and (j), relating to the microbreeder, to the Secretary with the application for the source number.
- (3) Any other person or body who is applying for a source number under Division 3 must give

the information set out in section 68Q(1)(a), (c)(ii) and (iii), (h), (i) and (j), relating to the person or body, to the Secretary with the application for the source number.

**68Q Information to be given under section 68N, 68O or 68P**

- (1) For the purpose of this Division, the following information relating to the proprietor of a domestic animal business, a registered foster carer, a recreational breeder, a microbreeder or a person or body (*relevant person or body*) is set out—
  - (a) the name of the relevant person or body;
  - (b) if the relevant person or body is a body corporate, the names of the office-holders of the body corporate;
  - (c) the following details about the relevant person or body—
    - (i) the address;
    - (ii) the telephone number;
    - (iii) the email address;
  - (d) the address of the premises at which a relevant person or body—
    - (i) who carries out breeding of dogs or cats, carries out that breeding; or
    - (ii) who is a registered foster carer, keeps the animals;
  - (e) for a relevant person or body who carries out breeding of dogs or cats, the number of registered dogs and cats kept at the premises, and for each registered dog and cat—
    - (i) the unique number contained in the microchip contained in the prescribed permanent identification device implanted in the dog or cat; and
    - (ii) any name and the breed, sex, age and colour of the dog or cat; and
    - (iii) for a female dog or cat, the number of litters the animal has had and the date on which the dog or cat had the litter; and
    - (iv) if the dog or cat has been desexed;
  - (f) the details of any conviction or finding of guilt of the relevant person or body for—
    - (i) an offence against this Act or regulations made under this Act; or

- (ii) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act; or
  - (iii) an offence against a law of another State or a Territory of the Commonwealth that corresponds to a law referred to in subparagraph (i) or (ii);
  - (g) the details of—
    - (i) any order under section 84WA or 84XA to which a relevant person or body has been subject; or
    - (ii) any order under a law of another State or a Territory of the Commonwealth that corresponds to one of those orders;
  - (h) the source number of the relevant person or body;
  - (i) the name of the Council of the municipality in which the premises is located at which a relevant person or body who does so—
    - (i) carries on business; or
    - (ii) carries out the breeding of dogs or cats;
  - (j) any other prescribed matter.
- (2) For the purpose of this Division, the following additional information is set out for domestic animal businesses—
- (a) the registration number of the premises on which the domestic animal business is being conducted;
  - (b) the type of domestic animal business that is being conducted;
  - (c) the name of the owner of the land on which the premises is situated;
  - (d) the date on which the premises was registered, or the registration of the premises was renewed or transferred;
  - (e) the date of the most recent inspection of the premises by a Council authorised officer.
- (3) For the purpose of this Division, the following additional information is set out for recreational breeders—
- (a) the name of the applicable organisation of which the recreational breeder is a member;
  - (b) the membership number of the applicable organisation of which the recreational breeder is a member;
  - (c) the date of the most recent inspection of the premises by the applicable organisation (if known).
- 68R Secretary to be given information as to refusal etc. of registration**
- (1) For the purpose of keeping and maintaining the information register, a Council—
- (a) must give the information set out in subsection (2) to the Secretary within 7 days after making a decision under Part 4—
    - (i) to refuse to grant, renew or transfer a registration under that Part; or
    - (ii) to suspend or revoke a registration under that Part; and
  - (b) must give the information set out in subsection (3) to the Secretary within 7 days of making a decision under Part 5B—
    - (i) not to grant or renew a registration under that Part; or
    - (ii) to suspend or cancel a registration under that Part.
- (2) For the purpose of subsection (1)(a), the following information is set out—
- (a) the name of the domestic animal business or proposed domestic animal business;
  - (b) the name of the applicant for registration or the proprietor of the domestic animal business or proposed domestic animal business and, if the applicant or proprietor is a body corporate, the names of the office-holders of the body corporate;
  - (c) the following details for the domestic animal business or proposed domestic animal business—
    - (i) the address;
    - (ii) the telephone number;
    - (iii) the email address;
  - (d) for registered premises, the registration number of the premises;
  - (e) for registered premises, the date on which the premises was first registered;

- (f) the type of domestic animal business or proposed domestic animal business;
- (g) for the land on which the premises is situated—
  - (i) the name of the owner of the land; and
  - (ii) the address of the land; and
  - (iii) a description of the land and premises, including whether the premises is an original or transferred premises;
- (h) the reason for deciding to refuse to register or renew or transfer registration or suspend or revoke registration, including the relevant provision of this Act under which the decision was made;
- (i) for revocation of registration, the date of revocation;
- (j) any details, within the knowledge of the Council, of any conviction or finding of guilt of the applicant or proprietor of the domestic animal business for—
  - (i) an offence against this Act or regulations made under this Act; or
  - (ii) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act;
- (k) the source number of the business;
- (l) for a refusal to renew registration or revocation of registration of premises on which a breeding domestic animal business is conducted by an approved commercial dog breeder, the date of the refusal to renew or revocation;
- (m) any other prescribed matter.
- (3) For the purposes of subsection (1)(b), the following information is set out—
  - (a) the name of the foster carer;
  - (b) the address where the foster carer keeps the animals being cared for;
  - (c) the following details for the foster carer—
    - (i) the telephone number;
    - (ii) the email address (if known);
  - (d) the source number of the foster carer;
  - (e) for cancellation of registration, the date of cancellation;

- (f) the reason for deciding to refuse to grant or renew registration or to suspend or cancel registration, including the relevant provision of this Act under which the decision was made;
- (g) any other prescribed matter.

**68S Applicable organisation to give information as to cessation of membership of recreational breeder to Secretary**

- (1) For the purpose of keeping and maintaining the information register, an applicable organisation must give the information set out in subsection (2) to the Secretary within 7 days after—
  - (a) the organisation makes a decision to disqualify, cancel, suspend or not renew the membership of a recreational breeder; or
  - (b) the recreational breeder resigns from the organisation.
- (2) The following information is set out for the purpose of subsection (1)—
  - (a) the name of the recreational breeder;
  - (b) the membership number of the recreational breeder;
  - (c) if the recreational breeder's membership was disqualified, cancelled, suspended or not renewed, the date on which that happened;
  - (d) if the recreational breeder resigned from the applicable organisation, the date on which that happened;
  - (e) the name of the Council of the municipality in which the premises is located at which the recreational breeder carried out recreational breeding;
  - (f) the name of the applicable organisation.

**68T Other information to be included on the information register**

If the Minister has granted or refused an application by the proprietor of a breeding domestic animal business for a commercial dog breeder approval, the Secretary must insert that information in the information register within 7 days of the Minister's decision.

**68U Persons who may inspect the information register**

- (1) In accordance with the regulations (if any), the following persons may inspect information in the information register—

- (a) the Secretary or a person employed by the Department acting in the course of the person's duties under this Act;
  - (b) a Council authorised officer, restricted authorised officer or Departmental authorised officer acting in the course of the officer's duties under this Act.
- (2) In accordance with the regulations (if any), a member of the public who is proposing to purchase or obtain an animal may inspect the following information in the information register—
- (a) for purchasing or obtaining from a domestic animal business—
    - (i) the information referred to in section 68Q(1)(h) and (i) and (2)(a); and
    - (ii) if the proprietor of the domestic animal business has consented to the giving of all or any of the information referred to in section 68Q(1)(a) and (c)(ii) and (iii), the information consented to;
  - (b) for purchasing or obtaining from a registered foster carer—
    - (i) the information referred to in section 68Q(1)(h) and (i); and
    - (ii) if the registered foster carer has consented to the giving of all or any of the information referred to in section 68Q(1)(a), (c)(ii) and (iii), the information consented to;
  - (c) for purchasing or obtaining from a recreational breeder—
    - (i) the information referred to in section 68Q(1)(h) and (i) and (3)(a) and (b); and
    - (ii) if the recreational breeder has consented to the giving of all or any of the information referred to in section 68Q(1)(a), (c)(ii) and (iii), the information consented to;
  - (d) for purchasing or obtaining from a microbreeder or other person or body, the information referred to in section 68Q(1)(h) and (i).
- (3) For the purposes of subsection (2)(a)(ii), (b)(ii) and (c)(ii), the consent must be given at any time before the information is inspected.

#### **68V Inspections by police officers and public sector bodies**

- (1) On application to the Secretary, a police officer or a member, officer or employee of a public sector body (within the meaning of the

**Public Administration Act 2004**), who is investigating a relevant offence, may inspect the information register for the purpose of the investigation.

- (2) The Secretary may grant an application under subsection (1), if the Secretary is satisfied, on the information given in the application, that the inspection is necessary for the purposes of the investigation.

- (3) In this section—

*relevant offence* means—

- (a) an offence against this Act or regulations made under this Act; or
- (b) an offence against the **Prevention of Cruelty to Animals Act 1986** or regulations made under that Act; or
- (c) an offence against Division 9AA of Part I of the **Crimes Act 1958**.

#### **68W Offences as to information register**

A person must not inspect or attempt to inspect all or any part of the information register unless the person does so in accordance with this Part.

Penalty: 10 penalty units.

#### **Division 3—Source numbers**

#### **68X Secretary may issue source numbers**

For the purposes of this Part, the Secretary, in accordance with this Division, may issue source numbers to persons or bodies.

#### **68Y Issue of source numbers to domestic animal businesses**

- (1) The Secretary must issue a source number to the proprietor of a domestic animal business on receiving the information from the Council under section 68Q that the Council has registered the premises on which the business is being conducted.
- (2) The Secretary must renew the issue of a source number to the proprietor of a domestic animal business on receiving the information from the Council under section 68Q that the Council has renewed the registration of the premises on which the business is being conducted.
- (3) The Secretary must notify the Council and the proprietor of the domestic animal business of the source number issued under this section.
- (4) If the Council suspends or revokes the registration of a premises on which a domestic animal business is being conducted, any source number issued under this section is also suspended or revoked on the same terms

that apply to the suspension or revocation of the registration.

**68Z Issue of source numbers to registered foster carers**

- (1) The Secretary must issue a source number to a registered foster carer on receiving the information from the Council under section 68Q that the Council has registered the foster carer.
- (2) The Secretary must renew the issue of a source number to a registered foster carer on receiving the information from the Council under section 68Q that the Council has renewed the registration of the foster carer.
- (3) The Secretary must notify the Council and the registered foster carer of the source number issued under this section.
- (4) If the Council suspends or cancels the registration of a foster carer, any source number issued under this section is also suspended or cancelled on the same terms that apply to the suspension or cancellation of the registration.

**68ZA Issue of source numbers to recreational breeders**

The Secretary may issue or renew the issue of a source number to a recreational breeder, who may apply for the issue or renewal under section 68ZD, on receiving an application from the recreational breeder under section 68ZD that—

- (a) sets out the information required by section 68P(1); and
- (b) complies with this Division.

**68ZB Issue of source numbers to other persons or bodies**

- (1) The Secretary may issue or renew the issue of a source number to a microbreeder, who may apply for the issue or renewal under section 68ZD, on receiving an application from the microbreeder that—
  - (a) sets out the information required by section 68P(2); and
  - (b) complies with this Division.
- (2) The Secretary may issue or renew the issue of a source number to a person or body who is not a microbreeder, who may apply for the issue or renewal under section 68ZD, on receiving an application from the person or body that—
  - (a) sets out the information required by section 68P(3); and
  - (b) complies with this Division.

- (3) To avoid doubt, this section does not apply to the proprietor of a domestic animal business, a foster carer or a recreational breeder.

**68ZC Period for which source numbers remains in force**

A source number issued by the Secretary under section 68ZA or 68ZB remains in force for 12 months from the date of issue.

**68ZD Application for source numbers or renewal of source numbers**

- (1) For the purposes of section 68ZA or 68ZB, a recreational breeder, a microbreeder or a person or body who is selling or who proposes to sell dogs or cats by advertising or proposing to advertise the dogs or cats for sale may apply to the Secretary for the issue of a source number.
- (2) A person or body who has a source number may apply for the renewal of the source number before the source number ceases to be in force.
- (3) An application under this section—
  - (a) must be in the form approved by the Secretary; and
  - (b) must be accompanied by—
    - (i) the prescribed fee; and
    - (ii) any other prescribed information and any information or documents required by the Secretary.

**68ZE Secretary's decision on application to issue or renew**

- (1) The Secretary must decide whether or not to issue or renew a source number within 21 days of receiving an application for the issue or renewal of the number under this Division.
- (2) As soon as possible after making a decision under subsection (1), the Secretary must give written notice to the applicant—
  - (a) of the decision; and
  - (b) of the number, if the decision is to issue or renew the issue of a source number.

**68ZF Grounds for refusal to issue or suspension or revocation**

The Secretary may decide not to issue or renew the issue of a source number or to suspend or to revoke a source number—

- (a) if the applicant has been convicted or found guilty of—

- (i) an offence against section 9(1), 10(1), 12AF, 12A(8) or 15C(1) or (2) the **Prevention of Cruelty to Animals Act 1986**; or
- (ii) an offence against a law of another State or a Territory of the Commonwealth that corresponds with a law referred to in subparagraph (i); or
- (b) if the applicant has ever been subject to—
  - (i) an order under section 84WA or 84XA; or
  - (ii) an order under a law of another State or a Territory of the Commonwealth that corresponds to one of those orders; or
- (c) if the person has given false or misleading information on or with the application; or
- (d) for any other prescribed reason.

**68ZG Notice of cessation of source number**

- (1) At least 28 days before a source number ceases to be in force, the Secretary must give written notice of that fact to the person or body to whom the number was issued.
- (2) A notice under subsection (1) must set out the day on which the source number ceases to be in force.”.

**HH Powers of Council contracted authorised officers**

In section 74A of the Principal Act, for “13” substitute “12B, 12C, 13”.

**II Definition, *relevant provision***

In section 74AB of the Principal Act, in paragraph (a) of the definition of *relevant provision*, for “12A(1) or (2)” substitute “12A(1), 12B, 12C”.

**JJ Power to serve infringement notices**

In the Table at the foot of section 85(1) of the Principal Act—

- (a) in Column 2 opposite the reference to Departmental authorised officer in Column 1, for “12A(1), 12A(2),” substitute “12A, 12B, 12C,”;
- (b) in Column 2 opposite the reference to Restricted authorised officer in Column 1, for “12A(1), 12A(2),” substitute “12A, 12B, 12C,”;
- (c) in Column 2 opposite the reference to Council authorised officer in Column 1, for “12A(1), 12A(2),” substitute “12A, 12B, 12C,”;

- (d) in Column 2 opposite the reference to Council contracted authorised officer in Column 1, for “12A(1), 12A(2),” substitute “12A, 12B, 12C,”.

**KK Regulations**

After section 100(1)(d) of the Principal Act insert—

“(da) matters relating to the information register including—

- (i) circumstances in which the information register may be inspected; and
- (ii) the manner in which the information may be inspected; and
- (iii) the information that any particular person or class of person may obtain from the register; and
- (iv) information to be given to the Secretary for the Secretary to include in the information register; and
- (v) any other relevant matters; and

(db) matters relating to the issue of source numbers, including—

- (i) fees for the issue or renewal of numbers; and
- (ii) information to be included in applications for the issue or renewal of numbers; and
- (iii) reasons for the cancellation, suspension or non-renewal of numbers; and”.

**LL New section 105A inserted**

After section 105 of the Principal Act insert—

**“105A Transitional provision— Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017**

(1) In this section—

***commencement day*** means the day on which section 104 of the **Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017** comes into operation;

***relevant information*** means any information in relation to a domestic animal business or foster carer that the Council would, if section 104 of the **Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017** were in operation, be required to give to the Secretary under Division 2 of Part 5C, as proposed to be inserted by that section.

- (2) For the purpose of establishing the information register, under Part 5C, as proposed to be inserted by section 104 of the **Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017**, a Council must, if so requested by the Secretary before the commencement day, give any relevant information to the Secretary relating to any domestic animal business in respect of which the Council has registered premises under Part 4 or in relation to any foster carer registered by the Council under Part 5B.”.

156. Insert the following New Clauses to follow the heading proposed by amendment number 151—

**MM Seizure of dogs or cats for certain offences**

In section 82B(2)(b) of the Principal Act, for “45A” substitute “44B(1), 45A”.

**NN Prosecution of suspected persons**

In section 84Q(2A) of the Principal Act, for “45A” substitute “44B(1), 45A”.

**OO Orders prohibiting ownership of dogs or cats**

In section 84WA(1) of the Principal Act, for “section 45” substitute “section 44B(1), 45”.

**PP Power to serve infringement notice**

In the Table at the foot of section 85(1) of the Principal Act, in Column 2 opposite the reference to Council authorised officer in Column 1, for “41I” substitute “41I, 44B(1)”.

**Bill agreed to with amendments.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**ROAD SAFETY AMENDMENT  
(AUTOMATED VEHICLES) BILL 2017**

*Second reading*

**Debate resumed from earlier this day; motion of Mr DONNELLAN (Minister for Roads and Road Safety).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**ADJOURNMENT**

**The SPEAKER** — The question is:

That the house now adjourns.

**Ms Ryall** — On a point of order, Speaker, in relation to adjournment matter 13 154, the response from the Minister for Health was due on 21 October 2017. Also a response from the Minister for Public Transport to adjournment matter 13 346 was due on 18 November 2017. I ask if you could prompt both those ministers for an immediate response to those adjournment matters.

**The SPEAKER** — I will follow those matters up for the member.

**Caulfield Junior College**

**Mr SOUTHWICK (Caulfield) (17:17)** — (13 752) My adjournment matter is for the Minister for Education. The action I seek from the Minister for Education is that he investigate reopening the school grounds at Caulfield Junior College after hours so that the community can benefit from them. Caulfield Junior College has always been a great community school. It is a school that welcomes participation by parents and children in a whole range of different activities. Recently the school has had a whole lot of issues as a result of the former principal changing a number of rules and regulations within the school. The latest issue was back in July when high fences were erected around the school grounds, replacing the low fences, initially, as is my understanding, because of security issues. Since then the grounds have been locked up, and now none of the parents or children have access to those grounds after school.

Eva Dodwell, a parent at the school who is also involved with the Caulfield Junior College school grounds access subcommittee parent advisory group, has been very active in working with the parent committee and has sent a very comprehensive briefing paper to me. She approached the principal at the time, now the former principal, and tried to get the grounds open. That principal has now left. There is now an acting principal, Chris Chant, who is from Gardenvale Primary School. I know the parents at Gardenvale were very disappointed in him leaving, because he is a very highly regarded principal, and I am sure he will do a fantastic job acting at Caulfield Junior College.

The key issue that the minister needs to address is to work out how we can open up those school grounds to get more participation and to allow the school community to use them after hours. As I have said on

many occasions, the City of Glen Eira has the lowest amount of open space of any municipality. We are desperate to ensure that the school grounds are used after school hours by parents and kids. We want the minister to intervene to ensure those grounds are reopened.

### Yuroke Youth Advisory Council

**Ms SPENCE** (Yuroke) (17:20) — (13 753) My adjournment matter is for the Minister for Mental Health, and the action I seek is that the minister meet with the Yuroke Youth Advisory Council to discuss their work throughout this year raising awareness of mental health issues facing young people in the Yuroke electorate. As the minister knows, I established the Yuroke Youth Advisory Council to give young people in my electorate the opportunity to represent the interests of their peers. This year council members have researched mental health challenges that young people face, the availability of local support services and the importance of awareness campaigns. Recently they held a very successful information stall at the Craigieburn Central shopping centre during Mental Health Week. I am sure that council members would find the opportunity to discuss their work with the minister greatly valuable, and I look forward to hearing from him.

### Chemical crop contamination

**Mr McCURDY** (Ovens Valley) (17:21) — (13 754) My adjournment matter is to the Minister for Agriculture in the other place. The action that I seek is that she immediately launch an investigation into the chemical contamination of vegetable farms in Victoria. Some of those farms are in my electorate in northern Victoria, and there are genuine concerns for food security to Victorians and the export market and also major concerns for the growers themselves. I have one grower who tells me they have lost nearly \$40 million and are facing financial ruin.

The minister's spokesperson was quoted in the *Weekly Times* as saying:

Neither of the two active constituents listed have been detected in the routine produce monitoring ...

by Agriculture Victoria. This means that the minister is either saying the consultant who confirmed the presence of propazine and simetryn of telling untruths, or she is refusing to have her staff do the research and hoping the problem goes away. Ignorance is no excuse, and I ask the minister to launch an investigation immediately before any further damage is done to the reputation of Victoria's vegetable industry or the financial position of farming families, who are screaming out for her assistance.

### Generation Victoria and postcodes of hope

**Mr McGUIRE** (Broadmeadows) (17:22) — (13 755) My adjournment request is to the Minister for Health. The action I seek is a collaboration between the Generation Victoria (Gen V) project and the postcodes of disadvantage to help them again become postcodes of hope. Gen V is a world-first initiative announced today that will transform Victoria into a living laboratory to ensure better health, development and wellbeing for children and their families.

More than 100 000 Victorian babies will provide clues to the factors that influence the healthy development of children in one of the world's largest longitudinal studies of children. Gen V will provide comprehensive data to help guide researchers and governments in tackling issues including obesity, allergies, infection, social exclusion, poor mental health, learning and chronic health conditions such as diabetes and autism spectrum disorder. It will follow babies born in 2020 and 2021 for five years to create a holistic picture of the health, wellbeing and development of children, generating broad and continuously expanding data that can be used to inform policy and service delivery.

The modern epidemic we confront can be summed up by this insight from the head of the Murdoch Children's Research Institute, Professor Kathryn North: one in 10 children have food allergies, one in five children born in disadvantage are intellectually impaired before they get to school and do not catch up, one in four children have mental health problems and one in three are obese or overweight. Social determinants of health mean the poor and marginalised are hardest hit. The Grattan Institute's report of last year *Perils of Place* said:

Australia's health system is consistently failing some communities. Places such as ... Broadmeadows and Frankston in Victoria, have had appalling rates of potentially preventable hospital admissions for at least a decade.

...

'Place' helps to shape people's health experiences through many different physical, social, economic and psychological exposures.

The World Health Organization recognises the social determinants of health are intimately linked to place and are major causes of unjust and avoidable health differences, which I reported in the strategy *Creating Opportunities: Postcodes of Hope*.

As Parliamentary Secretary for Medical Research, I appreciated the value of Gen V the first time I heard the Murdoch institute's big idea and have advocated for it, so I am delighted the Minister for Health has backed it

and that the Paul Ramsay Foundation has contributed almost \$25 million over five years. The Andrews government has invested \$2 million in the start-up, adding to the government's \$33.3 million investment in genomic sequencing, which is helping thousands of Victorians with rare diseases or cancers to get the diagnosis and treatment they need, faster. Gen V research will be embedded in medical and education systems. This is groundbreaking. It will change people's lives and it will save lives, and it will be an outstanding collaboration for generations to come.

### **Sandringham railway line services**

**Ms ASHER** (Brighton) (17:25) — (13 756) The issue I have is for the Minister for Public Transport, and the action I seek from her is that she provide more services on the Sandringham train line. These trains in peak period are absolutely packed. We are packed in there like sardines. If one train is cancelled, the conditions are even worse. I experience far more bodily contact than I would like when I travel on peak-hour services on the Sandringham line.

I refer to a letter that was published in the *Age* of 26 October 2016, which was written by Tony Morton of the Public Transport Users Association (PTUA). The PTUA has suggested a solution to the issue of the South Yarra station, which involves the extension of services on the Sandringham line. I quote from the letter:

Simply restore to the Sandringham line the service it had in the evening peak in 1960, when trains ran from the city to Brighton Beach every 5 minutes. That would be a 50 per cent improvement on the best service the line gets today. The off-peak and weekend frequency should also be improved from every 15 or 20 minutes to every 10, matching what's now offered on the Frankston and Dandenong lines.

Again I make the point that this suggestion was made in the context of the debate over whether the South Yarra train station should be upgraded.

I can advise the minister that as I exited my train at Brighton Beach station on the Thursday of the last sitting week, I noticed Bayside City Council had a group of people handing out material to commuters. The council is in the process of preparing a transport plan for the City of Bayside. They were, with a view to relieving parking and traffic congestion, asking commuters for our views on how they could make better use of public transport. The council went on, in its flyer, to ask: would we like more frequent services and would we like better car parking? The answer is: we would like both of those. But in the context also of Bayside council devising a transport policy, it would assist enormously if the minister were to avail herself of

this excellent opportunity tonight and announce increased services on the Sandringham line.

### **Melville Road, Pascoe Vale South**

**Ms BLANDTHORN** (Pascoe Vale) (17:27) — (13 757) I raise a matter for the attention of the Minister for Roads and Road Safety. The action I seek is that the minister provide me with an update on the inspection conducted by VicRoads and Yarra Trams with regard to the condition of the surface of the road and the tram tracks on Melville Road in Pascoe Vale South in the area adjacent to Woodlands Avenue and any associated outcomes from that inspection.

My office was recently made aware of a number of serious motor accidents which have occurred in this precinct. I was very concerned to hear about this and raised the issue directly with VicRoads. They assured me that the area was being inspected, and I would like to know the outcomes of that. I want to update my constituents, and particularly the resident who informed me of this situation and who is the owner of an extremely popular gelati business, Miinot Gelato, situated in this location. That constituent is very concerned about the number of traffic accidents that are posing a danger in particular to her customers, who are often lined up for several blocks to buy her award-winning ice cream. I ask the minister: what has been the result of the inspection and what are any associated outcomes?

### **Animal welfare**

**Ms SANDELL** (Melbourne) (17:28) — (13 758) Today I stand to ask the Minister for Racing to end the cruel and barbaric practices of greyhound racing and jumps racing in Victoria. Greyhound racing is really a barbaric sport. It exposes greyhounds and also other animals to cruel and abusive treatment, and it is time that it came to an end. Animals Australia report that up to 17 000 healthy greyhounds are killed in the Australian greyhound racing industry each year, with most dying before their fifth birthday. The government claim that they have a good track record on animals, but they still give taxpayer money to promote sexist girls' nights out at the greyhound races. The ACT government has just recently banned greyhound racing, and so should we. It is an industry that, frankly, uses cruelty to animals for entertainment and for financial gain, an industry of gambling and also of exploitation. It is deeply unethical.

Unfortunately it is not the only industry like this in Victoria. As with greyhounds, many horses in the jumps racing industry quickly become wastage. But this

government pretend that horses will not be killed in jumps racing if only we just improve the tracks a little bit. Let us not even get started on duck shooting — shooting live ducks for fun. How much more obvious can this cruelty get, really? Many birds, including protected species, die slow and painful deaths every season. Yet this government keep opening up the duck season year upon year. These so-called sports are cruel. They must be banned, not regulated, not monitored, and definitely not supported with taxpayer money. This Labor government say that they have a good record when it comes to animal welfare, but support for these cruel sports shows otherwise. I ask the racing minister today to immediately ban the greyhound racing industry in Victoria, like they have in the ACT, to ban jumps racing and to end duck shooting.

### Hampton Park Primary School

**Ms GRALEY** (Narre Warren South) (17:31) — (13 759) My adjournment matter is for the Minister for Education and concerns Hampton Park Primary School in my electorate. The action I seek is that the minister visit the school to see how staff and students are benefiting from their new state-of-the-art facilities. This 95-year-old school, the first in Hampton Park, has been given a major upgrade by the Andrews Labor government. The local community and I campaigned for years to secure funding, and it was no surprise that only Labor was willing to commit to the project. In fact we committed to the redevelopment in 2014 and delivered the funding in our very first budget in 2015. We keep our promises.

The \$5.7 million redevelopment includes new science, technology, engineering and mathematics, and art learning spaces, a resource hub for specialist programs, eight new teaching spaces and an administration wing. Both students and staff now have access to the very best facilities, as they so rightly deserve. I know that the teachers are already doing a fantastic job. Their latest NAPLAN results demonstrate that over the past three years students have significantly improved. They have achieved fantastic results in the key domains of reading, writing, spelling, grammar and punctuation, and numeracy. There is no doubt that Hampton Park Primary School is on the rise.

The school has changed so much since it first opened its doors in 1922 to just 38 students. There was only one building too. Today it is an outstanding local school that caters for students from all around the world, with their unique backgrounds, cultures and languages. It celebrates our diversity and provides each and every student with the opportunity to learn and succeed. I can only imagine what it will

accomplish in its brand-new facilities. I hope the minister can come to Hampton Park Primary School to see how our efforts to build the Education State are changing the lives of our young people.

### Eildon electorate roads

**Ms McLEISH** (Eildon) (17:33) — (13 760) I rise to put an adjournment to the Minister for Roads and Road Safety. The action I seek is for the minister to ensure that there are improvements made to the Maroondah Highway at Woodfield, near Bonnie Doon, so that the risk of accidents is reduced and safety is improved for the people living in this rural part of Victoria. Specifically I call for the construction of sealed, dedicated left-turn lanes at Ancona Road, Coles Road and Woolshed Road. These are not big jobs but they will have a big impact. In the scheme of things these sorts of roadworks are quick and easy. They will make life safer for the locals who use these roads on a daily basis, allowing them to easily pull off the main carriageway to make a left turn rather than hold up the lines of traffic behind them at the risk of being hit from behind as they slow down.

Local residents are very concerned that this government does not care about roads in the region. Its investment in the Shire of Mansfield has been minimal. Even more concerning for the shire and the locals is the scrapping of the former coalition government's country roads and bridges scheme, which would have provided the funds needed to upgrade other roads, including busy local roads such as Walshs Road in Goughs Bay.

The Maroondah Highway carries traffic travelling to Lake Eildon, the snowfields, the High Country, Mansfield and surrounding towns. Mansfield itself is growing. Whilst more and more tourists travel up the Maroondah Highway to enjoy the wonderful attractions the area has to offer, so too are more families choosing to call this region home. The local residents and businesses use the highway to go about their daily tasks. That is why it is important for roads in Mansfield, and especially the Maroondah Highway, to be upgraded to ensure everyone using the roads is safe.

The suggested works that I have raised were put forward by local residents. Most recently I met with a local living on one of the roads, at the intersection of the Maroondah Highway and Ancona Road, to look more carefully at it. I was quite surprised at the amount of traffic that was on the roads at 11.30 on a Tuesday morning. The traffic was not just passing by; many vehicles were turning left and right off the highway. It was also pointed out that the positioning of a bus stop opposite Woolshed Road could be examined for its

risk. Its positioning is such that if buses pull off the road at that point and there is traffic trying to turn left or right into Woolshed Road, it is putting people at risk. I urge the minister to look very favourably on this quite simple and cost-effective solution, which will make a big difference locally in the area in and around Woodfield and Bonnie Doon.

### Plastic pollution

**Ms KILKENNY** (Carrum) (17:35) — (13 761) My adjournment matter is for the Minister for Energy, Environment and Climate Change. The action I seek is for the minister to attend a local forum in my electorate of Carrum to discuss plastic pollution with local residents and local environment groups.

**Ms Asher** — On a point of order, Acting Speaker, I have left raising this point of order, as is the convention, to the end of all members raising their matters. I know this has been a very exciting week for the Greens, and I do not wish to rain on anyone's parade. However, I think the conventions of this house must be adhered to. I refer you to *Rulings from the Chair*, December 2016, page 1, chapter 1, where the principles of the adjournment debate are clearly laid out. At point (6) it states:

Only one subject per member per day ...

I clearly recall the member for Melbourne raising two issues, one being duck shooting and the other one being greyhound racing.

**Ms McLeish** interjected.

**Ms Asher** — And a third one, I am told by my colleague, has also been raised. Rather than suggest that you ruthlessly rule the Greens adjournment issue out of order — I know how much the Labor Party love the Greens party — I would invite you to ask her to consider which issue is more important to her of the three issues she has raised.

**The ACTING SPEAKER (Ms Ward)** — What I will do is ask the Speaker to review the transcript and make a ruling.

### Responses

**Ms ALLAN** (Minister for Public Transport) (17:38) — There were nine matters raised by other members, and I will refer those to the relevant ministers for their attention and response.

It is my great pleasure to respond to the adjournment matter that was raised by the member for Brighton. The member for Brighton raised a matter about seeking

more train services on the Sandringham line. She spoke about her intimate personal experience with the train services on the Sandringham line, and I know from other conversations outside of this chamber how much the member for Brighton enjoys catching the service on the Sandringham line. She speaks to me and gives me regular updates on the performance of the services on the Sandringham line, which I deeply appreciate from the member for Brighton.

I can appreciate that the member for Brighton expresses a desire that of course many passengers across both the metropolitan network and the regional network have, which is to see more services and more trains added to relieve some of the pressure from our train network. It is certainly a desire that I also share as the Minister for Public Transport, and that is why of course the Andrews Labor government is getting on with delivering the Metro Tunnel project. It is indeed the Metro Tunnel project that will unlock the congestion, that bottleneck at the heart of the public transport system, which will give us the capacity to run more trains and more services across our metropolitan lines. That is the key that will unlock the uplift in services that the member for Brighton and others are looking for across our public transport network.

I could give the house a history lesson on the Metro Tunnel project. The member for Brighton was a member of the cabinet that scrapped this important project — a project that the former Labor government started, that we planned. And it did not just sit on the shelf for four years under the former Liberal government when the member for Brighton was the Deputy Leader of the Liberal Party and a member of the cabinet; they scrapped it altogether, which means that the Metro Tunnel could have been four years ahead. The member for Brighton could have been four years closer to getting those extra services on the Sandringham line, but sadly we are not because of the inaction of the member for Brighton and the former Liberal-Nationals government. That is why —

**Ms Asher** — What are you going to do?

**Ms ALLAN** — The member for Brighton asked me what we are going to do — well, we are doing it. We have delivered the business case, we have delivered the funding, we have started the early works and next year the major works will start on the transformational Metro Tunnel project, which will see an increase in peak capacity on the Sandringham line by a considerable amount.

But in the meantime, while the Metro Tunnel construction is underway and thousands of jobs are

created over the life of the project, we are already looking at how we can add extra services. Of course the biggest uplift to services that we have introduced across the metropolitan network, including on the Sandringham line, was the introduction of the Night Network — 24-hour public services on Friday and Saturday evenings. Hundreds more services have been added to the timetable across the train, tram and bus services as a result of the Night Network services.

It has been brought to my attention that in July 2014 the former government was talking about extra services. My office is still looking into whether those services were indeed added. We will have to report back to the member for Brighton if that commitment was indeed delivered on, but I can assure the member for Brighton that we take a very different approach to the former government. We will invest in the trains, we will invest in the services and we will invest in the infrastructure that gets her the extra services that she is looking for for the Sandringham line and indeed for all lines across metropolitan Melbourne.

**The ACTING SPEAKER (Ms Ward)** — The house is now adjourned.

**House adjourned 5.42 p.m. until Tuesday, 12 December.**